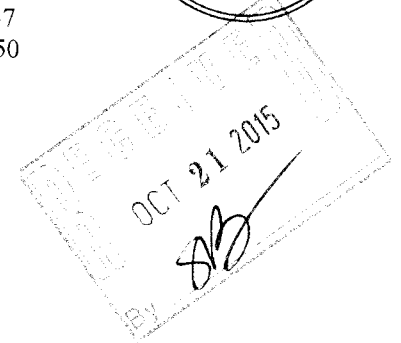
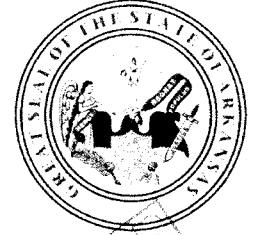




Division of Child Care and Early Childhood Education

P.O. Box 1437, Slot S140 · Little Rock, AR 72203-1437
501-682-8590 · Fax: 501-683-6060 · TDD: 501-682-1550



October 15, 2015

Ms. Vanaria Vickers-Smith
Bureau of Legislative Research
900 West Capitol Avenue
Little Rock, AR 72201

RE: Initial Filing – Regular Promulgation

Dear Ms. Vickers-Smith:

Attached you will find the Questionnaire, Financial Impact Statement, Minimum Licensing Standards for Child Welfare Agencies, Residential and Minimum Licensing Standards for Child Welfare Agencies, Placement. The public comment period will be scheduled after approval by the governor's office and upon initiation of the promulgation process

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

If you have any questions or comments, please contact David Griffin, Associate Director, Division of Child Care and Early Childhood Education, P.O. Box 1430 (Slot S150), Little Rock, AR 72203; phone (501)320-8904; email David.Griffin@DHS.Arkansas.gov or fax (501)682-2317.

Sincerely,

A handwritten signature in black ink that reads "Kathy Mackay".

Kathy Mackay
Program Manager, Division of Child Care and Early Childhood Education

**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 Child Care and Early Childhood Education
DIVISION DIRECTOR Tonya Williams
CONTACT PERSON David Griffin
ADDRESS PO Box 1437, Slot S150, Little Rock, AR 72203
PHONE NO. 501-320-8904 **FAX NO.** 501-682-2317 **E-MAIL** david.griffin@dhs.arkansas.gov
NAME OF PRESENTER AT COMMITTEE MEETING David Griffin
PRESENTER E-MAIL david.griffin@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? Minimum Licensing Standards for Child Welfare Agency - Residential, Minimum Licensig Standards for Child Welfare Agency - Placement.
2. What is the subject of the proposed rule? Minimum Licensing Standards for Child Welfare Agencies- Residential and Placement.
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. N/A
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? N/A
- When does the emergency rule expire? N/A

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

Yes

No

5. Is this a new rule? Yes No

If yes, please provide a brief summary explaining the regulation. The "Minimum License Standards for Child Welfare Agencies - Residential" and "Minimum Licensing Standards for Child Welfare Agencies - Placement", are newly established regulation books. The current standards entitles " Minimum Licensing Standards for Licensed Agencies, have both the residential and placement standards in them. At the request of the providers, the current book has been split into two separate standards. Many of the requirments in these documents can also be found in the current "Minimum Licensing Standards for Child Welfare Agencies". The Minimum Licensing Standards for Licensed Agencies are not new standards, but there are proposed amendements to the current standards.

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. N/A

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. Child Welfare Licensing Act - Ark Code Annotated 9-28-401-409

7. What is the purpose of this proposed rule? Why is it necessary? The purpose of this rule is to adjust our standards to reflect the latest trends in child welfare agency programs and licensed types as those adopted by neighboring states and to improve the quality of residential and placment agencies in Arkansas. The rule changes also improve health and safety guidelines for licensed facilities in Arkansas. This is necessary for the health and safety of the children in licensed residential and placement agencies in Arkansas.

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).

<http://humanservices.arkansas.gov/dccece/Pages/PlacementResidentialLicensing.aspx>

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

If yes, please complete the following:

Date: ~~see attached~~ Oct. 27, 2015

Time: ~~see attached~~ 10am - 12 pm

Place: ~~see attached~~ 101 E. Capitol, Suite 350 LR, AR 72201

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

~~September 21, 2015~~ Nov - 19, 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 Child Care and Early Childhood Education
PERSON COMPLETING THIS STATEMENT David Griffin
TELEPHONE NO. 501-320-8904 **FAX NO.** 501-628-2317 **EMAIL:** david.griffin@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 Minimum Licensing Standards for Residential Agencies and Minimum Licensing Standards for Placement Agencies

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;
N/A

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

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

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

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	<u>0</u>
Federal Funds	<u>0</u>
Cash Funds	<u>0</u>
Special Revenue	<u>0</u>
Other (Identify)	<u>0</u>

Next Fiscal Year

General Revenue	<u>0</u>
Federal Funds	<u>0</u>
Cash Funds	<u>0</u>
Special Revenue	<u>0</u>
Other (Identify)	<u>0</u>

Total 0

Total 0

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

Current Fiscal Year

Next Fiscal Year

General Revenue	<u>0</u>
Federal Funds	<u>0</u>
Cash Funds	<u>0</u>
Special Revenue	<u>0</u>
Other (Identify)	<u>0</u>
Total	<u>0</u>

General Revenue	<u>0</u>
Federal Funds	<u>0</u>
Cash Funds	<u>0</u>
Special Revenue	<u>0</u>
Other (Identify)	<u>0</u>
Total	<u>0</u>

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

\$ 0

There is no cost to state or federal government to implement these changes. There is no cost to residential or placement agencies to implement these changes.

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

\$ 0

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.



**Division of Childcare and Early
Childhood Education**



P.O. Box 1437, Slot S140 · Little Rock, AR 72203-1437
501-320-8959 · Fax: 501-683-6060 · TDD: 501-682-1550

Ms. Donna Davis
Committee on Administrative Rules and Regulations
Arkansas Legislative Council
One Capitol Mall, 5th Floor
Little Rock, AR 72201

RE: Initial Filing – Regular Promulgation

Dear Ms. Davis:

Attached you will find the Questionnaire, Financial Impact Statement, Minimum Licensing Standards for Child Welfare Agencies, Residential and Minimum Licensing Standards for Child Welfare Agencies, Placement. The public comment period will be scheduled after approval by the governor's office and upon initiation of the promulgation process.

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

If you have any questions or comments, please contact David Griffin, Associate Director, Division of Child Care and Early Childhood Education, P.O. Box 1430, (Slot S150), Little Rock, AR 72203; phone (501) 320-8904; email david.griffin@dhs.arkansas.gov or fax (501) 682-2317.

Sincerely,

A handwritten signature in cursive script that reads "Tonya Williams".

Tonya Williams
Director, Division of Child Care and Early Childhood Education

**SUMMARY OF DCCECE RULE REVISION/PROMULGATION
PLACEMENT AND RESIDENTIAL LICENSING**

The Division is proposing changes to The Minimum Licensing Standards for Child Welfare Agencies, to reflect recent legislation and to increase the overall quality of care for the children of Arkansas.

The following recommended changes are the result of recent legislation:

- In order to come into compliance with Act 1034 of 2015 regarding the definition of dependent juvenile the following standards have been added.
 - Placement Standards
A dependent juvenile child of a parent who is in the custody of DCFS shall be subject to all regulations regarding space, ratio, health and safety.
 - Residential Standards
A dependent juvenile child of a parent who is in the custody of DCFS shall be subject to all regulations regarding space, ratio, health and safety.

- In order to come into compliance with a revision made to the Child Care Licensing Act,” AR Code Annotated §9-28-401.
 - Placement Standards
The definition of “Substantial Compliance”
 - Residential Standards
 - The definition of “Substantial Compliance”

- The following regulation has been added to both sets of regulations in order to come into compliance with the FBI audit.
 - Placement Standards
The agency shall provide a copy of the Federal Bureau of Investigation Criminal Record Check form and the Arkansas State Police Criminal Record Check form to the Licensing Office upon initiation.
 - Residential Standards
The agency shall provide a copy of the Federal Bureau of Investigation Criminal Record Check form and the Arkansas State Police Criminal Record Check form to the Licensing Office upon initiation.

The following proposed changes are necessary to allow providers to offer a wider range of treatment models. This will allow providers to offer an array of services to meet the needs of a diverse population of children while ensuring the health, safety and welfare of children.

The following are new license types and sections:

- Placement Standards
 - Child Placement Agencies: Therapeutic Foster Care – Sexual Rehabilitative

Programs

- Residential Standards
 - Emergency Family Style Care
 - Residential Family Style Care
 - Independent Transitional Living
 - Independent Transitional Living Family Style Care
- The following are program Section changes:
 - Residential Standards
 - Organization and Administration
 - If cameras are used for security purposes or surveillance, the agency shall have written policies governing their use
 - Staff Qualifications and Training
 - All child caring staff shall have a current certificate of successful completion of First Aid and CPR. The training shall require hands on skill base instruction as well as practical testing
 - Sponsors, Mentors, Volunteers and Student Interns
 - The agency shall have a policy clearly defining the qualifications, duties, and supervision of sponsors, mentors and volunteers
 - Behavior Management
 - Physical restraints shall be performed using minimal force
 - Buildings
 - Unused or vacant portions of the facility shall not be rented, leased, loaned, or otherwise occupied by any commercial or other business entity, or private individuals, not associated with the facility or its management
 - Sleeping Arrangements
 - Children twelve (12) months of age and below shall be placed flat on their backs to sleep, in accordance with American Academy of Pediatrics guidelines
 - Placement Standards
 - Physical Requirements of the Home
 - All ammunition shall be secured and locked separately from firearms, with the exception of ammunition locked in a long gun safe
 - Sleeping Arrangements
 - Children twelve (12) months of age and below shall be placed flat on their backs to sleep, in accordance with American Academy of Pediatrics guidelines
 - Approval of Foster Homes
 - First Aid and CPR training shall require hands on skill base instruction as well as practical testing

Revision of Rule:

- Minimum Licensing Standards for Child Welfare Agencies to be converted to:
 - Minimum Licensing Standards for Child Welfare Agencies, Residential
 - Minimum Licensing Standards for Child Welfare Agencies, Placement

Notice of Rule Making

Pursuant to Arkansas Code 9-28-401, the Director of the Division of Child Care and Early Childhood Education, issues revised Minimum Licensing Standards for Child Welfare Agencies-Placement and Minimum Licensing Standards for Child Welfare Agencies-Residential. If you are interested in obtaining information or presenting your views regarding the revision, you are welcome to attend a public meeting scheduled for the following dates:

Monday, October 26, 2015: 10:00a-12:00p

U of A Fort Smith
Baldar Technology Center
Boreham Conference Room
Kinhead & 51st Street
Fort Smith, AR 72913

Tuesday, October 27, 2015: 10:00a-12:00p

Arkansas River Room
101 East Capitol, Suite 350
Little Rock, AR 72201

Wednesday, October 28, 2015: 10:00a-12:00p

Watersprings Ranch
7707 Sanderson Lane
Texarkana, AR 71854

Thursday, October 29, 2015: 10:00a-12:00p

Arkansas Baptist Children's Home
222 West Pope
Monticello, AR 71655

Friday, October 30, 2015: 10:00a-12:00p

Mid-South Training Academy
2102 Fowler Ave.
Jonesboro, AR 72401


The proposed standards are available for review on the Division of Child Care and Early Childhood Education's website <http://humanservices.arkansas.gov/dccece/Pages/PlacementResidentialLicensing.aspx>.

If you are unable to view and/or print the documents electronically, you may also view or obtain them at the Division of Child Care and Early Childhood Education, located at 2017 East Race Avenue, Searcy AR 72143, or by calling 501-268-2714.

If you cannot attend the public hearing you can also send your comments to:

DCCECE Placement and Residential Licensing Unit
Attn: Kathy MacKay, PRLU Program Manager
2017 East Race Avenue
Searcy, AR 72143
501-268-2714
kathy.mackay@dhs.arkansas.gov

All comments (both written and verbal) must be received no later than 4:00pm on November 19, 2015.


Tonya Williams, Director, Division of Child Care and Early Childhood Education

Minimum Licensing Standards
for
Child Welfare Agencies



Child Welfare Agency Review Board

&

Arkansas Department of Human Services

Division of Child Care and Early Childhood Education

Placement and Residential Licensing Unit



DRAFT JULY 2015(MARKED-UP)
PUB 04 (R. XX/XX)

RESIDENTIAL

OCT 21 2015

Table of Contents

Table of Contents

Introduction.....	7
Child Welfare Agency Review Board	7
Residential Agencies Requiring Licensing.....	8
Residential Types of Licenses	8
Emergency Residential Child Care Facility	8
Emergency Family Style Care	8
Residential Child Care Facility.....	9
Residential Family Style Care	9
Psychiatric Residential Treatment Facility.....	9
Sexual Rehabilitative Program	9
Independent Living.....	9
Independent Transitional Living Family Style Care	9
Tranaitional Living.....	9
License Status	9
Provisional	10
Probationary.....	10
Regular.....	10
Suspended.....	10
Closed	10
Revoked	10
Status Change	10
How To Apply The Standards	11
Special Consideration	11
Alternative Compliance.....	11
100 General Requirements	13
101 Applications & Licensing Procedure	13
102 Organization & Administration	14
103 Central Registry & Criminal Record Checks.....	16
104 General Personnel Requirements.....	18
105 Staff Training Qualifications & Training.....	18
106 Sponsors, Mentors, Volunteers & Student Interns.....	21
107 Exploitation of Children.....	22
108 Ethical Standards.....	22

109	Unprofessional Conduct.....	23
110	Inspections, Investigations & Corrective Action.....	24
200	Emergency Residential Facilities.....	26
201	Admission.....	26
202	Assessment & Case Planning.....	27
204	Behavior Management.....	29
205	Personnel Ratio & Supervision.....	30
206	Personal Health & Medical Care.....	31
207	Education Work, & Training Program.....	31
208	Grounds.....	32
209	Buildings.....	32
210	Bathrooms.....	34
211	Sleeping Arrangements.....	34
212	Health & Safety.....	35
213	Transportation.....	36
214	Discharge.....	36
300	Emergency Family Style Care.....	38
301	Admission.....	38
302	Assessment & Case Planning.....	39
303	Children's Records.....	40
304	Behavior Management.....	41
305	Ratio & Supervision.....	42
306	Health & Medical Care.....	42
307	Program.....	43
308	Grounds.....	44
309	Buildings.....	44
310	Bathrooms.....	45
311	Sleeping Arrangements.....	45
312	Safety.....	46
313	Transportation.....	47
314	Discharge.....	47
400	Residential Child Care Facilities.....	49
401	Admission.....	49
402	Intake & Assessment & Case Planning.....	51
403	Children's Records.....	52

404	Behavior Management	52
405	Personnel Ratio & Supervision	54
406	Personal Health & Medical Care	54
407	Education Work, & Training Program.....	55
408	Grounds.....	56
409	Buildings	56
410	Bathrooms	57
411	Sleeping Arrangements	57
412	Health & Safety.....	58
413	Transportation	59
414	Discharge	60
500	Residential Family Style Care	61
501	Admission	61
502	Assessment & Case Planning.....	62
503	Children's Records	63
504	Behavior Management	64
505	Ratio & Supervision.....	65
506	Health & Medical Care	65
507	Program.....	66
508	Grounds.....	67
509	Buildings	67
510	Bathrooms	68
511	Sleeping Arrangements	68
512	Safety	69
513	Transportation	70
514	Discharge	70
600	Independent Transitional Living.....	72
601	Agency Responsibilities.....	72
602	Admission	72
603	Eligibility Requirements	73
604	Assessment & Case Planning.....	74
605	Children's Records	75
606	Behavior Management	76
607	Ratio & Supervision.....	77
608	Health & Medical Care	77

609	Program.....	78
610	Grounds.....	79
611	Buildings.....	79
612	Bathrooms.....	80
613	Sleeping Arrangements.....	80
614	Safety.....	81
615	Transportation.....	82
616	Discharge.....	82
700	Independent Transitional Living Family Style Care.....	83
701	Agency Responsibilities.....	83
702	Admission.....	83
703	Eligibility Requirements.....	84
704	Assessment & Case Planning.....	85
705	Children's Records.....	86
706	Behavior Management.....	87
707	Ratio & Supervision.....	88
708	Health & Medical Care.....	88
709	Program.....	89
710	Grounds.....	89
711	Buildings.....	90
712	Bathrooms.....	91
713	Sleeping Arrangements.....	91
714	Safety.....	91
715	Transportation.....	92
716	Discharge.....	93
800	Independent Living.....	94
801	Agency Responsibilities.....	94
802	Eligibility Requirements.....	95
803	Living Unit/Health/Safety.....	95
900	Psychiatric Residential Treatment Facilities.....	97
901	Licensing Approval & Monitoring.....	97
902	Admission.....	98
903	Intake & Assessment & Case Treatment Planning.....	99
904	Children's Records.....	100
905	Behavior Management.....	101

906	Personnel.....	104
907	Personnel Ratio & Supervision.....	104
908	Personal Health & Medical Care	105
909	Education Work, & Training Program.....	106
910	Grounds.....	107
911	Buildings	107
912	Bathrooms	109
913	Sleeping Arrangements	109
914	Health & Safety.....	110
915	Transportation	111
916	Discharge	111
1000	Sexual Rehabilitative Programs.....	113
1001	Licensing Approval & Monitoring.....	113
1002	Admission.....	113
1003	Intake & Assessment & Case Treatment Planning	115
1004	Children's Records.....	117
1005	Behavior Management	118
1006	Personnel	119
1007	Personnel Ratio & Supervision	119
1008	Personal Health & Medical Care.....	120
1009	Education Work, & Training Program	121
1010	Grounds	122
1011	Buildings	122
1012	Bathrooms	123
1013	Sleeping Arrangements	124
1014	Health & Safety.....	125
1015	Transportation	126
1016	Discharge.....	126
Appendix A:	Definitions.....	127
Appendix B:	Prohibited Offences.....	134

Introduction

“The Child Welfare Licensing Act,” Ark. Code Ann. **9-28-401** et. seq., (the Act) is the legal authority under which the Child Welfare Agency Review Board ~~prescribes~~ establishes minimum licensing standards for child welfare agencies, as defined under the statute.

Child Welfare Agency Review Board

The Child Welfare Agency Review Board (Board) shall promulgate and publish rules and regulations setting minimum standards governing the granting, revocation, refusal, conversion, and suspension of licenses for a child welfare agency and the operation of a child welfare agency.

The Board may consult with such other agencies, organizations, or individuals as it shall deem proper.

The Board may amend the rules and regulations promulgated pursuant to this section from time to time, in accordance with the rule promulgation procedures in the Arkansas Administrative Procedure Act, § **25-15-201** et seq.

The Board shall promulgate rules and regulations that:

1. Promote the health, safety, and welfare of children in the care of a child welfare agency;
2. Promote safe and healthy physical facilities;
3. Ensure adequate supervision of the children by capable, qualified, and healthy individuals;
4. Ensure appropriate educational programs and activities for children in the care of a child welfare agency;
5. Ensure adequate and healthy food service;
6. Include procedures for the receipt, recordation, and disposition of complaints regarding allegations of violations of this subchapter, of the rules promulgated under the Child Welfare Agency Licensing Act, or of child maltreatment laws;
7. Include procedures for the assessment of child and family needs and for the delivery of services designed to enable each child to grow and develop in a permanent family setting;
8. Ensure that criminal record checks and central registry checks are completed on owners, operators, employees, volunteers, foster parents, adoptive parents, and other persons in the homes as set forth in this subchapter;
9. Require the compilation of reports and making those reports available to the division when the board determines it is necessary for compliance determination or data compilation;
10. Establish rules governing retention of licensing records maintained by the division.

A licensed Child Welfare Agency may adopt and apply internal operating procedures that meet or exceed the minimum standards required by the board.

The Arkansas Administrative Procedure Act, Ark. Code Ann. **25-15-201** et seq., shall apply to all proceedings brought to the Board under this subchapter, except that the following provisions shall control during adverse action hearings to the extent that they conflict with the Arkansas Administrative Procedure Act:

1. All parties to an adverse action shall be entitled to engage in and use formal discovery as provided for in Rules 26, 28, 29, 30, 31, 32, 33, 34, and 36 of the Arkansas Rules of Civil Procedure including:
 - a. Requests for admission;
 - b. Request for production of documents and things;
 - c. Written interrogatories;
 - d. Oral and written depositions.
2. All evidentiary rulings in an adverse action hearing shall be governed by the Arkansas Rules of Evidence with respect to the following types of evidence:
 - a. The requirements of personal knowledge of a witness as required by Rule 602;
 - b. The admissibility of character evidence as set forth by Rules 608 and 609;
 - c. The admissibility of character evidence as set forth by Rules 701-703;
 - d. The admissibility of hearsay evidence as set forth by Rules 801-806.

Residential Agencies Requiring Licensing

Any person, organization, corporation, partnership, voluntary association or other entity which provides care, training, education, custody, supervision for a total of six (6) or more unrelated minors on a twenty-four (24) hour basis or receives a child victim of human trafficking in any type of shelter or facility, and is not otherwise exempt by the Act, requires a license.

Residential Types of Licenses

Emergency Residential Child Care Facility

Any child welfare agency that provides twenty-four (24) hour custodial care for six (6) or more unrelated children or a child victim of human trafficking, on an emergency basis, not to exceed ninety (90) days. Any child admitted as an emergency placement shall be designated as such and ~~must~~ shall be discharged within ninety (90) days. ~~The child may be discharged to the same facility, but the child's record must reflect the date the child was admitted into regular residential care.~~

Emergency Family Style Care

Any child welfare agency that provides twenty-four (24) hour custodial care, in a home like setting, for six (6) or more unrelated children or a child victim of human trafficking on an emergency basis, not to exceed ninety (90) days.

Residential Child Care Facility

Any child welfare agency that provides care, training, education, custody or supervision on a twenty-four (24) hour basis for six (6) or more unrelated minors or a child victim of human trafficking.

Residential Family Style Care

Any child welfare agency that provides care, training, education, custody or supervision, in a home like setting, on a twenty-four (24) hour basis for six (6) or more unrelated minors or a child victim of human trafficking.

Psychiatric Residential Treatment Facility

A residential child care facility in a non-hospital setting that provides a structured, systematic, therapeutic program of treatment under the supervision of a physician licensed by the Arkansas State Medical Board who has experience in the practice of psychiatry. It is for children who are emotionally disturbed and in need of daily nursing services, physician's supervision and residential care, but who are not in an acute phase of illness requiring the services of an inpatient psychiatric hospital.

Sexual Rehabilitative Program

A treatment program that offers a specific and specialized therapeutic program for children with sexually maladaptive behaviors. A licensed sexual rehabilitative program may be in a residential childcare facility, a therapeutic foster care home, or a psychiatric residential treatment facility.

Independent Living

A child welfare agency that provides specialized services in adult living preparation in an experiential setting for persons sixteen (16) years of age or older.

Independent Living Family Style Care

A child welfare agency that provides specialized services in adult living preparation in an experiential home like setting for persons sixteen (16) years of age or older.

Transitional Living

A child welfare agency that provides specialized services in adult living preparation in a structured setting for persons eighteen (18) years of age or older who have been admitted into the agency's residential program prior to the age eighteen (18).

An agency may be licensed for any or all types of licenses, depending on the types of services it provides.

License Status

The Board shall issue all licenses to child welfare agencies upon majority vote of members present during each properly called board meeting at which a quorum is present. ~~when the meeting is called to order.~~ The Board shall have the power to deny an application to operate a child welfare agency or to revoke or suspend a previously issued license to operate a child welfare agency. The Board may also

issue letters of reprimand or caution to a child welfare agency. Any denial of application or revocation or suspension of a license shall be effective when made.

Provisional

Issued to a newly licensed agency for a one (1) year period, to give the agency time to demonstrate substantial compliance with minimum licensing standards. At the discretion of the Board, a provisional license may be issued up to ~~an~~ one (1) additional year.

Probationary

Issued to an agency that has not maintained compliance with minimum licensing standards, but the Board believes that compliance can be restored and subsequently maintained. This license may be issued for up to one (1) year, at the discretion of the Board.

Regular

Issued either to a previously licensed agency that continues to meet all minimum licensing standards, or issued to an agency that meets all essential standards and has a favorable compliance history, which predicts full compliance with all standards within a reasonable time. A regular license shall remain open and effective until closed at the request of the agency or Board action.

Suspended

Board action taken when an agency has failed to maintain compliance with minimum licensing standards, but the violations do not warrant revocation. A license may not be suspended for longer than one (1) year at a time. The Board may issue a ~~provisional~~ probationary or regular license when compliance is restored.

Closed

Action taken when the agency requests that the license be closed.

Revoked

Board action taken when an agency has failed to maintain compliance with minimum licensing standards. The agency may not apply for a new license for at least one (1) year from the date of revocation.

Status Change

After a board action an amended license shall be issued any time there is a change in the agency's program that affects the license type, status, capacity, ages of children served, ~~or~~ a name change or address change.

A license to operate a child welfare agency shall apply only to the address and location stated on the application and license issued, and it shall be transferable from one holder of the license to another or from one place to another.

Whenever ownership of a controlling interest in the operation of a child welfare agency is sold, the following procedures ~~must~~ shall be followed:

1. The seller shall notify the division of the sale at least thirty days prior to the completed sale;
2. The seller shall remain responsible for the operation of the child welfare agency until such time as the agency is closed or a license is issued to the buyer;
3. The seller shall remain liable for all penalties assessed against the child welfare agency which are imposed for violations or deficiencies occurring before the transfer of a license to the buyer;
4. The buyer shall be subject to any corrective action notices to which the seller was subject; and
5. The provisions of subsection (a) of this section, including those provisions regarding obtaining licenses or permits from the Office of Long-Term Care of the Division of Medical Services of the Department of Human Services and regarding obtaining any permits from the Health Services Permit Agency or the Health Services Permit Commission shall apply in their entirety to the new owner of the Child Welfare Agency.

The Child Placement Agency shall inform current and potential clients if their license has been suspended or revoked, or if they have voluntarily surrendered their license.

How To Apply The Standards

Section 100 of the Minimum Licensing Standards for Child Welfare Agencies applies to all agencies ~~that engage in residential care or placement of children into residential facilities, foster homes, or adoptive homes.~~ Subsequent sections apply to specific types of residential agencies. ~~facilities or child placement agencies.~~ ~~Not all sections of the Minimum Licensing Standards for Child Welfare Agencies apply to a specific license.~~ The agency ~~must~~ shall meet the license requirements of its agency category.

Special Consideration

The Child Welfare Agency Review Board may approve an agency's request for special consideration to allow a licensee to deviate from the letter of a rule if the licensee has demonstrated that the deviation is in the best interest of the children and does not pose a risk to persons served by the licensee.

If the board grants a request for special consideration, the child welfare agency's practice as described in the request shall be the compliance terms under which the child welfare agency will be held responsible and violations of those terms shall constitute a rule violation.

The Child Welfare Agency Review Board has authorized the Managers and Supervisors of the Licensing Unit to make temporary rulings regarding special consideration requests when the best interests of a child requires an immediate decision, subject to final approval at the next regularly scheduled meeting of the Board.

Alternative Compliance

The Board may grant an agency's request for alternative compliance upon a finding that the ~~child welfare~~ agency does not meet the letter of a regulation promulgated under the Child Welfare Agency

Licensing Act, but that the ~~child-welfare~~ agency meets or exceeds the intent of that rule through alternative means.

If the board grants a request for alternative compliance, the ~~child-welfare~~ agency's practice as described in the request for alternative compliance shall be the compliance terms under which the ~~child welfare~~ agency will be held responsible and violations of those terms shall constitute a rule violation.

The Child Welfare Agency Review Board has authorized the Managers and Supervisors of the Licensing Unit to make temporary rulings regarding Alternative Compliance requests when the best interests of a child requires an immediate decision, subject to final approval at the next regularly scheduled meeting of the Board.

Alternative Compliance requests granted, ~~after this rule goes into effect~~, in the areas listed below ~~must~~ shall be time limited and shall not exceed two (2) years in length. These alternative compliances shall be monitored on an ongoing basis for compliance and shall be reviewed by the ~~Child Welfare Agency Review Board~~ every two (2) years.

- ~~1. Floor space;~~
1. Staff to Child ratio;
2. Capacity;
3. Sleeping arrangements;
4. Bathrooms.

100 General Requirements

The standards in Section 100 apply to all agencies unless otherwise indicated.

101 Applications & Licensing Procedure

1. The owner or board shall prepare and furnish an application packet for a license that contains the following ~~minimum licensing standards~~:
 - a. A completed application form;
 - b. A letter from the agency's board or owner (as applicable) authorizing a person to sign the application;
 - c. A copy of the Articles of Incorporation, bylaws, and current board roster, if applicable, including names, addresses, and contact information of officers. Out of state agencies shall have legal authorization from the Arkansas Secretary of State to do business in Arkansas;
 - d. A personnel list with verifications of qualifications and experience;
 - e. Substantiation of the agency's financial soundness. This shall include ~~including~~ but is not limited to: a budget showing sufficient resources to operate for a period of six (6) months either with resources on hand or with projected revenue from verifiable sources, verifiable letters of financial support and/or monthly bank account statements may be included to project income;
 - f. ~~All agencies licensed in Arkansas shall maintain~~ Proof of general and professional liability insurance (does not apply to State agencies);
 - g. A written description of the agency's program of care, including intake policies, types of services offered, and a written plan for providing health care services to children in care;
 - h. ~~In addition, residential childcare facilities:~~
 - h. Fire inspection;
 - i. Arkansas Department of Health inspection, including food service inspection, septic/sewage inspection, non-municipal water sources and general sanitation inspection, as ~~where~~ applicable;
 - j. Floor plan with room dimensions;
 - k. Zoning approval, where applicable;
 - l. ~~The agency or facility shall furnish the Licensing Specialist with~~ Any additional information ~~reasonably needed~~ requested by the Licensing Specialist to verify compliance with these standards and to make a recommendation regarding the granting of a license.

3. Once a completed application packet has been received, the Division shall complete a licensing study and recommendation within ninety (90) days. If a recommendation is not made within ninety (90) days, the applicant may appear before the ~~CWARB~~ Board to request a license.

102**Organization & Administration**

1. The residential facility agency shall obtain a license before receiving six (6) or more children who are unrelated to the caregiver for care on a twenty-four hour basis.
2. The purpose and mission of the agency, including treatment philosophy, services provided, and characteristics of children it is designed to serve, shall be stated in writing.
3. The following policies of the agency shall be current and available to all employees of the agency and the Licensing Specialist:
 - a. Personnel policies;
 - b. Volunteer policy;
 - c. Student intern policy;
 - d. Admission policy;
 - e. Intake policy;
 - f. Behavior Management policy;
 - g. Crisis Management policy;
 - h. Child Maltreatment/Mandated Reporter policy; according to Arkansas law, including, procedures to ensure that alleged, suspected, or witnessed incidents of maltreatment are reported to the Child Maltreatment Hotline, and documented as required by these or other applicable regulations or laws;
 - i. Child Exploitation policy;
 - j. Visitation policy;
 - k. Family Therapy/Therapeutic Pass policy (Psychiatric only);
 - l. Admission Health Assessments policy (Psychiatric only);
 - m. Public Safety policy (Sexual Rehabilitative Programs ~~policy~~ only);
 - n. Target Population, Admission/Exclusion Criteria, and Discharge Criteria policy (Sexual Rehabilitative Programs only).
4. If cameras are used for security or surveillance, the agency shall have written policy governing their use, including the following:
 - a. Access to the live viewing or recordings is limited to persons approved by the Administrator, law enforcement, the Division of Children and

General Requirements

Family Services Investigators, Division of Children and Family Services personnel as approved or designated by the Director, and regulatory authorities;

- b. The placing authority and the child shall be informed regarding the use of cameras;
 - c. Cameras shall not be used to observe or record children while toileting, bathing, dressing or undressing.
- ~~5. The residential facility shall obtain a license before receiving six (6) or more children who are unrelated to the caregiver for care on a twenty-four hour basis.~~
 5. The agency shall be legally authorized to conduct business in Arkansas by state law and local ordinance.
 6. The agency shall provide copies of all programmatic licenses, certifications, and accreditations held by the agency.
 7. The agency shall meet all federal, state, and local laws and ordinances that apply to child welfare agencies and to the proper care of children in such facilities.
 8. The Owner and/or Board of Directors shall be responsible for operating the facility and shall have final responsibility to ensure that the facility meets licensing requirements. Names and addresses of Board members shall be provided to the Licensing Specialist annually.
 9. ~~All~~ The agencies shall maintain a current organizational chart showing the administrative structure of the organization.
 10. The agency shall maintain proof of current general and professional liability insurance.
 11. The agency shall notify the Licensing Unit within five (5) days of any change of Administrator, ~~or~~ Social Service Director, or Clinical Director.
 12. The agency shall establish and follow written policies and procedures that meet or exceed the *Minimum Licensing Standards for Child Welfare Agencies*.
 13. All agencies applying for an Arkansas license shall provide proof that they are licensed in good standing in their home state, if applicable, and are in good standing in all other states where they are licensed. If an agency is being disciplined or sanctioned in another jurisdiction, the board shall be notified.
 14. ~~All a~~ Agencies licensed in Arkansas after January 18, 2002 shall have an office in Arkansas.
 15. ~~All a~~ Agencies licensed in Arkansas shall maintain all required files for licensing review as needed. They may choose to:
 - a. Maintain these files in their office in Arkansas; or

General Requirements

- b. Arrange to provide the required files to the licensing staff.
- 16. ~~All~~ Agencies licensed in Arkansas shall have a qualified person on call to supervise emergency services. [Pursuant to ~~106-108104~~]
- 17. A residential child care facility license shall not be granted to an applicant to operate the facility in his/her own residence, or in a home owned and occupied by an employee of the agency.
- 18. If electronic records are kept, these records ~~must~~ shall be made available to the Licensing Specialist for purposes of monitoring and investigation.
- 19. Any disciplinary action taken against the agency by another ~~licensing~~ jurisdiction shall be reported to the Licensing Unit.
- 20. If an agency is inactive for one (1) year the license shall be closed in good standing, unless the agency requests annually in writing that the license remains open. This request shall be approved by the CWARB.
- 21. If a facility has been inactive for more than six (6) months, the Licensing Unit shall be notified before children are taken into care.
- 22. If a facility becomes inactive, the Licensing Unit shall be notified within 30 days.
- 23. The agency shall not permit, aid, or abet an unlicensed person to perform activities requiring a license.
- 24. The agency shall not misrepresent the type or status of education, training, expertise, licensure, or professional affiliations.

103

Central Registry & Criminal Record Checks

- 1. The agency shall conduct background checks as required by the Child Welfare Agency Licensing Act (§ ~~9-28-409~~) using forms approved by the Licensing Unit. Background checks conducted by or for other licensing authorities (e.g., Office of Long Term Care, Division of Developmental Services, et.al) do not meet the requirement of this standard.
- 2. The following persons in a child welfare agency shall be checked with the Child Maltreatment Central Registry in his state of residence, if available, and any state of residence in which the person has lived for the past ~~six~~ five (5) years, and in the person's state of employment, if different, for reports of child maltreatment:
 - a. Employees, having direct and unsupervised contact with children;
 - b. House parents and each member of the household age fourteen years and older;
 - c. Volunteers, mentors, sponsors and student interns/~~visiting resources~~ having direct and unsupervised contact with children;
 - d. Owners having direct and unsupervised contact with children;

General Requirements

- e. Members of the agency's board of directors having direct and unsupervised contact with children.
3. Persons required to have the Child Maltreatment Central Registry Check shall repeat the check every two (2) years.
4. Any person found to have a record of child maltreatment shall be reviewed by the owner or administrator of the agency, in consultation with the Child Welfare Agency Review Board or its designee, to determine corrective action. Corrective action may include, but is not limited to, counseling, training, probationary employment, non-selection for employment, or termination.
5. The following persons in a Child Welfare Agency shall be checked with the Identification Bureau of the Arkansas State Police for convictions of offenses listed in Arkansas Code Annotated **9-28-409**:
 - a. Employees having direct and unsupervised contact with children;
 - b. Volunteers, mentors, sponsors, and student interns/~~visiting resources~~ having direct and unsupervised contact with children;
 - c. House parents, and each member of the household age eighteen (18) years and older. The house parents shall certify in writing annually ~~that whether or not household members age 14 fourteen (14) thru seventeen (17) do not~~ have criminal records;
 - d. Owners having direct and unsupervised contact with children;
 - e. Members of the agency's board of directors having direct and unsupervised contact with children.
6. If any person (listed in #5 above) has not resided in Arkansas continuously for the past ~~six~~ five (5) years, a record check with the Federal Bureau of Investigation shall be completed.
7. All persons required to be checked with the Department of Arkansas State Police under this subsection shall repeat the check at a minimum of every five (5) years.
8. Child Maltreatment Central Registry Checks and Arkansas State Police/FBI Criminal Record Checks shall be initiated within ten (10) days of employment.
9. The agency shall provide a copy of the Federal Bureau of Investigation Criminal Record Check form and the Arkansas State Police Criminal Record Check form to the Licensing Office upon initiation.
10. The agency shall maintain on file evidence that background checks have been initiated as required and results of the completed checks.
11. No person guilty of an excluded criminal offense pursuant to ACA§**9-28-409(e)(1)** shall be permitted to have direct and unsupervised contact with children, except as provided in the statute.
12. A child welfare agency shall immediately notify the Licensing Unit when a person(s) listed in #5 above is found to have a record of an excluded criminal offense.

104 General Personnel Requirements

All personnel employed on or after April 12, 1999 shall meet the following requirements:

1. ~~Each~~ The agency shall have an administrator who shall be responsible for the general management of the agency, ~~The administrator shall~~ possessing at least one of the following qualifications [Only “a” and “b” meet requirements for Psychiatric facilities]:
 - a. A doctorate degree;
 - b. A master’s degree in a human services field (child development, psychology, sociology, social work, guidance and counseling, divinity, education), ~~or in~~ administration, business, or a related field;
 - c. A bachelor’s degree in a human services field, ~~or in~~ administration, business, or a related field, and at least two (2) years of work experience in a human services agency.

2. The agency shall have a Social Services Director who shall supervise child placement activities and/or casework services by the agency, ~~The Social Services Director shall~~ possessing at least one of the following qualifications (*Psychiatric facilities see section 906 and Sexual Rehabilitative Program see 1006*):
 - a. A master’s degree or higher in a human services field (child development, psychology, sociology, social work, counseling and guidance, divinity, education);
 - b. A bachelor’s degree in a human services field and two (2) years of work experience in a child welfare agency;
 - c. Anyone permitted to supervise child placement or casework services shall meet the qualifications for Social Services Director.

3. Each agency shall have ~~assign~~ a caseworker ~~to each child~~ who is responsible for doing assessments, case planning, and casework services, possessing at least one of the following (*Psychiatric facilities see section 906*):
 - a. ~~Caseworkers shall have~~ A bachelor’s degree in a human services field;
or
 - b. A bachelor’s degree and two (2) years work experience in a human services field.

4. If casework services are contracted, the agency shall maintain all required personnel information on the contracted caseworkers.

5. A caseworker shall not have more than twenty-five (25) children’s cases at a time.

105 Staff Training Qualifications & Training

1. Child caring staff shall be at least twenty-one (21) years old and have a high school diploma or the equivalent.

General Requirements

2. Assistant child caring staff shall be at least nineteen (19) years old, have a high school diploma or the equivalent, and be under the direct supervision of regular staff (excludes psychiatric and sexual rehabilitative programs).
3. Child caring staff (~~routinely counted in the staff/child ratio~~) shall complete pre-service ~~orientation~~ training prior to being counted in the staff/child ratio. This training may be counted toward training hours for the first year. This applies to personnel employed on or after January 1, 2011.
4. Pre-service ~~orientation~~ training shall include but is not limited to:
 - a. Confidentiality;
 - b. Resident grievance process (psychiatric only);
 - c. Fire and disaster plans;
 - d. Suicide awareness and protocol;
 - e. Behavior management;
 - f. Crisis intervention strategies;
 - g. Agency policies and procedures;
 - h. Child Maltreatment/Mandated Reporter policy;
 - i. ~~At least One (1) hour of training on the program's safety plan (sexual rehabilitative only); shall be provided before an employee has direct supervision of children.~~
 - j. Minimum Licensing Standards for Child Welfare Agencies (that pertains to license type).
5. All child caring staff shall have a current certificate of successful completion of First Aid and CPR. The training shall require hands on skill base instruction as well as practical testing. Training and certification that is provided solely on-line will not be accepted. Staff shall complete this requirement within 90 days of hire.
6. At least one (1) child caring staff currently certified in hands on, skill based CPR and First Aid must be able to immediately respond to an emergency.
7. No staff shall be allowed to participate in a physical restraint until properly trained to do so.
- ~~7. Psychiatric facility staff shall be certified in physical intervention.~~
8. All full-time child caring staff shall have thirty (30) hours of job related in-service or workshop training each year. First aid, CPR, and in-service training at the facility may be included.
9. ~~Part-time~~ Child caring staff working twenty-four (24) hours a week or less shall have at least fifteen (15) hours of job related in-service or workshop training each year. First Aid, CPR, and in-service training at the facility may be included.

General Requirements

10. All child caring staff in Psychiatric facilities shall complete ten (10) hours of psychiatric specific training before being counted in the staff to child ratio. This applies to employees on or after (date.)
11. Sexual Rehabilitative program child caring staff shall receive their initial ten (10) hours of sexual offender rehabilitative training ~~shall be completed~~ within sixty (60) days of employment.
12. All child caring staff in Sexual Rehabilitative programs shall have at least ten (10) hours of sexual offender rehabilitative training annually, which may be included in the required thirty (30) hours of annual training.
- ~~13. Trainings shall be provided in accordance with a written annual in-service plan established by July 1 of each year.~~
13. Documentation verifying annual training shall include the date, number of hours, the name of the source, and the topic/title. ~~be a certificate, letter, or signed statement of completion that is dated and indicates the number of hours, the name of the source, and topic/title.~~
14. The Administrator, Social Services Director, ~~and~~ each caseworker, and each therapist of a child welfare agency shall have twenty-four (24) hours of job-related continuing education each year.
15. The agency shall maintain a personnel file for each employee, which shall include:
 - a. A resume or application;
 - b. Date of hire;
 - c. Verifications of qualifications;
 - d. Documentation of required annual training;
 - e. Criminal Record Check and Child Maltreatment Central Registry Check information as required by law;
 - f. Documentation that applicable employees are informed that they are mandated reporters of suspected child maltreatment, according to A.C.A § 12-18-402, and are provided the information needed to make a report;
 - g. A functional job description;
 - h. At least three (3) positive personal references from non-relatives.
16. All Owner/operators, employees, ~~foster parents~~, or volunteers in a child welfare agency shall be responsible for ensuring the proper care, treatment, safety, and supervision of the children they supervise.

106 Sponsors, Mentors, Volunteers & Student Interns

- ~~1. Each agency shall have a policy clearly defining the qualifications, duties, and supervision of volunteers and student interns.~~
- ~~2. Volunteers and interns shall be supervised by an appropriate and designated staff person.~~
- ~~3. A volunteer or intern who works unsupervised and substitutes as staff shall meet the qualifications required for a paid employee in that position.~~
1. The agency shall have a policy clearly defining the qualifications, duties, and supervision of sponsors, mentors and volunteers.
2. A ~~visiting resource~~ sponsor is defined as a ~~non-related relative situation~~ person approved to take a child to the sponsor's home. ~~away from the facility~~; This does not include ~~excluding~~ normal age-appropriate activities such as overnight visits with friends, extra-curricular activities, church activities, or short-term summer camps. ~~A visiting resource who takes a child away from a facility shall meet 2 and 3 (below).~~ A ~~visiting resource~~ sponsor's record ~~who takes the child to the visiting resource's home shall meet~~ contain all of the following documentation and narrative:
 - a. Documentation and narrative of at least one (1) home visit for evaluation purposes prior to visitation occurring; A visual inspection of the home to ensure the home is appropriate and free of health and safety hazards;
 - b. At least three (3) non-relative character references;
 - c. Documentation of Child Maltreatment Central Registry, State Police Criminal Record Checks, and FBI Criminal Record Checks, if applicable, if available as required for all household members;
 - d. ~~Narrative~~ Documentation of continuing contact and an annual inspection ~~review~~ of the sponsor's home to ensure continued compliance. ~~of the visiting resource.~~
- ~~4. All members of the household older than twelve (12) years shall receive a skin test for tuberculosis in accordance with the guidelines set forth by the Arkansas State Health Department, as long as test results remain negative. A household member with a positive skin test must provide documentation from a physician every two years certifying that he/she is free from communicable tuberculosis;~~
3. A mentor is a person who offers supportive services to the child on or off campus such as, shopping, movies, sporting events, etc. A mentor's record shall contain:
 - a. At least three (3) non-relative character references;

General Requirements

- b. Documentation of Child Maltreatment Central Registry Checks, State Police Criminal Record Checks, and FBI Criminal Record Checks, if applicable.
- 4. A volunteer is a non-paid person who donates their time and/or services to an agency or the child. A volunteer:
 - a. Shall have appropriate supervision by a designated staff person;
 - b. Who is counted in the staff/child ratio, provides direct care and substitutes as staff, shall meet all qualifications required for a paid employee in that position.
- 5. A student intern is a student or a recent graduate who is undergoing supervised practical training at an agency. Student interns:
 - a. Shall have appropriate supervision by a designated staff person;
 - b. Who are counted in the staff/child ratio, provide direct care and substitute as staff, shall meet all qualifications required for a paid employee in that position.

107

Exploitation of Children

- 1. The agency shall not require a child to acknowledge dependency, destitution, or neglect or to make public statements about his/her background.
- 2. The agency shall not use or allow to be used, any reports, pictures, or any other information from which a child can be identified, except under the following conditions:
 - a. The child and the parent/guardian sign a consent form that describes the purposes for which the identification is being made;
 - b. The signed consent shall say in which publication or broadcast the identification will appear;
 - c. The parent/guardian and child shall be informed that the consent may be withdrawn.
- 3. All information regarding children and their families shall be kept strictly confidential and may only be released with the consent of the child or parent/guardian, except to authorized persons or agencies.
- 4. The agency shall document that all staff have been made aware of the need to protect the confidentiality of children in the use of social media.

108

Ethical Standards

- 1. The Arkansas Child Welfare Agency Review Board sets forth this section as a Code of Ethics/Standards for Practice for all child welfare agencies within the State of Arkansas ~~that place children in adoptive or foster homes pursuant to~~

General Requirements

~~A.C.A. 9-28-401.~~ Violations of the following shall be grounds for disciplinary action:

- a. Confidentiality: In providing services, a child ~~placement~~ welfare agency ~~must~~ shall safeguard information given by clients. A child welfare agency ~~must~~ shall obtain the client's informed written consent before releasing confidential information, except when consent to disclose is permitted by law or required by judicial order. If the client is a minor, then the written consent shall be made with the minor and their legal representative or guardian;
- ~~b. Responsibility: A child welfare agency must shall provide a clear, written description of what the client may expect in the way of services, reports, risks, fees, billing, estimated schedules and grievance procedures;~~
- b. Misrepresentation: A child welfare agency ~~must~~ shall not misrepresent its program services or experience;
- c. Client Relationships: Relationships with clients ~~must~~ shall not be exploited by the child ~~placement~~-welfare agency staff for personal gain.

109 Unprofessional Conduct

1. Unprofessional conduct in the practice of child welfare activities shall include, but not limited to the following:

- ~~1. Violations of the Child Welfare Agency Licensing Act or the Regulations published by the Child Welfare Agency Review Board.~~
 - a. Permitting, aiding, or abetting an unlicensed person to perform activities requiring a professional license;
 - b. Misrepresenting type or status of education, training, expertise, licensure, or professional affiliations;
 - c. Failing to maintain confidentiality, except as otherwise required or permitted by law, of all information that has been received from a client in confidence during the course of services;
 - d. Violating the ethical standards adopted by the Board;
 - e. Failing to report to the ~~Board~~ Licensing Unit any disciplinary action taken against the child welfare agency by another ~~licensing~~ jurisdiction, domestic or international, or failing to report to the ~~board~~ Licensing Unit the surrender of a license or loss of authorization to practice child ~~placement~~ welfare activities in another jurisdiction;
 - f. Failing to comply with any stipulation or agreement with the Board involving probation or a settlement of any disciplinary matters;
 - g. ~~All Owner/operators, employees, or volunteers in a child welfare agency shall not~~ Engaging in behavior that could be viewed as sexual, dangerous, exploitative, or physically harmful to children.

8. ~~Engaging in sexual behavior with a client~~

110 Inspections, Investigations & Corrective Action

1. The Licensing Specialist shall conduct inspections to ensure continued compliance with licensing standards.
2. The Licensing Specialist shall investigate complaints of alleged violation of licensing standards against all ~~placement agencies and~~ residential facilities, and may participate in investigations of alleged child maltreatment.
3. The agency shall cooperate with the Licensing Unit in conducting inspections and investigations, and shall provide information required to verify compliance with rules.
4. Inspections and investigations may be scheduled or unscheduled, at the discretion of the Licensing Specialist, and may be conducted outside regular working hours.
5. The frequency of inspections shall be at the discretion of the Licensing Unit, and may be based on the agency's compliance history.
6. At the discretion of the Licensing Unit, a multi-disciplinary team may be asked to advise the Licensing Specialist during initial approval or during inspections. This team may include a professional in the appropriate field.
7. Upon finding any violations of licensing standards, the Licensing Specialist shall issue to the agency a corrective action notice, which shall state:
 - a. A factual description of the conditions that constitute a violation of the standard;
 - b. The specific law or standard violated;
 - c. A reasonable time frame within which the violation ~~must~~ shall be corrected.
8. The agency shall provide a written corrective action plan, when requested to do so, by the Licensing Specialist in a corrective action notice.
9. Any owner/operator, employee, foster parent, or volunteer in a child welfare agency shall immediately notify the Child Abuse Hotline if he or she has reasonable cause to suspect that a child has been subjected to child maltreatment, died as a result of child maltreatment or if they observe a child being subjected to conditions or circumstances that would reasonably result in child maltreatment.
10. If a complaint of child maltreatment is filed against any owner/operator, employee, foster parent, volunteer, or other person in a child welfare agency, the agency administration shall evaluate the risk to children and determine the suitability of the person(s) to supervise, be left alone with children, have disciplinary control over children, or remain in the child welfare agency until the

General Requirements

allegations are determined to be true or unsubstantiated. Any interim corrective action measures shall be approved by the Licensing Unit.

11. The agency shall maintain a log or file of all calls to the child abuse hotline.
12. The agency shall notify the Licensing Unit by the next business day ~~and log, or maintain in a single file,~~ whenever a report of child maltreatment is made accepted by the child abuse hotline against the owner/operator, employee, foster parent, volunteer, child, or other person in a child welfare agency.
13. The agency and all staff shall cooperate fully with investigators during a child maltreatment investigation.
14. The agency shall take steps to prevent harm or retaliation against the child while an allegation of child maltreatment is being investigated.
15. Any person with a true finding of child maltreatment shall be reviewed by the owner or administrator of the agency, in consultation with the Child Welfare Agency Review Board or its designee, to determine corrective action. Corrective action may include, but is not limited to, counseling, training, probationary employment, non-selection for employment, or termination.
16. Any employee who has been sanctioned by any licensing or certifying entity for any reason pertaining to child safety shall be reviewed by the owner or administrator of the agency, in consultation with the Child Welfare Agency Review Board or its designee, to determine corrective action. Corrective action may include, but is not limited to, counseling, training, probationary employment, non-selection for employment, or termination.
17. The agency shall notify the Licensing Unit by the next business day of serious injuries requiring emergency medical treatment, agency vehicle accidents, arrests, elopements, suicide attempts, or deaths, and ~~log, or maintain documentation of the incident and notification. these incidents in a single file,~~
18. The agency shall maintain reports on all incidents that cause injury, property damage or disruption to routine operation or services.

200 Emergency Residential Facilities

In addition to all standards in Section 100, the following standards shall be met:

Facilities holding an Emergency Residential Facility license provide residential care on an emergency basis for up to ninety (90) days.

201 Admission

1. ~~Each~~ The child-welfare agency shall establish written criteria for admitting/excluding children.
2. The agency facility shall not admit any child for whom the agency facility cannot provide adequate care.
3. Each child shall have a medical examination no more than ~~sixty days~~ one (1) year before admission, or ~~scheduled within~~ a documented appointment date for an exam within one (1) week ~~of~~ after admission.
4. Each child shall have proof of current immunizations, or a letter of exemption in accordance with the Arkansas Department of Health, ~~Age-appropriate immunizations shall be current~~ or a scheduled appointment within one (1) week ~~of~~ after admission.
5. The ~~residential childcare~~ facility shall ~~attempt~~, and shall document their attempts, to obtain written verification of the placing agents authority to place the child within five (5) working days.
6. The agency facility shall obtain written authority for medical care for the child from the placing agent within 72 hours.
7. The agency shall comply with the Interstate Compact on the Placement of Children when admitting children from outside Arkansas, if applicable.
8. The facility shall establish that all persons referred for admission are under the age of eighteen (18) years at the time of admission.
9. Residents may remain in the program after reaching age eighteen (18) years with the reason for continued placement documented.
10. The facility may admit children birth to eighteen (18) years of age.
11. The facility ~~may~~ shall admit children for a maximum of ninety (90) days. ~~Any child admitted as an emergency placement shall be designated as such and must be discharged within 90 days or admitted as a regular placement.~~
12. At the time of ~~an emergency~~ admission the following information ~~must~~ shall be documented in the child's record.

Emergency Residential Facilities

- a. Name, signature and role or relationship of the person who relinquished the child into care;
 - b. A brief description of the circumstances requiring ~~the emergency~~ admission;
 - c. The date and time of the admission;
 - d. A brief description of the child's history (if known) including behavioral history;
 - e. Any known medical history and known current health conditions;
 - f. All medications currently prescribed for the child (if known and available);
 - g. The child's current behavior or known emotional condition.
13. ~~An Intake study~~ information shall be completed on each child in care within ten (10) working days after admission.
 14. The intake study shall include: ~~the following information from the parent, guardian, custodian, previous placement, or from the child when no other sources of information are available:~~
 - a. Demographic information on the child and parent(s), including name, address, birth date, ~~sex~~ gender, race, and religious preference;
 - b. A factual description of the circumstances requiring placement;
 - c. A brief social history of the family;
 - d. The child's current legal status/custody;
 - e. Any history of previous placements outside the family.
 15. The facility shall obtain copies of legal documents within thirty (30) days of admission, or shall document their attempts to obtain the documents. The legal documents shall include, but not be limited to, birth certificates, social security cards and court orders.
 16. A dependent juvenile child of a parent who is in the custody of DCFS shall be subject to all regulations regarding space, ratio, health and safety.
 17. Facilities that have an adult program shall provide sleeping and living ~~transportation, and dining~~ arrangements to ensure separation of adults from children.

Assessment & Case Planning

1. The agency shall assign a caseworker to each child who is responsible for doing assessments, case planning, and casework services.

Emergency Residential Facilities

2. A plan of safe care/~~protection~~ shall be ~~documented~~ developed for all children with physical limitations, medical conditions, or behaviors that are indicative of harm to self or others; to include, but not limited to: arson, physical aggression, sexual aggression, and/or suicidal behaviors or other self-harming tendencies. This plan shall identify the behavior/problem, and shall specify the safeguards that are to be implemented. The agency shall document that the ~~direct caregiver(s)~~ child caring staff are informed of the provisions of the plan and place a copy of the plan in the child's ~~case file~~ record.
3. An assessment of services needed to ensure the health and welfare of the child, including medical history and psychological history shall be completed for each child and included in the case plan.
4. A case plan shall be developed for each resident received for care. ~~by a residential facility. The plan shall address the child's needs as identified in the intake study.~~
5. The case plan shall be developed within thirty days after placement.
- ~~3. The case plan shall be developed after a staffing. If applicable, the parents, foster parents, facility staff, caseworker, social worker or probation officer, and the child shall be invited to the staffing.~~
6. The child's case plan shall contain, at the minimum:
 - a. Specific needs of the child;
 - b. Plan for meeting child's needs;
 - c. Special treatment issues (e.g., psychotropic medications, sexual misconduct, and neurological disorders) shall be identified, with a statement of how the special needs shall be met;
 - d. A plan to ensure that the child's educational needs are met according to applicable state law.
7. A copy of the case plan shall be made available to the parent(s), guardian(s), court, or other agencies involved in case plan services delivery.
8. The agency caseworker shall visit the child monthly to monitor the progress of the case plan.

203 Children's Records

1. The agency shall keep a confidential case record for each child that includes the following:
 - a. Demographic information;
 - b. Plan of safe care/~~protection~~, if applicable;
 - c. A complete intake ~~study~~;

Emergency Residential Facilities

- d. Consents, including consent for medical care and authority to place the child;
 - e. Interstate Compact information, if applicable;
 - f. Case plans;
 - g. Copies of legal documents (e.g., birth certificate, social security card, court orders), or ~~shall~~ documentation of their attempts to obtain the documents;
 - h. Physical exams and immunization records, or ~~shall~~ documentation of their attempts to obtain the documents;
 - i. Psychological reports, if applicable;
 - j. Educational reports, if applicable;
 - k. Disciplinary and incident reports, if applicable;
 - ~~l. Progress reports;~~
 - l. Documentation of casework services and ~~client~~ child contact, ~~current to within one (1) month of occurrence;~~
 - m. Discharge ~~summary~~ statement.
2. Records for each child shall be kept for five (5) years from the date of discharge, unless otherwise specified by Arkansas law.

204 Behavior Management

- 1. The agency shall have a written discipline policy that is consistently followed.
- 2. Discipline shall be directed toward teaching the child acceptable behavior and self-control.
- 3. Discipline shall be appropriate to the child's age, development, and history.
- 4. The following actions shall not be used, including as discipline:
 - a. Denial of meals, sleep, shelter, essential clothing, or case plan activities;
 - b. Denial of parental visits or regular phone/mail contact with family. Non-disciplinary case planning issues are accepted;
 - c. Lewd or obscene language;
 - d. Derogatory comments about the child, the child's family, race, or gender;
 - e. Restriction to a room for more than a short period of time without periodic observation;
 - f. Restriction to a dark room or area;
 - g. Locked isolation (~~psychiatric facilities excepted~~);

Emergency Residential Facilities

- h. Physical injury or threat of bodily harm;
 - i. Humiliating or degrading action;
 - j. Extremely strenuous work or exercise;
 - k. Mechanical/chemical restraints (~~psychiatric facilities excepted~~).
5. Physical restraint shall be initiated only by a trained staff, and only to prevent injury to the child, other people or property, and shall not be initiated solely as a form of discipline.
 6. Physical restraints shall be performed using minimal force and time necessary. Physical restraint means the application of physical force without the use of any device, for the purposes of restraining the free movement of a resident's body. Briefly holding a child without undue force in order to calm or comfort, or holding a hand to safely escort a child from one area to another, is not considered a physical restraint.
 7. Documentation of all physical restraints shall be maintained and include child's name, date, time, reason, staff involved, and measures taken prior to restraint.
 8. A child shall not be allowed to administer discipline, except teen parents may discipline their own children under the supervision and guidance of staff.
 9. Searches of a child or a child's personal property shall be for reasons limited to safety and security of children and staff, in cases of suspected theft, or suspicion of possession of items which are not permitted by agency policy.
 10. Any searches requiring removal of clothing shall be done in privacy and ~~except in foster homes~~, shall be witnessed by two (2) staff of the same ~~sex~~ gender as the child.

205

Personnel Ratio & Supervision

1. The facility shall not exceed its total licensed capacity.
2. There shall be a staff/child ratio of at least 1:9 during waking hours and at least 1:12 during sleeping hours. Staff members' ~~own~~ children shall be counted in the ratio.
3. If any child is under age six (6) years, the ratio shall be at least 1:7 at all times.
4. Only staff who directly supervises children shall be counted in this ratio.
Psychiatric facilities see Section 700.
5. Child caring staff shall be responsible for providing the level of supervision, care, and treatment necessary to ensure the safety and well-being of each child at the facility, taking into account the child's age, individual differences and abilities, surrounding circumstances, hazards and risks.

200 **Emergency Residential Facilities**

6. All child caring shift-staff, counted in the staff child ratio, shall remain awake at all times. House parents are excluded from this requirement.
7. The facility shall maintain a daily census report to include the child's name and room or building assignment.

206 **Personal Health & Medical Care**

1. Each child shall have a medical exam at least annually. Health exams need not be repeated during the year if a child moves from one facility or agency to another, provided the results of the exam are available to the receiving facility or agency.
2. All medications shall be administered to children by staff according to medical instructions. *Psychiatric facilities see Section 700.*
3. The ~~dispensing~~ administering of all medications, including over-the-counter, shall be logged at the time the medication is given, by the person administering the medication.
4. The medication log shall include:
 - a. The child's name;
 - b. Time and date;
 - c. Medication dosage;
 - d. Initials of the person administering the medication.
5. All medications excluding Epi-pens, inhalers, and Glucagon kits shall be kept securely locked, and stored according to pharmaceutical recommendations. An age-appropriate and developmentally capable child may be provided, or have access to non-narcotic prescriptions with an approved safety plan. Examples include, but are not limited to, birth control, acne cream, topical creams.
6. Keys to medication storage areas shall be on the premises and readily accessible by staff at all times.
7. Currently prescribed medications belonging to children shall be returned to the parent or custodian upon discharge. *Psychiatric facilities see Section 700.*
- ~~10. When psychotropic medications are prescribed by a physician, they shall be used in conjunction with other treatment interventions.~~

207 **Education Work, & Training Program**

1. The facility shall ensure each child receives education in accordance with the Arkansas Department of Education.
2. The facility shall teach each child the daily living tasks required as a part of living in a group setting, and shall assign only light chores that are age-appropriate.

Emergency Residential Facilities

3. The facility agency shall have a policy regarding each child's money received ~~safeguard money earned by each child~~, and shall ensure that each child's earnings funds are available to that child under staff supervision for personal use.
4. The facility shall not allow a child's outside employment, chores, or extracurricular activities to interfere with the child's time for school, sleep, family visits, or case plan activities.
5. The facility shall provide each child with adequate and nutritious food.
6. The facility shall ensure that each child has sufficient sleep for his/her age and physical condition.
7. Each child shall be instructed in good grooming and personal hygiene habits.
8. The facility shall ensure each child ~~shall~~ is provided with his/her own clothing that is clean, well fitting, seasonal, and appropriate to age and ~~sex~~ gender, unless otherwise directed by a physician.
9. The facility shall ensure each child ~~shall~~ is provided with opportunities for regular recreational activities and exercise.
10. The facility shall provide activities and equipment that are age appropriate to the children in their care.
11. The use of television, videos, computer games and other screen time activities shall be monitored and time limited.

208**Grounds**

1. The grounds of the facility shall be kept clean and free of safety hazards.
2. The facility shall provide sufficient outdoor recreation space ~~and~~ for age appropriate ~~equipment to meet the needs of each child in care~~ physical activities.
3. Swimming pools shall be inspected and approved annually by the Arkansas Department of Health.

209**Buildings**

1. No facility shall be located in a shopping center, strip mall, or other buildings used for commercial activity.
2. Unused or vacant portions of a facility shall not be rented, leased, loaned, or otherwise occupied by any commercial or other business entity, or private individuals, not associated with the facility or its management.
3. All buildings used by children or staff shall be inspected and approved annually for fire safety ~~as required by authorized fire inspection~~ by fire department officials.

Emergency Residential Facilities

4. All buildings used by children or staff shall be inspected and approved annually for health and sanitation as required by the Arkansas Department of Health.
5. All buildings shall comply with local zoning ordinances and land use requirements where those exist.
- ~~4. All buildings shall comply with building codes in effect at the time the building was converted to use as a child care facility.~~
6. All buildings and furnishings shall be ~~maintained in a safe, and clean, condition~~ and in good repair.
7. There shall be no more than twelve (12) children in a sleeping unit. A sleeping unit is considered to be a group of bedrooms.
8. Sleeping units sharing the same building shall be separated into different corridors, wings, floors, etc. ~~by a wall, kitchen, dining room, or other such area that gives a sense of separation.~~ Sleeping units modified or newly constructed after (date) shall comply with this standard.
9. Licensing shall be notified of any changes to buildings that affect usage, size, capacity, or structural changes.
10. Building usage shall be approved by licensing prior to resident occupancy, and all required inspections, permits, and authorizations shall be provided.
11. Any modifications to buildings used by children, or increase in capacity shall require inspection and approval by the Fire and Health Department, if applicable.
12. All parts of buildings used as living, sleeping, or bath areas shall have a ~~heating and ventilation system~~ heating, ventilating and air conditioning source that keeps the temperature a minimum of sixty-five (65) degrees and a maximum of eighty-five (85) degrees.
13. The facility shall provide a living area that has at least thirty-five (35) square feet of floor space per child. The dining area and indoor recreation area may be included in this space.
14. The facility shall provide a dining room.
15. The facility shall have a kitchen.
16. Manufactured homes, used as residential facilities, shall be tied down and underpinned as required by the Arkansas Manufactured Home Commission. The home shall obtain an inspection and approval from the Arkansas Manufactured Home Commission prior to being licensed.

210 Bathrooms

1. The facility shall provide bathrooms for the children. ~~that meet the following requirements:~~
2. There shall be a separate toilet, bathtub or shower, and sink for each six (6) children.
3. There shall be an adequate supply of hot and cold running water.
4. The bathroom shall be clean and sanitary.
5. There shall be separate bath and toilet facilities for males and females.
6. There shall be an adequate supply of soap, towels, and tissue.

211 Sleeping Arrangements

1. The facility shall provide bedrooms for the children. ~~that meet the following requirements:~~
2. There shall be no more than four (4) children per bedroom.
3. There shall be at least fifty (50) square feet of floor space per child in each bedroom.
4. No child age four (4) years or over shall share a bedroom with a child of the opposite sex gender, except teenaged mothers parents who participate in the care of their own children.
5. Each child shall have a separate bed with a mattress, sheets, pillow, pillowcase, and adequate cover, all in good condition.
6. All cribs used for children shall have current certification of compliance with Consumer Product Safety Commission (CPSC) standards.
7. Children twelve (12) months of age and below shall be placed flat on their backs to sleep, in accordance with American Academy of Pediatrics guidelines, to lessen the risk of suffocation and Sudden Infant Death Syndrome. (If a child rolls over on his/her own, the facility is not required to reposition the child.) If there is a medical reason a child cannot sleep on his/her back, a signed statement from the child's physician shall be in the file stating the reason, the sleep position indicated, and the time frame required.
8. Beds shall be positioned to ensure all children can easily exit the room in case of emergency.
9. No child under the age of six (6) shall occupy a top bunk.
10. Bedding shall be changed at least weekly, more often if needed.

Emergency Residential Facilities

11. Each child shall have an area to store personal belongings.
12. Staff sleeping quarters shall be separate from children's sleeping rooms.
13. Room arrangements shall be based on characteristics of ~~the individual~~ each resident to ensure the safety of each child.
14. ~~Facilities that admit adult clients shall provide sleeping arrangements to ensure separation of adults from children.~~

212 Health & Safety

1. The facility shall have an operable telephone or comparable communication system.
2. The facility shall have a continuous supply of clean drinking water. If the water source is not a municipal system, the source ~~must~~ shall be approved by the Arkansas Department of Health annually.
3. A private sewage/septic system shall be approved initially and upon any increase in capacity by the Arkansas Department of Health.
4. There shall be operational smoke detectors near the cooking area, heating units, and within ten (10) feet of each bedroom.
5. An operational chemical fire extinguisher or other fire suppression system approved by local fire inspection officials shall be in the cooking area of each building. Approval of the fire suppression system shall be documented.
6. There shall be an emergency evacuation plan diagramed and posted in each building used by children.
7. Fire drills shall be practiced with children each month.
8. ~~and Severe weather and other appropriate emergency~~ drills shall be practiced with children quarterly.
9. A record of drills shall be maintained, showing date and time of day of the drill, number of participants, and length of time required to reach safety.
10. Each ~~newly admitted~~ child shall be instructed in emergency procedures ~~during orientation~~ at admission.
11. The facility shall have proof of current rabies vaccinations for all household pets as required by Arkansas law.
12. No child shall be allowed to operate dangerous machinery or ~~dangerous~~ equipment, including firearms, without proper adult supervision and following manufacturers' guidelines for age, safety precautions, and safety gear.

Emergency Residential Facilities

13. The agency shall have policy and procedure for carrying, storage and use of all firearms located at the facility,
14. All firearms shall be maintained in a secure, locked location, or secured by a trigger lock.
15. All ammunition shall be secured and locked separately from firearms, with the exception of ammunition locked in a long gun safe (ex. rifle, shotgun, muzzle loaders).

213 Transportation

1. The facility shall have agency procured ~~its own~~ transportation available at all times.
2. The facility vehicle(s) shall not be used for personal use, unless other facility transportation is available.
3. Any vehicle used to transport children shall be in safe working condition and maintained in compliance with motor vehicle laws, ~~and be insured.~~
4. Any vehicle used to transport children shall be insured.
5. Children shall be transported only by an authorized person possessing a valid driver's license.
6. Children shall be transported according to Arkansas law, including, but not limited to, use of safety belts, child safety seats, and smoking restrictions.

214 Discharge

- ~~1. The agency shall discharge a child when the case planning team decides that the child is no longer in need of services or can no longer benefit from services provided by the agency.~~
1. ~~Except in the case of an emergency discharge,~~ The discharge shall be planned by appropriate agency staff, parent(s), child, and any agency that will offer post-discharge services.
2. The agency may discharge a child on an emergency basis if failure to do so could result in harm to the child, other persons, or significant property damage.
3. A child shall be discharged to the custody of the child's parent or a person with authorization from the parent, guardian or a person authorized by court order to assume custody of the child.
4. The agency shall document the complete a discharge statement on each child that includes the discharge date and reason for discharge and provide a copy of it to the child's custodian.

Emergency Residential Facilities

5. Documentation of the discharge shall be maintained in the child's record.

300 Emergency Family Style Care

In addition to all standards in Section 100, the following standards shall be met:

Facilities holding an Emergency Family Style Care license provide residential care on an emergency basis for up to ninety (90) days in a home like setting.

301 Admission

1. The agency shall establish written criteria for admitting/excluding children.
2. The facility shall not admit any child for whom the facility cannot provide adequate care.
3. Each child shall have a medical exam no more than one (1) year before admission, or a documented appointment date for an exam within one (1) week after admission.
4. Each child shall have proof of current immunizations, or a letter of exemption in accordance with the Arkansas Department of Health, or a scheduled appointment within one (1) week after admission.
5. The facility shall obtain written verification of the placing agents authority to place the child within five (5) working days.
6. The facility shall obtain written authority for medical care for the child from the placing agent within seventy-two (72) hours.
7. The agency shall comply with the Interstate Compact on the Placement of Children when admitting children from outside Arkansas, if applicable.
8. The facility shall establish that all persons referred for admission are under the age of eighteen (18) years at the time of admission.
9. Residents may remain in the program after reaching age eighteen (18) years with the reason for continued placement documented.
10. The facility may admit children birth to 18 years of age.
11. The facility shall admit children for a maximum of ninety (90) days.
12. At the time of admission, the following information shall be documented in the child's record:
 - a. Name, signature and role or relationship of the person who relinquished the child into care;
 - b. A brief description of the circumstances requiring admission;
 - c. The date and time of the admission;

Emergency Family Style Care

- d. A brief description of the child's history (if known) including behavioral history;
 - e. Any known medical history and known current health conditions;
 - f. All medications currently prescribed for the child (if known and available);
 - g. The child's current behavior or known emotional condition.
13. Intake information shall be completed on each child in care within ten (10) working days after admission.
 14. The intake shall include:
 - a. Demographic information on the child and parent(s), including name, address, birth date, gender, race, and religious preference;
 - b. A factual description of the circumstances requiring placement;
 - c. A brief social history of the family;
 - d. The child's current legal status/custody;
 - e. Any history of previous placements outside the family.
 15. The facility shall obtain copies of legal documents within thirty (30) days of admission, or shall document their attempts to obtain the documents. The legal documents shall include, but not be limited to, birth certificates, social security cards and court orders.
 16. A dependent juvenile child of a parent who is in the custody of DCFS shall be subject to all regulations regarding space, ratio, health and safety.
 17. Facilities that have an adult program shall provide sleeping and living arrangements to ensure separation of adults from children.

302**Assessment & Case Planning**

1. The agency shall assign a caseworker to each child who is responsible for doing assessments, case planning, and casework services.
2. A plan of safe care shall be developed for all children with physical limitations, medical conditions, or behaviors that are indicative of harm to self or others; to include, but not limited to: arson, physical/sexual aggression, and/or suicidal behaviors or other self-harming tendencies. This plan shall identify the behavior/problem, and shall specify the safeguards that are to be implemented. The agency shall document that the child caring staff are informed of the provisions of the plan and place a copy of the plan in the child's record.
3. An assessment of services needed to ensure the health and welfare of the child, including medical history and psychological history shall be completed for each child and included in the case plan.
4. A case plan shall be developed for each resident received for care.

Emergency Family Style Care

5. The case plan shall be developed within thirty days after placement.
6. The child's case plan shall contain, at the minimum:
 - a. Specific needs of the child;
 - b. Plan for meeting child's needs;
 - c. Special treatment issues (e.g., psychotropic medications, sexual misconduct, and neurological disorders) shall be identified, with a statement of how the special needs shall be met;
 - d. A plan to ensure that the child's educational needs are met according to the ~~Arkansas Department of Education requirements~~ applicable state law.
7. A copy of the case plan shall be made available to the parent(s), guardian(s), court, or other agencies involved in case plan services delivery.
8. The agency caseworker shall visit the child monthly to monitor the progress of the case plan.

303**Children's Records**

1. The agency shall keep a confidential case record for each child that includes the following:
 - a. Demographic information;
 - b. Plan of safe care, if applicable;
 - c. A complete intake;
 - d. Consents, including consent for medical care and authority to place the child;
 - e. Interstate Compact information, if applicable;
 - f. Case plans;
 - g. Copies of legal documents (e.g., birth certificate, social security card, court orders), or documentation of their attempts to obtain the documents;
 - h. Physical exams and immunization records, or documentation of their attempts to obtain the documents;
 - i. Psychological reports, if applicable;
 - j. Educational reports, if applicable;
 - k. Disciplinary and incident reports, if applicable;
 - l. Documentation of casework services and child contact;
 - m. Discharge statement.

Emergency Family Style Care

2. Records for each child shall be kept for five (5) years from the date of discharge, unless otherwise specified by Arkansas law.

304**Behavior Management**

1. The agency shall have a written discipline policy that is consistently followed.
2. Discipline shall be directed toward teaching the child acceptable behavior and self-control.
3. Discipline shall be appropriate to the child's age, development, and history.
4. The following actions shall not be used, including as discipline:
 - a. Denial of meals, sleep, shelter, essential clothing, or case plan activities;
 - b. Denial of parental visits or regular phone/mail contact with family. Non-disciplinary case planning issues are accepted;
 - c. Lewd or obscene language;
 - d. Derogatory comments about the child, the child's family, race, or gender;
 - e. Restriction to a room for more than a short period of time without periodic observation;
 - f. Restriction to a dark room or area;
 - g. Locked isolation;
 - h. Physical injury or threat of bodily harm;
 - i. Humiliating or degrading action;
 - j. Extremely strenuous work or exercise;
 - k. Mechanical/chemical restraints.
5. Physical restraint shall be initiated only by a trained staff, and only to prevent injury to the child, other people or property, and shall not be initiated solely as a form of discipline.
6. Physical restraints shall be performed using minimal force and time necessary. **Physical restraint** means the application of physical force without the use of any device, for the purposes of restraining the free movement of a resident's body. Briefly holding a child without undue force in order to calm or comfort, or holding a hand to safely escort a child from one area to another, is not considered a physical restraint.
7. Documentation of all restraints shall be maintained and include child's name, date, time, reason, staff involved, and measures taken prior to restraint.

300

Emergency Family Style Care

8. A child shall not be allowed to administer discipline, except teen parents may discipline their own children under the supervision and guidance of staff.
9. Searches of a child or a child's personal property shall be for reasons limited to safety and security of children and staff, in cases of suspected theft, or suspicion of possession of items which are not permitted by agency policy.
10. Any searches requiring removal of clothing shall be done in privacy.

305

Ratio & Supervision

1. The facility shall use a houseparent staffing model.
2. The facility shall not exceed its total licensed capacity.
3. The facility shall have no more than eight (8) children in each unit, including the houseparent's children.
4. There shall be a staff/child ratio of at least 1:8 at all times. Staff members' children shall be counted in the ratio.
5. Child caring staff shall be responsible for providing the level of supervision, care, and treatment necessary to ensure the safety and well-being of each child at the facility, taking into account the child's age, individual differences and abilities, surrounding circumstances, hazards and risks.
6. The facility shall maintain a daily census report to include the child's name and building or room assignment.

306

Health & Medical Care

1. Each child shall have a medical exam at least annually. Health exams need not be repeated during the year if a child moves from one facility or agency to another, provided the results of the exam are available to the receiving facility or agency.
2. All medications shall be administered to children by staff according to medical instructions.
3. The administering of all medications, including over-the-counter, shall be logged at the time the medication is given, by the person administering the medication.
4. The medication log shall include:
 - a. The child's name;
 - b. Time and date;
 - c. Medication dosage;
 - d. Initials of the person administering the medication.

Emergency Family Style Care

5. All medications excluding Epi-pens, inhalers, and Glucagon kits shall be kept securely locked, and stored according to pharmaceutical recommendations. An age-appropriate and developmentally capable child may be provided, or have access to non-narcotic prescriptions with an approved safety plan. Examples include, but are not limited to, birth control, acne cream, topical creams.
6. Keys to medication storage areas shall be on the premises and readily accessible by staff at all times.
7. Currently prescribed medications belonging to children shall be returned to the parent or custodian upon discharge.

307**Program**

1. The facility shall ensure each child receives education in accordance with the Arkansas Department of Education.
2. The facility shall teach each child the daily living tasks required as a part of living in a group setting, and shall assign only light chores that are age-appropriate.
3. The agency shall have a policy regarding each child's money received and shall ensure that each child's funds are available to that child under staff supervision for personal use.
4. The facility shall not allow a child's outside employment, chores, or extracurricular activities to interfere with the child's time for school, sleep, family visits, or case plan activities.
5. The facility shall provide each child with adequate and nutritious food, routinely eaten in the home, cottage, or unit.
6. The facility shall ensure that each child has sufficient sleep for his/her age and physical condition.
7. Each child shall be instructed in good grooming and personal hygiene habits.
8. The facility shall ensure each child is provided with his/her own clothing that is clean, well fitting, seasonal, and appropriate to age and gender, unless otherwise directed by a physician.
9. The facility shall ensure each child is provided with opportunities for regular recreational activities and exercise.
10. The facility shall provide activities and equipment that are age appropriate to the children in their care.
11. The use of television, videos, computer games and other screen time activities shall be monitored and time limited.

300 Emergency Family Style Care

12. The agency shall have policy and procedure to ensure children in care are allowed to participate in age appropriate activities away from the facility.

308 Grounds

1. The grounds of the facility shall be kept clean and free of safety hazards.
2. The facility shall provide sufficient outdoor recreation space for age appropriate physical activities.
3. Swimming pools shall be inspected and approved annually by the Arkansas Department of Health.

309 Buildings

1. The building shall be a single-style dwelling, such as a house or cottage, or duplex in which the facility occupies both units. Multiple units may be located on campus.
2. The building(s) shall house only children in Emergency Family Style Care or Residential Family Style Care.
3. No facility shall be located in a shopping center, strip mall, or other buildings used for commercial activity.
4. Unused or vacant portions of a facility shall not be rented, leased, loaned, or otherwise occupied by any commercial or other business entity, or private individuals, not associated with the facility or its management.
5. All buildings used by children or staff shall be inspected and approved annually for fire safety by fire department officials.
6. All buildings used by children or staff shall be inspected and approved annually for health and sanitation as required by the Arkansas Department of Health.
7. All buildings shall comply with local zoning ordinances and land use requirements where those exist.
8. All buildings and furnishings shall be safe, clean, and in good repair.
9. Licensing shall be notified of any changes to buildings that affect usage, size, capacity, or structural changes.
10. Building usage shall be approved by licensing prior to resident occupancy, and all required inspections, permits, and authorizations shall be provided.
11. Any modification to buildings used by children, or an increase in capacity shall require inspection and approval by the Fire and Health Department, if applicable.

Emergency Family Style Care

12. All parts of buildings used as living, sleeping, or bath areas shall have a heating, ventilating, and air conditioning source that keeps the temperature a minimum of sixty-five (65) degrees and a maximum of eighty-five (85) degrees.
13. The facility shall provide a living area that has at least thirty-five (35) square feet of floor space per child. The dining area and indoor recreation area may be included in this space.
14. The facility shall provide a dining area.
15. The facility shall have a kitchen.
16. Manufactured homes, used as residential facilities, shall be tied down and underpinned as required by the Arkansas Manufactured Home Commission. The home shall obtain an inspection and approval from the Arkansas Manufactured Home Commission prior to being licensed.

310**Bathrooms**

1. The facility shall provide bathrooms for the children.
2. There shall be a separate toilet, bathtub or shower, and sink for each six (6) children.
3. There shall be an adequate supply of hot and cold running water.
4. The bathroom shall be clean and sanitary.
5. There shall be an adequate supply of soap, towels, and tissue.

311**Sleeping Arrangements**

1. The facility shall provide bedrooms for the children.
2. There shall be no more than four (4) children per bedroom.
3. There shall be at least fifty (50) square feet of floor space per child in each bedroom.
4. No child age four (4) years or over shall share a bedroom with a child of the opposite gender, except teenaged parents who participate in the care of their own children.
5. Each child shall have a separate bed with a mattress, sheets, pillow, pillowcase, and adequate cover, all in good condition.
6. All cribs used for children shall have certification of compliance with CPSC standards.

Emergency Family Style Care

7. Children twelve (12) months of age and below shall be placed flat on their backs to sleep, in accordance with American Academy of Pediatrics guidelines, to lessen the risk of suffocation and Sudden Infant Death Syndrome. (If a child rolls over on his/her own, the facility is not required to reposition the child.) If there is a medical reason a child cannot sleep on his/her back, a signed statement from the child's physician shall be in the file stating the reason, the sleep position indicated, and the time frame required.
8. Beds shall be positioned to ensure all children can easily exit the room in case of emergency.
9. No child under the age of six (6) shall occupy a top bunk.
10. Bedding shall be changed at least weekly, more often if needed.
11. Each child shall have an area to store personal belongings.
12. Staff sleeping quarters shall be separate from children's sleeping rooms.
13. Room arrangements shall be based on characteristics of each resident to ensure the safety of each child.

312**Safety**

1. The facility shall have an operable telephone or comparable communication system.
2. The facility shall have a continuous supply of clean drinking water. If the water source is not a municipal system, the source shall be approved by the Arkansas Department of Health annually.
3. A private sewage/septic system shall be approved initially and upon any increase in capacity by the Arkansas Department of Health.
4. There shall be operational smoke detectors near the cooking area, heating units, and within ten (10) feet of each bedroom.
5. An operational chemical fire extinguisher or other fire suppression system approved by local fire inspection officials shall be in the cooking area of each building. Approval of the fire suppression system shall be documented.
6. There shall be an emergency evacuation plan diagramed and posted in each building used by children.
7. Fire drills shall be practiced with children each month.
8. Severe weather drills shall be practiced with children quarterly.
9. A record of drills shall be maintained, showing date and time of day of the drill, number of participants, and length of time required to reach safety.

Emergency Family Style Care

10. Each child shall be instructed in emergency procedures at admissions.
11. The facility shall have proof of current rabies vaccinations for all household pets as required by Arkansas law.
12. No child shall be allowed to operate dangerous machinery or equipment, including firearms without proper adult supervision and following manufacturers' guidelines for age, safety precautions, and safety gear.
13. The agency shall have policy and procedure for carrying, storage and use of all firearms located at the facility.
14. All firearms shall be maintained in a secure, locked location, or secured by a trigger lock.
15. All ammunition shall be secured and locked separately from firearms, with the exception of ammunition locked in a long gun safe (ex. rifle, shotgun, muzzle loaders).

313**Transportation**

1. The facility shall have agency procured transportation available at all times.
2. The facility vehicle(s) shall not be used for personal use, unless other facility transportation is available.
3. Any vehicle used to transport children shall be in safe working condition and maintained in compliance with motor vehicle laws.
4. Any vehicle used to transport children shall be insured.
5. Children shall be transported only by an authorized person possessing a valid driver's license.
6. Children shall be transported according to Arkansas law, including, but not limited to, use of safety belts, child safety seats, and smoking restrictions.

314**Discharge**

1. The discharge shall be planned by agency staff.
2. The agency may discharge a child on an emergency basis if failure to do so could result in harm to the child, other persons, or significant property damage.
3. A child shall be discharged to the custody of the child's parent or a person with authorization from the parent, guardian or a person authorized by court order to assume custody of the child and document in child's record.

Emergency Family Style Care

4. The agency shall complete a discharge statement on each child that includes a discharge date and reason for discharge and provide a copy of it to the child's custodian.
5. Documentation of the discharge shall be maintained in the child's record.

400 Residential Child-Care Facilities

In addition to all standards in Section 100, the following standards shall be met:

Facilities holding a Residential Facility license provide residential care on a long term basis.

401 Admission

1. ~~Each The child-welfare~~ agency shall establish written criteria for admitting/excluding children.
2. The ~~agency~~ facility shall not admit any child for whom the ~~agency~~ facility cannot provide adequate care.
3. Each child shall have a medical exam no more than ~~sixty days~~ one (1) year before admission, or ~~scheduled within~~ a documented appointment date for an exam within one (1) week ~~of~~ after admission.
4. Each child shall have proof of current immunizations, or a letter of exemption in accordance with the Arkansas Department of Health, ~~Age-appropriate immunizations shall be current~~ or a scheduled appointment within one (1) week ~~of~~ after admission.
5. The ~~residential child-care~~ facility shall ~~attempt~~, and shall document their attempts, to obtain written verification of the placing agents authority to place the child at the time of admission, ~~or within five (5) working days if an emergency placement.~~
6. The ~~agency~~ facility shall obtain written authority for medical care for the child from the placing agent at the time of admission. ~~parent(s), guardian(s), or court at the time of placement, or within 72 hours in an emergency placement.~~
7. The agency shall comply with the Interstate Compact on the Placement of Children when admitting children from outside Arkansas, if applicable.
8. The facility shall establish that all persons referred for admission are under the age of eighteen (18) years at the time of admission.
9. Residents may remain in the program after reaching age eighteen (18) years with the reason for continued placement documented. The resident ~~must~~ shall be discharged no later than his/her twenty-first (21) birthday.
10. The facility ~~shall~~ may admit a child under age five (5) years, only if that child is a part of a sibling group of which one (1) child is age five (5) years or older, or if it is the summer before the child is eligible to enter kindergarten. Exception is made for the infant child or children of a ~~mother~~ parent who is admitted to the facility.

- ~~10. When a child under the age of five (5) years is in care, the facility shall evaluate the continued appropriateness of the placement every ninety (90) days and document the evaluation in the child's record.~~
- ~~10. Emergency shelters may admit children under age five (5).~~
- ~~11. Emergency shelters may admit children for a maximum of ninety (90) days. Any child admitted as an emergency placement shall be designated as such and must be discharged within 90 days or admitted as a regular placement.~~
11. At the time of an emergency admission, the following information must shall be documented in the child's record:
- a. Name, signature and role or relationship of the person who relinquished the child into care;
 - b. A brief description of the circumstances requiring the emergency admission;
 - c. The date and time of the admission;
 - d. A brief description of the child's history (if known) including behavioral history;
 - e. Any known medical history and known current health conditions;
 - f. All medications currently prescribed for the child (if known and available);
 - g. The child's current behavior or known emotional condition.
12. An Intake study information shall be completed on each child in care within ten (10) working days after admission.
13. The intake study shall include: ~~the following information from the parent, guardian, custodian, previous placement, or from the child when no other sources of information are available:~~
- a. Demographic information on the child and parent(s), including name, address, birth date, sex gender, race, and religious preference;
 - b. A factual description of the circumstances requiring placement;
 - c. A brief social history of the family;
 - d. The child's current legal status/custody;
 - e. Any history of previous placements outside the family.
14. The facility shall obtain copies of legal documents within thirty (30) days of admission, or shall document their attempts to obtain the documents. The legal documents shall include, but not be limited to, birth certificates, social security cards and court orders.

15. A dependent juvenile child of a parent who is in the custody of DCFS shall be subject to all regulations regarding space, ratio, health and safety.
16. Facilities that have an adult program shall provide sleeping and living ~~transportation, and dining~~ arrangements to ensure separation of adults from children.

402 Intake & Assessment & Case Planning

1. The agency shall assign a caseworker to each child who is responsible for doing assessments, case planning, and casework services.
2. A plan of safe care/~~protection~~ shall be ~~documented~~ developed for all children with physical limitations, medical conditions, or behaviors that are indicative of harm to self or others; to include, but not limited to: arson, physical/sexual aggression, and/or suicidal or other self-harming tendencies. This plan shall identify the behavior/problem, and shall specify the safeguards that are to be implemented. The agency shall document that the ~~direct caregiver(s)~~ child caring staff are informed of the provisions of the plan and place a copy of the plan in the child's ~~ease file~~ record.
3. An assessment of services needed to ensure the health and welfare of the child, including medical history and psychological history shall be completed for each child and included in the case plan.
4. A case plan shall be developed for each resident received for care. ~~by a residential facility. The plan shall address the child's needs as identified in the intake study.~~
5. The case plan shall be developed within thirty (30) days after placement.
- ~~3. The case plan shall be developed after a staffing. If applicable, the parents, foster parents, facility staff, caseworker, social worker or probation officer, and the child shall be invited to the staffing.~~
6. The child's case plan shall contain, at the minimum:
 - a. Specific needs of the child;
 - b. Plan for meeting child's needs;
 - c. Special treatment issues (e.g., psychotropic medications, sexual misconduct, and neurological disorders) shall be identified, with a statement of how the special needs shall be met;
 - d. A plan to ensure that the child's educational needs are met according to ~~the Arkansas Department of Education requirements~~ applicable state law;
 - ~~e. Visitation plan, if applicable;~~
 - e. Date of next review of the case plan. ~~if applicable;~~

Residential Facilities

7. A copy of the case plan shall be made available to the parent(s), guardian(s), court, or other agencies involved in case plan services delivery.
8. The case plan shall be reviewed at least semi-annually, and shall be updated to reflect the child's progress.
- ~~7. If independence is a goal, the case plan shall include training in independent living skills.~~

403 Children's Records

1. The agency shall keep a confidential case record for each child that includes the following:
 - a. Demographic information;
 - b. Plan of safe care/~~protection~~, if applicable;
 - c. A complete intake ~~study~~;
 - d. Consents, including consent for medical care and authority to place the child;
 - e. Interstate Compact information, if applicable;
 - f. Case plans and case plan reviews;
 - g. Copies of legal documents (e.g., birth certificate, social security card, court orders), or ~~shall~~ documentation of their attempts to obtain the documents;
 - h. Physical exams and immunization records, or ~~shall~~ documentation of their attempts to obtain the documents;
 - i. Psychological reports, if applicable;
 - j. Educational reports, if applicable;
 - k. Disciplinary and incident reports, if applicable;
 - ~~l. Progress reports;~~
 - l. Documentation of casework services and ~~client~~ child contact, ~~current to within one (1) month of occurrence;~~
 - m. Discharge ~~summary~~ statement.
2. Records for each child shall be kept for five (5) years from the date of discharge, unless otherwise specified by Arkansas law.

404 Behavior Management

1. The agency shall have a written discipline policy that is consistently followed.
2. Discipline shall be directed toward teaching the child acceptable behavior and self-control.

Residential Facilities

3. Discipline shall be appropriate to the child's age, development, and history.
4. The following actions shall not be used, including as discipline:
 - a. Denial of meals, sleep, shelter, essential clothing, or case plan activities;
 - b. Denial of parental visits or regular phone/mail contact with family. Non-disciplinary case planning issues are accepted;
 - c. Lewd or obscene language;
 - d. Derogatory comments about the child, the child's family, race, or gender;
 - e. Restriction to a room for more than a short period of time without periodic observation;
 - f. Restriction to a dark room or area;
 - g. Locked isolation (~~psychiatric facilities excepted~~);
 - h. Physical injury or threat of bodily harm;
 - i. Humiliating or degrading action;
 - j. Extremely strenuous work or exercise;
 - k. Mechanical/chemical restraints (~~psychiatric facilities excepted~~).
5. Physical restraint shall be initiated only by trained staff, and only to prevent injury to the child, other people or property, and shall not be initiated solely as a form of discipline.
6. Physical restraints shall be performed using minimal force and time necessary. Physical restraint means the application of physical force without the use of any device, for the purposes of restraining the free movement of a resident's body. Briefly holding a child without undue force in order to calm or comfort, or holding a hand to safely escort a child from one area to another, is not considered a physical restraint.
7. Documentation of all restraints shall be maintained and include child's name, date, time, reason, staff involved and measures taken prior to restraint.
8. A child shall not be allowed to administer discipline, except teen parents may discipline their own children under the supervision and guidance of staff.
9. Searches of a child or a child's personal property shall be for reasons limited to safety and security of children and staff, in cases of suspected theft, or suspicion of possession of items which are not permitted by agency policy.
10. Any searches requiring removal of clothing shall be done in privacy and ~~except in foster homes~~, shall be witnessed by two (2) staff of the same ~~sex~~ gender as the child.

405 Personnel Ratio & Supervision

1. The facility shall not exceed its total licensed capacity.
2. There shall be a staff/child ratio of at least 1:9 during waking hours and at least 1:12 during sleeping hours. Staff members' own children shall be counted in the ratio.
3. If any child is under age six (6) years, the ratio shall be at least 1:7 at all times.
4. Only staff who directly supervises children shall be counted in this ratio.
Psychiatric facilities see Section 500.
- ~~5. Agencies that mix children requiring different levels of supervision shall maintain the most intensive strictest staff/child ratio.~~
5. Child caring staff shall be responsible for providing the level of supervision, care, and treatment necessary to ensure the safety and well-being of each child at the facility, taking into account the child's age, individual differences and abilities, surrounding circumstances, hazards and risks.
6. All child caring shift-staff, counted in the staff child ratio, shall remain awake at all times. House parents are excluded from this requirement.
7. The facility shall maintain a daily census report to include the child's name and room or building assignment.
- ~~9. All child caring staff and each member of a houseparent's family older than twelve (12) years shall receive a skin test for tuberculosis upon employment and in accordance with the guidelines set forth by the Arkansas State Health Department, as long as test results remain negative. A person with a positive skin test must provide documentation from a physician every two years certifying that he/she is free from communicable tuberculosis.~~

406 Personal Health & Medical Care

1. Each child shall have a medical exam at least annually. Health exams need not be repeated during the year if a child moves from one facility or agency to another, provided the results of the exam are available to the receiving facility or agency.
2. All medications shall be administered to children by staff according to medical instructions. *Psychiatric facilities see Section 700.*
3. The dispensing administering of all medications, including over-the-counter, shall be logged at the time the medication is given, by the person administering the medication.
4. The medication log shall include:
 - a. The child's name;

Residential Facilities

- b. Time and date;
 - c. Medication dosage;
 - d. Initials of the person administering the medication.
5. All medications excluding Epi-pens, inhalers, and Glucagon kits shall be kept securely locked, and stored according to pharmaceutical recommendations. An age-appropriate and developmentally capable child may be provided, or have access to non-narcotic prescriptions with an approved safety plan. Examples include, but are not limited to, birth control, acne cream, topical creams.
 6. Keys to medication storage areas shall be on the premises and readily accessible by staff at all times.
 7. Currently prescribed medications belonging to children shall be returned to the parent or custodian upon discharge. *Psychiatric facilities see Section 700.*
 - ~~10. When psychotropic medications are prescribed by a physician, they shall be used in conjunction with other treatment interventions.~~

407**Education Work, & Training Program**

1. The facility shall ensure each child receives education in accordance with the Arkansas Department of Education.
2. The facility shall teach each child the daily living tasks required as a part of living in a group setting, and shall assign only light chores that are age-appropriate.
3. The ~~facility~~ agency shall have a policy regarding each child's money received ~~safeguard money earned by each child~~, and shall ensure that each child's earnings funds are available to that child under staff supervision for personal use.
4. The facility shall not allow a child's outside employment, chores, or extracurricular activities to interfere with the child's time for school, sleep, family visits, or case plan activities.
5. The facility shall provide each child with adequate and nutritious food.
6. The facility shall ensure that each child has sufficient sleep for his/her age and physical condition.
7. Each child shall be instructed in good grooming and personal hygiene habits.
8. The facility shall ensure each child ~~shall~~ is ~~be~~ provided with his/her own clothing that is clean, well fitting, seasonal, and appropriate to age and ~~sex~~ gender, unless otherwise directed by a physician.
9. The facility shall ensure each child ~~shall~~ in care ~~be~~ is provided with opportunities for regular recreational activities and exercise.

400 **Residential Facilities**

10. The facility shall provide activities and equipment that are age appropriate to the children in their care.
11. The use of television, videos, computer games and other screen time activities shall be monitored and time limited.

408 Grounds

1. The grounds of the facility shall be kept clean and free of safety hazards.
2. The facility shall provide sufficient outdoor recreation space for age appropriate physical activities. ~~and age appropriate play equipment to meet the needs of each child in care.~~
3. Swimming pools shall be inspected and approved annually by the Arkansas Department of Health.

409 Buildings

1. No facility shall be located in a shopping center, strip mall, or other buildings used for commercial activity.
2. Unused or vacant portions of a facility shall not be rented, leased, loaned, or otherwise occupied by any commercial or other business entity, or private individuals, not associated with the facility or its management.
3. All buildings used by children or staff shall be inspected and approved annually for fire safety ~~as required by authorized fire inspection~~ by fire department officials.
4. All buildings used by children or staff shall be inspected and approved annually for health and sanitation as required by the Arkansas Department of Health.
5. All buildings shall comply with local zoning ordinances and land use requirements where those exist.
- ~~4. All buildings shall comply with building codes in effect at the time the building was converted to use as a child care facility.~~
6. All buildings and furnishings shall be ~~maintained in a safe, and clean condition,~~ and in good repair.
7. There shall be no more than twelve (12) children in a sleeping unit. A sleeping unit is considered to be a group of bedrooms.
8. Sleeping units sharing the same building shall be separated into different corridors, wings, floors, etc. ~~by a wall, kitchen, dining room, or other such area that gives a sense of separation.~~ Sleeping units modified or newly constructed after (date) shall comply with this standard.

Residential Facilities

9. Licensing shall be notified of any changes to buildings that affect usage, size, capacity, or structural changes.
10. Building usage shall be approved by licensing prior to resident occupancy, and all required inspections, permits, and authorizations shall be provided.
11. Any modification to buildings used by children, or an increase in capacity shall require inspection and approval by the Fire and Health Department, if applicable.
12. All parts of buildings used as living, sleeping, or bath areas shall have a ~~heating and ventilation system~~ heating, ventilating and air conditioning source that keeps the temperature a minimum of sixty-five (65) degrees and a maximum of eighty-five (85) degrees.
13. The facility shall provide a living area that has at least thirty-five (35) square feet of floor space per child. The dining area and indoor recreation area may be included in this space.
14. The facility shall provide a dining room.
15. The facility shall have a kitchen.
16. Manufactured homes, used as residential facilities, shall be tied down and underpinned as required by the Arkansas Manufactured Home Commission. The home shall obtain an inspection and approval from the Arkansas Manufactured Home Commission prior to being licensed.

410**Bathrooms**

1. The facility shall provide bathrooms for the children. ~~that meet the following requirements:~~
2. There shall be a separate toilet, bathtub or shower, and sink for each six (6) children.
3. There shall be an adequate supply of hot and cold running water.
4. The bathroom shall be clean and sanitary.
5. There shall be separate bath and toilet facilities for males and females.
6. There shall be an adequate supply of soap, towels, and tissue.

411**Sleeping Arrangements**

1. The facility shall provide bedrooms for the children. ~~that meet the following requirements:~~
2. There shall be no more than four (4) children per bedroom.

Residential Facilities

3. There shall be at least fifty (50) square feet of floor space per child in each bedroom.
4. No child age four (4) years or over shall share a bedroom with a child of the opposite ~~sex~~ gender, except teenaged ~~mothers~~ parents who participate in the care of their own children.
5. Each child shall have a separate bed with a mattress, sheets, pillow, pillowcase, and adequate cover, all in good condition.
6. All cribs used for children shall have current certification of compliance with CPSC standards.
7. Children twelve (12) months of age and below shall be placed flat on their backs to sleep, in accordance with American Academy of Pediatrics guidelines, to lessen the risk of suffocation and Sudden Infant Death Syndrome. (If a child rolls over on his/her own, the facility is not required to reposition the child.) If there is a medical reason a child cannot sleep on his/her back, a signed statement from the child's physician shall be in the file stating the reason, the sleep position indicated, and the time frame required.
8. Beds shall be positioned to ensure all children can easily exit the room in case of emergency.
9. No child under the age of six (6) shall occupy a top bunk.
10. Bedding shall be changed at least weekly, more often if needed.
11. Each child shall have an area to store personal belongings.
12. Staff sleeping quarters shall be separate from children's sleeping rooms.
13. Room arrangements shall be based on characteristics of ~~the individual~~ each resident to ensure the safety of each child.
- ~~14. Facilities that admit adult clients shall provide sleeping arrangements to ensure separation of adults from children.~~

412 Health & Safety

1. The facility shall have an operable telephone or comparable communication system.
2. The facility shall have a continuous supply of clean drinking water. If the water source is not a municipal system, the source ~~must~~ shall be approved by the Arkansas Department of Health annually.
3. A private sewage/septic system shall be approved initially and upon any increase in capacity by the Arkansas Department of Health.

Residential Facilities

4. There shall be operational smoke detectors near the cooking area, heating units, and within ten (10) feet of each bedroom.
5. An operational chemical fire extinguisher or other fire suppression system approved by local fire inspection officials shall be in the cooking area of each building. Approval of the fire suppression system shall be documented.
6. There shall be an emergency evacuation plan diagramed and posted in each building used by children.
7. Fire drills shall be practiced with children each month.
8. ~~and~~ Severe weather ~~and other appropriate emergency~~ drills shall be practiced with children quarterly.
9. A record of drills shall be maintained, showing date and time of day of the drill, number of participants, and length of time required to reach safety.
10. Each ~~newly admitted~~ child shall be instructed in emergency procedures ~~during orientation~~ at admission.
11. The facility shall have proof of current rabies vaccinations for all household pets as required by Arkansas law.
12. No child shall be allowed to operate dangerous machinery or ~~dangerous~~ equipment, including firearms without proper adult supervision and following manufacturers' guidelines for age, safety precautions, and safety gear.
13. The agency shall have policy and procedure for carrying, storage and use of all firearms located at the facility,
14. All firearms shall be maintained in a secure, locked location, or secured by a trigger lock.
15. All ammunition shall be secured and locked separately from firearms, with the exception of ammunition locked in a long gun safe (ex. rifle, shotgun, muzzle loaders).

413 Transportation

1. The facility shall have agency procured ~~its own~~ transportation available at all times.
2. The facility vehicle(s) shall not be used for personal use, unless other facility transportation is available.
3. Any vehicle used to transport children shall be in safe working condition and maintained in compliance with motor vehicle laws, ~~and be insured.~~
4. Any vehicle used to transport children shall be insured.

Residential Facilities

5. Children shall be transported only by an authorized person possessing a valid driver's license.
6. Children shall be transported according to Arkansas law, including, but not limited to, use of safety belts, child safety seats, and smoking restrictions.

414**Discharge**

- ~~1. The agency shall discharge a child when the case planning team decides that the child is no longer in need of services or can no longer benefit from services provided by the agency.~~
1. ~~Except in the case of an emergency discharge,~~ The discharge shall be planned by appropriate agency staff, parent(s), child, and any agency that will offer post-discharge services.
2. The agency may discharge a child on an emergency basis if failure to do so could result in harm to the child, other persons, or significant property damage.
3. A child shall be discharged to the custody of the child's parent or a person with authorization from the parent, guardian or a person authorized by court order to assume custody of the child.
4. The agency shall complete a discharge statement on each child that includes a discharge date and reason for discharge and provide a copy of it to the child's custodian.
5. Documentation of the discharge shall be maintained in the child's record.

500 Residential Family Style Care

In addition to all standards in Section 100, the following standards shall be met:

Facilities holding a Residential Family Style Care license provide residential care on a long term basis in a home like setting.

501 Admission

1. The agency shall establish written criteria for admitting/excluding children.
2. The facility shall not admit any child for whom the facility cannot provide adequate care.
3. Each child shall have a medical exam no more than one (1) year before admission, or a documented appointment date for an exam within one (1) week after admission.
4. Each child shall have proof of current immunizations, or a letter of exemption in accordance with the Arkansas Department of Health, or a scheduled appointment within one (1) week after admission.
5. The facility shall obtain written verification of the placing agent's authority to place the child at the time of admission.
6. The facility shall obtain written authority for medical care for the child from the placing agent at the time of admission.
7. The agency shall comply with the Interstate Compact on the Placement of Children when admitting children from outside Arkansas, if applicable.
8. The facility shall establish that all persons referred for admission are under the age of eighteen (18) years at the time of admission.
9. Residents may remain in the program after reaching age eighteen (18) years with the reason for continued placement documented. The resident shall be discharged no later than his/her twenty-first (21) birthday.
10. The facility may admit a child(ren) under age five (5) years only if that child is a part of a sibling group of whom one child is age five (5) years or older, or if it is the summer before the child is eligible to enter kindergarten. Exception is made for the infant child or children of a parent who is admitted to the facility.
11. At the time of an admission, the following information shall be documented in the child's record:
 - a. Name, signature and role or relationship of the person who relinquished the child into care;
 - b. A brief description of the circumstances requiring admission;

Residential Family Style Care

- c. The date and time of the admission;
 - d. A brief description of the child's history (if known) including behavioral history;
 - e. Any known medical history and known current health conditions;
 - f. All medications currently prescribed for the child (if known and available);
 - g. The child's current behavior or known emotional condition.
12. Intake information shall be completed on each child in care within ten (10) working days after admission.
13. The intake shall include:
- a. Demographic information on the child and parent(s), including name, address, birth date, gender, race, and religious preference;
 - b. A factual description of the circumstances requiring placement;
 - c. A brief social history of the family;
 - d. The child's current legal status/custody;
 - e. Any history of previous placements outside the family.
14. The facility shall obtain copies of legal documents within thirty (30) days of admission, or shall document their attempts to obtain the documents. The legal documents shall include, but not be limited to, birth certificates, social security cards and court orders.
15. A dependent juvenile child of a parent who is in the custody of DCFS shall be subject to all regulations regarding space, ratio, health and safety.
16. Facilities that have an adult program shall provide sleeping and living arrangements to ensure separation of adults from children.

502**Assessment & Case Planning**

1. The agency shall assign a caseworker to each child who is responsible for doing assessments, case planning, and casework services.
2. A plan of safe care shall be developed for all children with physical limitations, medical conditions, or behaviors that are indicative of harm to self or others; to include, but not limited to: arson, physical/sexual aggression, and/or suicidal or other self-harming tendencies. This plan shall identify the behavior/problem, and shall specify the safeguards that are to be implemented. The agency shall document that the child caring staff are informed of the provisions of the plan and place a copy of the plan in the child's record.

Residential Family Style Care

3. An assessment of services needed to ensure the health and welfare of the child, including medical history and psychological history shall be completed for each child and included in the case plan.
4. A case plan shall be developed for each resident received for care.
5. The case plan shall be developed within thirty days after placement.
6. The child's case plan shall contain, at the minimum:
 - a. Specific needs of the child;
 - b. Plan for meeting child's needs;
 - c. Special treatment issues (e.g., psychotropic medications, sexual misconduct, and neurological disorders) shall be identified, with a statement of how the special needs shall be met;
 - d. A plan to ensure that the child's educational needs are met according to ~~the Arkansas Department of Education requirements~~ applicable state law;
 - e. Date of next review of the case plan.
7. A copy of the case plan shall be made available to the parent(s), guardian(s), court, or other agencies involved in case plan services delivery.
8. The case plan shall be reviewed at least semi-annually, and shall be updated to reflect the child's progress.

Children's Records

1. The agency shall keep a confidential case record for each child that includes the following:
 - a. Demographic information;
 - b. Plan of safe care, if applicable;
 - c. A complete intake;
 - d. Consents, including consent for medical care and authority to place the child;
 - e. Interstate Compact information, if applicable;
 - f. Case plans and case plan reviews;
 - g. Copies of legal documents (e.g., birth certificate, social security card, court orders), or documentation of their attempts to obtain the documents;
 - h. Physical exams and immunization records, or documentation of their attempts to obtain the documents;
 - i. Psychological reports, if applicable;

Residential Family Style Care

- j. Educational reports, if applicable;
 - k. Disciplinary and incident reports, if applicable;
 - l. Documentation of casework services and child contact;
 - m. Discharge statement.
2. Records for each child shall be kept for five (5) years from the date of discharge, unless otherwise specified by Arkansas law.

504 Behavior Management

1. The agency shall have a written discipline policy that is consistently followed.
2. Discipline shall be directed toward teaching the child acceptable behavior and self-control.
3. Discipline shall be appropriate to the child's age, development, and history.
4. The following actions shall not be used, including as discipline:
 - a. Denial of meals, sleep, shelter, essential clothing, or case plan activities;
 - b. Denial of parental visits or regular phone/mail contact with family. Non-disciplinary case planning issues are accepted;
 - c. Lewd or obscene language;
 - d. Derogatory comments about the child, the child's family, race, or gender;
 - e. Restriction to a room for more than a short period of time without periodic observation;
 - f. Restriction to a dark room or area;
 - g. Locked isolation;
 - h. Physical injury or threat of bodily harm;
 - i. Humiliating or degrading action;
 - j. Extremely strenuous work or exercise;
 - k. Mechanical/chemical restraints.
5. Physical restraint shall be initiated only by trained staff, and only to prevent injury to the child, other people or property, and shall not be initiated solely as a form of discipline.
6. Physical restraints shall be performed using minimal force and time necessary. Physical restraint means the application of physical force without the use of any device, for the purposes of restraining the free movement of a resident's body. Briefly holding a child without undue force in order to calm or comfort, or holding

Residential Family Style Care

a hand to safely escort a child from one area to another, is not considered a physical restraint.

7. Documentation of all restraints shall be maintained and include child's name, date, time, reason, staff involved, and measures taken prior to restraint.
8. A child shall not be allowed to administer discipline, except teen parents may discipline their own children under the supervision and guidance of staff.
9. Searches of a child or a child's personal property shall be for reasons limited to safety and security of children and staff, in cases of suspected theft, or suspicion of possession of items which are not permitted by agency policy.
10. Any searches requiring removal of clothing shall be done in privacy.

505 Ratio & Supervision

1. The facility shall use a house parent staffing model.
2. The facility shall not exceed its total licensed capacity.
3. The facility shall have no more than eight (8) children in each unit, including the houseparent's children.
4. There shall be a staff/child ratio of at least 1:8 at all times. Staff members' children shall be counted in the ratio.
5. Child caring staff shall be responsible for providing the level of supervision, care, and treatment necessary to ensure the safety and well-being of each child at the facility, taking into account the child's age, individual differences and abilities, surrounding circumstances, hazards and risks.
6. The facility shall maintain a daily census report to include the child's name and room or building assignment.

506 Health & Medical Care

1. Each child shall have a medical exam at least annually. Health exams need not be repeated during the year if a child moves from one facility or agency to another, provided the results of the exam are available to the receiving facility or agency.
2. All medications shall be administered to children by staff according to medical instructions.
3. The administering of all medications, including over-the-counter, shall be logged at the time the medication is given, by the person administering the medication.
4. The medication log shall include:
 - a. The child's name;

Residential Family Style Care

- b. Time and date;
 - c. Medication dosage;
 - d. Initials of the person administering the medication.
5. All medications excluding Epi-pens, inhalers, and Glucagon kits shall be kept securely locked, and stored according to pharmaceutical recommendations. An age-appropriate and developmentally capable child may be provided, or have access to non-narcotic prescriptions with an approved safety plan. Examples include, but are not limited to, birth control, acne cream, topical creams.
6. Keys to medication storage areas shall be on the premises and readily accessible by staff at all times.
7. Currently prescribed medications belonging to children shall be returned to the parent or custodian upon discharge.

Program

1. The facility shall ensure each child receives education in accordance with the Arkansas Department of Education.
2. The facility shall teach each child the daily living tasks required as a part of living in a group setting, and shall assign only light chores that are age-appropriate.
3. The agency shall have a policy regarding each child's money received and shall ensure that each child's funds are available to that child under staff supervision for personal use.
4. The facility shall not allow a child's outside employment, chores, or extracurricular activities to interfere with the child's time for school, sleep, family visits, or case plan activities.
5. The facility shall provide each child with adequate and nutritious food, routinely eaten in the home/cottage/unit.
6. The facility shall ensure that each child has sufficient sleep for his/her age and physical condition.
7. Each child shall be instructed in good grooming and personal hygiene habits.
8. The facility shall ensure each child is provided with his/her own clothing that is clean, well fitting, seasonal, and appropriate to age and gender, unless otherwise directed by a physician.
9. The facility shall ensure each child in care is provided with opportunities for regular recreational activities and exercise.
10. The facility shall provide activities and equipment that are age appropriate to the children in their care.

500 Residential Family Style Care

11. The use of television, videos, computer games and other screen time activities shall be monitored and time limited.
12. The agency shall have policy and procedure to ensure children in care are allowed to participate in age appropriate activities away from the facility.

508 Grounds

1. The grounds of the facility shall be kept clean and free of safety hazards.
2. The facility shall provide sufficient outdoor recreation space for age appropriate physical activities.
3. Swimming pools shall be inspected and approved annually by the Arkansas Department of Health.

509 Buildings

1. The building shall be a single-style dwelling, such as a house or cottage, or duplex in which the facility occupies both units. Multiple units may be located on campus.
2. The building(s) shall house only children in Residential Family Style Care or Emergency Family Style Care.
3. No facility shall be located in a shopping center, strip mall, or other buildings used for commercial activity.
4. Unused or vacant portions of a facility shall not be rented, leased, loaned, or otherwise occupied by any commercial or other business entity, or private individuals, not associated with the facility or its management.
5. All buildings used by children or staff shall be inspected and approved annually for fire safety by fire department officials.
6. All buildings used by children or staff shall be inspected and approved annually for health and sanitation as required by the Arkansas Department of Health.
7. All buildings shall comply with local zoning ordinances and land use requirements where those exist.
8. All buildings and furnishings shall be safe, clean, and in good repair.
9. Licensing shall be notified of any changes to buildings that affect usage, size, capacity, or structural changes.
10. Building usage shall be approved by licensing prior to resident occupancy, and all required inspections, permits, and authorizations shall be provided.
11. Any modification to buildings used by children, or an increase in capacity shall require inspection and approval by the Fire and Health Department, if applicable.

Residential Family Style Care

12. All parts of buildings used as living, sleeping, or bath areas shall have a heating, ventilating and air conditioning source that keeps the temperature a minimum of sixty-five (65) degrees and a maximum of eighty-five (85) degrees.
13. The facility shall provide a living area that has at least thirty-five (35) square feet of floor space per child. The dining area and indoor recreation area may be included in this space.
14. The facility shall provide a dining area.
15. The facility shall have a kitchen.
16. Manufactured homes, used as residential facilities, shall be tied down and underpinned as required by the Arkansas Manufactured Home Commission. The home shall obtain an inspection and approval from the Arkansas Manufactured Home Commission prior to being licensed.

510**Bathrooms**

1. The facility shall provide bathrooms for the children.
2. There shall be a separate toilet, bathtub or shower, and sink for each six (6) children.
3. There shall be an adequate supply of hot and cold running water.
4. The bathroom shall be clean and sanitary.
5. There shall be an adequate supply of soap, towels, and tissue.

511**Sleeping Arrangements**

1. The facility shall provide bedrooms for the children.
2. There shall be no more than four (4) children per bedroom.
3. There shall be at least fifty (50) square feet of floor space per child in each bedroom.
4. No child age four (4) years or over shall share a bedroom with a child of the opposite gender, except teenaged parents who participate in the care of their own children.
5. Each child shall have a separate bed with a mattress, sheets, pillow, pillowcase, and adequate cover, all in good condition.
6. All cribs used for children shall have certification of compliance with CPSC standards.

Residential Family Style Care

7. Children twelve (12) months of age and below shall be placed flat on their backs to sleep, in accordance with American Academy of Pediatrics guidelines, to lessen the risk of suffocation and Sudden Infant Death Syndrome. (If a child rolls over on his/her own, the facility is not required to reposition the child.) If there is a medical reason a child cannot sleep on his/her back, a signed statement from the child's physician shall be in the file stating the reason, the sleep position indicated, and the time frame required.
8. Beds shall be positioned to ensure all children can easily exit the room in case of emergency.
9. No child under the age of six (6) shall occupy a top bunk.
10. Bedding shall be changed at least weekly, more often if needed.
11. Each child shall have an area to store personal belongings.
12. Staff sleeping quarters shall be separate from children's sleeping rooms.
13. Room arrangements shall be based on characteristics of each resident to ensure the safety of each child.

512 Safety

1. The facility shall have an operable telephone or comparable communication system.
2. The facility shall have a continuous supply of clean drinking water. If the water source is not a municipal system, the source shall be approved by the Arkansas Department of Health annually.
3. A private sewage/septic system shall be approved initially and upon any increase in capacity by the Arkansas Department of Health.
4. There shall be operational smoke detectors near the cooking area, heating units, and within ten (10) feet of each bedroom.
5. An operational chemical fire extinguisher or other fire suppression system approved by local fire inspection officials shall be in the cooking area of each building. Approval of the fire suppression system shall be documented.
6. There shall be an emergency evacuation plan diagramed and posted in each building used by children.
7. Fire drills shall be practiced with children each month.
8. Severe weather drills shall be practiced with children quarterly.
9. A record of drills shall be maintained, showing date and time of day of the drill, number of participants, and length of time required to reach safety.

Residential Family Style Care

10. Each child shall be instructed in emergency procedures at admission.
11. The facility shall have proof of current rabies vaccinations for all household pets as required by Arkansas law.
12. No child shall be allowed to operate dangerous machinery or equipment, including firearms without proper adult supervision and following manufacturers' guidelines for age, safety precautions, and safety gear.
13. The agency shall have policy and procedure for carrying, storage and use of all firearms located at the facility,
14. All firearms shall be maintained in a secure, locked location, or secured by a trigger lock.
15. All ammunition shall be secured and locked separately from firearms, with the exception of ammunition locked in a long gun safe (ex. rifle, shotgun, muzzle loaders).

513 Transportation

1. The facility shall have agency procured transportation available at all times.
2. The facility vehicle(s) shall not be used for personal use, unless other facility transportation is available.
3. Any vehicle used to transport children shall be in safe working condition and maintained in compliance with motor vehicle laws.
4. Any vehicle used to transport children shall be insured.
5. Children shall be transported only by an authorized person possessing a valid driver's license.
6. Children shall be transported according to Arkansas law, including, but not limited to, use of safety belts, child safety seats, and smoking restrictions.

514 Discharge

1. The discharge shall be planned by agency staff.
2. The agency may discharge a child on an emergency basis if failure to do so could result in harm to the child, other persons, or significant property damage.
3. A child shall be discharged to the custody of the child's parent or a person with authorization from the parent, guardian or a person authorized by court order to assume custody of the child.

Residential Family Style Care

4. The agency shall complete a discharge statement on each child that includes a discharge date and reason for discharge and provide a copy of it to the child's custodian.
5. Documentation of the discharge shall be maintained in the child's record.

600 Independent Living

In addition to all standards in Sections 100, the following standards shall be met:

Agencies holding an Independent Living license provide residential care while preparing the residents, ages sixteen (16) and older, for living independently.

601 Agency Responsibilities

1. The agency shall have written policies and procedures specific to the program, which shall include:
 - a. Written rules of conduct;
 - b. A plan for reduced supervision/ratio;
 - c. Transportation for residents;
 - d. Outside employment for residents;
 - e. Medication management;
 - f. Social Activities off campus.

602 Admission

1. The agency shall establish written criteria for admitting/excluding children.
2. The facility shall not admit any child for whom the facility cannot provide adequate care.
3. Each child shall have a medical exam no more than one (1) year before admission, or a documented appointment date for an exam within one (1) week after admission.
4. Each child shall have proof of current immunizations, or a letter of exemption in accordance with the Arkansas Department of Health or a scheduled appointment within one (1) week after admission.
5. The facility shall obtain written verification of the placing agent's authority to place the child at the time of admission.
6. The facility shall obtain written authority for medical care for the child from the placing agent at the time of admission.
7. The agency shall comply with the Interstate Compact on the Placement of Children when admitting children from outside Arkansas, if applicable.
8. The facility shall establish that all persons referred for admission are between the ages of sixteen (16) and eighteen (18) years at the time of admission.

Independent Living

9. Residents may remain in the program after reaching age eighteen (18) years with the reason for continued placement documented. The resident shall be discharged no later than his/her twenty-first (21) birthday.
10. At the time of an admission, the following information shall be documented in the child's record:
 - a. Name, signature and role or relationship of the person who relinquished the child into care;
 - b. A brief description of the circumstances requiring admission;
 - c. The date and time of the admission;
 - d. A brief description of the child's history (if known) including behavioral history;
 - e. Any known medical history and known current health conditions;
 - f. All medications currently prescribed for the child (if known and available);
 - g. The child's current behavior or known emotional condition.
11. Intake information shall be completed on each child in care within ten (10) working days after admission.
12. The intake shall include:
 - a. Demographic information on the child and parent(s), including name, address, birth date, gender, race, and religious preference;
 - b. A factual description of the circumstances requiring placement;
 - c. A brief social history of the family;
 - d. The child's current legal status/custody;
 - e. Any history of previous placements outside the family.
13. The facility shall obtain copies of legal documents within thirty (30) days of admission, or shall document their attempts to obtain the documents. The legal documents shall include, but not be limited to, birth certificates, social security cards and court orders.
14. A dependent juvenile child of a parent who is in the custody of DCFS shall be subject to all regulations regarding space, ratio, health and safety.
15. Facilities that have an adult program shall provide sleeping and living arrangements to ensure separation of adults from children.

603**Eligibility Requirements**

1. For a child to be eligible for placement into the independent living program, the agency shall document:

Independent Living

- a. An evaluation by the caseworker to determine that placement in the Independent living program does not present a health or safety risk to the children;
- b. The resident is at least sixteen (16) years of age;
- c. The resident is working towards mastering basic life-skills, including, but not limited to:
 - i. money management;
 - ii. food management;
 - iii. personal appearance;
 - iv. personal hygiene/health/birth control;
 - v. housekeeping;
 - vi. transportation;
 - vii. emergency and safety skills;
 - viii. knowledge of community resources;
 - ix. interpersonal skills;
 - x. legal skills;
 - xi. housing;
 - xii. educational planning;
 - xiii. job-seeking and job maintenance skills.
- d. The resident is actively engaged in an educational program such as high school, GED, vocational training, or post-secondary education including college. If the child has completed all educational requirements according to state law, he/she shall be employed or actively involved in a supervised job search program.

Assessment & Case Planning

1. The agency shall assign a caseworker to each child who is responsible for doing assessments, case planning, and casework services.
2. A plan of safe care shall be developed for all children with physical limitations, medical conditions, or behaviors that are indicative of harm to self or others; to include, but not limited to: arson, physical/sexual aggression, and/or suicidal or other self-harming tendencies. This plan shall identify the behavior/problem, and shall specify the safeguards that are to be implemented. The agency shall document that the child caring staff are informed of the provisions of the plan and place a copy of the plan in the child's record.
3. An assessment of services needed to ensure the health and welfare of the child, including medical history and psychological history shall be completed and included in the case plan.
4. A case plan shall be developed for each child within thirty (30) days after placement.

Independent Living

5. A case plan shall be completed and entered into the child's record showing a goal of independence and indicating all persons responsible for services to be provided.
6. The case plan shall contain, at the minimum:
 - a. Specific needs;
 - b. Plan for meeting needs;
 - c. Special treatment issues (e.g., psychotropic medications, sexual misconduct, and neurological disorders) shall be identified, with a statement of how the special needs shall be met;
 - d. A plan to ensure the educational needs are met according to ~~the Arkansas Department of Education requirements~~ applicable state law;
 - e. Date of next review of the case plan.
7. A copy of the case plan shall be made available to the parent(s), guardian(s), court, or other agencies involved in case plan services delivery.
8. The case plan shall be reviewed at least semi-annually, and shall be updated to reflect progress.

605**Children's Records**

1. The agency shall keep a confidential case record for each child that includes the following:
 - a. Demographic information;
 - b. Plan of safe care, if applicable;
 - c. A complete intake;
 - d. Consents, including consent for medical care and authority to place the child;
 - e. Interstate Compact information, if applicable;
 - f. Case plans and case plan reviews;
 - g. Copies of legal documents (e.g., birth certificate, social security card, court orders), or documentation of their attempts to obtain the documents;
 - h. Physical exams and immunization records, or documentation of their attempts to obtain the documents;
 - i. Psychological reports, if applicable;
 - j. Educational reports, if applicable;
 - k. Disciplinary and incident reports, if applicable;
 - l. Documentation of casework services and child contact;

- m. Discharge statement.
- 2. Records shall be kept for five (5) years from the date of discharge, unless otherwise specified by Arkansas law.

606 Behavior Management

1. The agency shall have a written discipline policy that is consistently followed.
2. Discipline shall be directed toward teaching the child acceptable behavior and self-control.
3. Discipline shall be appropriate to the child's age, development, and history.
4. The following actions shall not be used, including as discipline:
 - a. Denial of meals, sleep, shelter, essential clothing, or case plan activities;
 - b. Denial of parental visits or regular phone/mail contact with family. Non-disciplinary case planning issues are accepted;
 - c. Lewd or obscene language;
 - d. Derogatory comments about the child, the child's family, race, or gender;
 - e. Restriction to a room for more than a short period of time without periodic observation;
 - f. Restriction to a dark room or area;
 - g. Locked isolation;
 - h. Physical injury or threat of bodily harm;
 - i. Humiliating or degrading action;
 - j. Extremely strenuous work or exercise;
 - k. Mechanical/chemical restraints.
5. Physical restraint shall be initiated only by trained staff, and only to prevent injury to the child, other people or property, and shall not be initiated solely as a form of discipline.
6. Physical restraints shall be performed using minimal force and time necessary. **Physical restraint** means the application of physical force without the use of any device, for the purposes of restraining the free movement of a resident's body. Briefly holding a child without undue force in order to calm or comfort, or holding a hand to safely escort a child from one area to another, is not considered a physical restraint.
7. Documentation of all restraints shall be maintained and include child's name, date, time, reason, staff involved, and measures taken prior to restraint.

Independent Living

8. A child shall not be allowed to administer discipline, except teen parents may discipline their own children under the supervision and guidance of staff.
9. Searches of a child or a child's personal property shall be for reasons limited to safety and security of children and staff, in cases of suspected theft, or suspicion of possession of items which are not permitted by agency policy.
10. Any searches requiring removal of clothing shall be done in privacy.

607**Ratio & Supervision**

1. The facility shall not exceed its total licensed capacity.
2. There shall be a staff/child ratio of at least 1:9 during waking hours and at least 1:12 during sleeping hours. Staff members' children shall be counted in the ratio.
3. If any child is under age six (6) years, the ratio shall be at least 1:7 at all times.
4. Only staff who directly supervises children shall be counted in this ratio.
5. Child caring staff shall be responsible for providing the level of supervision, care, and treatment necessary to ensure the safety and well-being of each child at the facility, taking into account the child's age, individual differences and abilities, surrounding circumstances, hazards and risks.
6. All child caring shift-staff, counted in the staff child ratio, shall remain awake at all times. House parents are excluded from this requirement.
7. The facility shall maintain a daily census report to include the child's name and room or building assignment.

608**Health & Medical Care**

1. Each child shall have a medical exam at least annually. Health exams need not be repeated during the year if a child moves from one facility or agency to another, provided the results of the exam are available to the receiving facility or agency.
2. Staff shall supervise the administering of all medications.
3. The administering of all medications, including over-the-counter, shall be logged at the time the medication is given, by the person administering the medication.
4. The medication log shall include:
 - a. The child's name;
 - b. Time and date;
 - c. Medication dosage;
 - d. Initials of the person administering the medication.

Independent Living

5. All medications excluding Epi-pens, inhalers, and Glucagon kits shall be kept securely locked, and stored according to pharmaceutical recommendations. An age-appropriate and developmentally capable child may be provided, or have access to non-narcotic prescriptions with an approved safety plan. Examples include, but are not limited to, birth control, acne cream, topical creams.
6. Keys to medication storage areas shall be on the premises and readily accessible by staff at all times.
7. Currently prescribed medications belonging to children shall be returned to the parent or custodian upon discharge.

Program

1. The facility shall ensure each child receives education in accordance with the Arkansas Department of Education.
2. The facility shall teach each child the daily living tasks required as a part of living in a group setting, and shall assign only light chores that are age-appropriate.
3. The agency shall have a policy regarding each child's money received and shall ensure that each child's funds are available to that child under staff supervision for personal use.
4. The facility shall not allow a child's outside employment, chores, or extracurricular activities to interfere with the child's time for school, sleep, family visits, or case plan activities.
5. The facility shall provide each child with adequate and nutritious food.
6. The facility shall ensure that each child has sufficient sleep for his/her age and physical condition
7. Each child shall be instructed in good grooming and personal hygiene habits.
8. The facility shall ensure each child is provided with his/her own clothing that is clean, well fitting, seasonal, and appropriate to age and gender, unless otherwise directed by a physician.
9. The facility shall ensure each child in care is provided with opportunities for regular recreational activities and exercise.
10. The facility shall provide activities and equipment that are age appropriate to the children in their care.
11. The use of television, videos, computer games and other screen time activities shall be monitored and time limited.

600 Independent Living

610 Grounds

1. The grounds of the facility shall be kept clean and free of safety hazards.
2. The facility shall provide sufficient outdoor recreation space for age appropriate physical activities.
3. Swimming pools shall be inspected and approved annually by the Arkansas Department of Health.

611 Buildings

1. No facility shall be located in a shopping center, strip mall, or other buildings used for commercial activity.
2. Unused or vacant portions of a facility shall not be rented, leased, loaned, or otherwise occupied by any commercial or other business entity, or private individuals, not associated with the facility or its management.
3. All buildings used by children or staff shall be inspected and approved annually for fire safety by fire department officials.
4. All buildings used by children or staff shall be inspected and approved annually for health and sanitation as required by the Arkansas Department of Health.
5. All buildings shall comply with local zoning ordinances and land use requirements where those exist.
6. All buildings and furnishings shall be safe, clean, and in good repair.
7. There shall be no more than twelve (12) children in a sleeping unit. A sleeping unit is considered to be a group of bedrooms.
8. Sleeping units sharing the same building shall be separated into different corridors, wings, floors, etc. Sleeping units modified or newly constructed after (date) shall comply with this standard.
9. Licensing shall be notified of any changes to buildings that affect usage, size, capacity, or structural changes.
10. Building usage shall be approved by licensing prior to resident occupancy, and all required inspections, permits, and authorizations shall be provided.
11. Any modification to buildings used by children, or an increase in capacity shall require inspection and approval by the Fire and Health Department, if applicable.
12. All parts of buildings used as living, sleeping, or bath areas shall have a heating, ventilating and air conditioning source that keeps the temperature a minimum of sixty-five (65) degrees and a maximum of eighty-five (85) degrees.

Independent Living

13. The facility shall provide a living area that has at least thirty-five (35) square feet of floor space per child. The dining area and indoor recreation area may be included in this space.
14. The facility shall provide a dining room.
15. The facility shall have a kitchen.
16. Manufactured homes, used as residential facilities, shall be tied down and underpinned as required by the Arkansas Manufactured Home Commission. The home shall obtain an inspection and approval from the Arkansas Manufactured Home Commission prior to being licensed.

612**Bathrooms**

1. The facility shall provide bathrooms for the children.
2. There shall be a separate toilet, bathtub or shower, and sink for each six (6) children.
3. There shall be an adequate supply of hot and cold running water.
4. The bathroom shall be clean and sanitary.
5. There shall be separate bath and toilet facilities for males and females.
6. There shall be an adequate supply of soap, towels, and tissue.

613**Sleeping Arrangements**

1. The facility shall provide bedrooms for the children.
2. There shall be no more than four (4) children per bedroom.
3. There shall be at least fifty (50) square feet of floor space per child in each bedroom.
4. No child shall share a bedroom with a child of the opposite gender.
5. Each child shall have a separate bed with a mattress, sheets, pillow, pillowcase, and adequate cover, all in good condition.
6. Beds shall be positioned to ensure all children can easily exit the room in case of emergency.
7. Bedding shall be changed at least weekly, more often if needed.
8. Each child shall have an area to store personal belongings.
9. Staff sleeping quarters shall be separate from children's sleeping rooms.

Independent Living

10. Room arrangements shall be based on characteristics of the each resident to ensure the safety of each child.

614**Safety**

1. The facility shall have an operable telephone or comparable communication system.
2. The facility shall have a continuous supply of clean drinking water. If the water source is not a municipal system, the source shall be approved by the Arkansas Department of Health annually.
3. A private sewage/septic system shall be approved initially and upon any increase in capacity by the Arkansas Department of Health.
4. There shall be operational smoke detectors near the cooking area, heating units, and within ten (10) feet of each bedroom.
5. An operational chemical fire extinguisher or other fire suppression system approved by local fire inspection officials shall be in the cooking area of each building. Approval of the fire suppression system shall be documented.
6. There shall be an emergency evacuation plan diagramed and posted in each building used by children.
7. Fire drills shall be practiced with children each month.
8. Severe weather drills shall be practiced with children quarterly.
9. A record of drills shall be maintained, showing date and time of day of the drill, number of participants, and length of time required to reach safety.
10. Each child shall be instructed in emergency procedures at admission.
11. The facility shall have proof of current rabies vaccinations for all household pets as required by Arkansas law.
12. No child shall be allowed to operate dangerous machinery or equipment, including firearms without proper adult supervision and following manufacturers' guidelines for age, safety precautions, and safety gear.
13. The agency shall have policy and procedure for carrying, storage and use of all firearms located at the facility.
14. All firearms shall be maintained in a secure, locked location, or secured by a trigger lock.
15. All ammunition shall be secured and locked separately from firearms, with the exception of ammunition locked in a long gun safe (ex. rifle, shotgun, muzzle loaders).

615 Transportation

1. The facility shall have agency procured transportation available at all times.
2. The facility vehicle(s) shall not be used for personal use, unless other facility transportation is available.
3. Any vehicle used to transport children shall be in safe working condition and maintained in compliance with motor vehicle laws.
4. Any vehicle used to transport children shall be insured.
5. Children shall be transported only by an authorized person possessing a valid driver's license.
6. Children shall be transported according to Arkansas law, including, but not limited to, use of safety belts, child safety seats, and smoking restrictions.

616 Discharge

1. The discharge shall be planned by agency staff.
2. The agency may discharge a child on an emergency basis if failure to do so could result in harm to the child, other persons, or significant property damage.
3. A child shall be discharged to the custody of the child's parent or a person with authorization from the parent, guardian or a person authorized by court order to assume custody of the child.
4. The agency shall complete a discharge statement on each child that includes a discharge date and reason for discharge and provide a copy of it to the child's custodian.
5. Documentation of the discharge shall be maintained in the child's record.

700 Independent Living Family Style Care

In addition to all standards in Sections 100, the following standards shall be met:

Agencies holding an Independent Transitional Living Family Style Care license provide residential care, in a home like setting, while preparing the residents, ages sixteen (16) and older, for living independently.

701 Agency Responsibilities

1. The agency shall have written policies and procedures specific to the program, which shall include:
 - a. Written rules of conduct;
 - b. A plan for reduced supervision;
 - c. Transportation for residents;
 - d. Outside employment for residents;
 - e. Medication management;
 - f. Social Activities off campus.

702 Admission

1. The agency shall establish written criteria for admitting/excluding children.
2. The facility shall not admit any child for whom the facility cannot provide adequate care.
3. Each child shall have a medical exam no more than one (1) year before admission, or a documented appointment date for an exam within one (1) week after admission.
4. Each child shall have proof of current immunizations, or a letter of exemption in accordance with the Arkansas Department of Health, or a scheduled appointment within one (1) week after admission.
5. The facility shall obtain written verification of the placing agent's authority to place the child at the time of admission.
6. The facility shall obtain written authority for medical care for the child from the placing agent at the time of admission.
7. The agency shall comply with the Interstate Compact on the Placement of Children when admitting children from outside Arkansas, if applicable.
8. The facility shall establish that all persons referred for admission are between the ages of sixteen (16) and eighteen (18) years at the time of admission.

Independent Living Family Style Care

9. Residents may remain in the program after reaching age eighteen (18) years with the reason for continued placement documented. The resident shall be discharged no later than his/her twenty-first (21) birthday.
10. At the time of an admission, the following information shall be documented in the child's record:
 - a. Name, signature and role or relationship of the person who relinquished the child into care;
 - b. A brief description of the circumstances requiring admission;
 - c. The date and time of the admission;
 - d. A brief description of the child's history (if known) including behavioral history;
 - e. Any known medical history and known current health conditions;
 - f. All medications currently prescribed for the child (if known and available);
 - g. The child's current behavior or known emotional condition.
11. Intake information shall be completed on each child in care within ten (10) working days after admission.
12. The intake shall include:
 - a. Demographic information on the child and parent(s), including name, address, birth date, gender, race, and religious preference;
 - b. A factual description of the circumstances requiring placement;
 - c. A brief social history of the family;
 - d. The child's current legal status/custody;
 - e. Any history of previous placements outside the family.
13. The facility shall obtain copies of legal documents within thirty (30) days of admission, or shall document their attempts to obtain the documents. The legal documents shall include, but not be limited to, birth certificates, social security cards and court orders.
14. A dependent juvenile child of a parent who is in the custody of DCFS shall be subject to all regulations regarding space, ratio, health and safety.
15. Facilities that have an adult program shall provide sleeping and living arrangements to ensure separation of adults from children.

703**Eligibility Requirements**

1. For a child to be eligible for placement into the independent living program, the agency shall document:

Independent Living Family Style Care

- a. An evaluation by the caseworker to determine that placement in the Independent Transitional living program does not present a health or safety risk to the children;
- b. The resident is at least sixteen (16) years of age;
- c. The resident is working towards mastering basic life-skills, including, but not limited to:
 - i. money management;
 - ii. food management;
 - iii. personal appearance;
 - iv. personal hygiene/health/birth control;
 - v. housekeeping;
 - vi. transportation;
 - vii. emergency and safety skills;
 - viii. knowledge of community resources;
 - ix. interpersonal skills;
 - x. legal skills;
 - xi. housing;
 - xii. educational planning;
 - xiii. job-seeking and job maintenance skills.
- d. The resident is actively engaged in an educational program such as high school, GED, vocational training, or post-secondary education including college. If the child has completed all educational requirements according to state law, he/she shall be employed or actively involved in a supervised job search program.

704**Assessment & Case Planning**

1. The agency shall assign a caseworker to each child who is responsible for doing assessments, case planning, and casework services.
2. A plan of safe care shall be developed for all children with physical limitations, medical conditions, or behaviors that are indicative of harm to self or others; to include, but not limited to: arson, physical/sexual aggression, and/or suicidal or other self-harming tendencies. This plan shall identify the behavior/problem, and shall specify the safeguards that are to be implemented. The agency shall document that the child caring staff are informed of the provisions of the plan and place a copy of the plan in the child's record.
3. An assessment of services needed to ensure the health and welfare of the child, including medical history and psychological history shall be completed and included in the case plan.
4. A case plan shall be developed for each child within thirty (30) days after placement.

Independent Living Family Style Care

5. A case plan shall be completed and entered into the child's record showing a goal of independence and indicating all persons responsible for services to be provided.
6. The case plan shall contain, at the minimum:
 - a. Specific needs;
 - b. Plan for meeting needs;
 - c. Special treatment issues (e.g., psychotropic medications, sexual misconduct, and neurological disorders) shall be identified, with a statement of how the special needs shall be met;
 - d. A plan to ensure the educational needs are met according to ~~the Arkansas Department of Education requirements~~ applicable state law;
 - e. Date of next review of the case plan.
7. A copy of the case plan shall be made available to the parent(s), guardian(s), court, or other agencies involved in case plan services delivery.
8. The case plan shall be reviewed at least semi-annually, and shall be updated to reflect progress.

Children's Records

1. The agency shall keep a confidential case record for each child that includes the following:
 - a. Demographic information;
 - b. Plan of safe care, if applicable;
 - c. A complete intake;
 - d. Consents, including consent for medical care and authority to place the child;
 - e. Interstate Compact information, if applicable;
 - f. Case plans and case plan reviews;
 - g. Copies of legal documents (e.g., birth certificate, social security card, court orders), or documentation of their attempts to obtain the documents;
 - h. Physical exams and immunization records, or documentation of their attempts to obtain the documents;
 - i. Psychological reports, if applicable;
 - j. Educational reports, if applicable;
 - k. Disciplinary and incident reports, if applicable;
 - l. Documentation of casework services and child contact;

- m. Discharge statement.
2. Records shall be kept for five (5) years from the date of discharge, unless otherwise specified by Arkansas law.

706 Behavior Management

1. The agency shall have a written discipline policy that is consistently followed.
2. Discipline shall be directed toward teaching the child acceptable behavior and self-control.
3. Discipline shall be appropriate to the child's age, development, and history.
4. The following actions shall not be used, including as discipline:
 - a. Denial of meals, sleep, shelter, essential clothing, or case plan activities;
 - b. Denial of parental visits or regular phone/mail contact with family. Non-disciplinary case planning issues are accepted;
 - c. Lewd or obscene language;
 - d. Derogatory comments about the child, the child's family, race, or gender;
 - e. Restriction to a room for more than a short period of time without periodic observation;
 - f. Restriction to a dark room or area;
 - g. Locked isolation;
 - h. Physical injury or threat of bodily harm;
 - i. Humiliating or degrading action;
 - j. Extremely strenuous work or exercise;
 - k. Mechanical/chemical restraints.
5. Physical restraint shall be initiated only by trained staff, and only to prevent injury to the child, other people or property, and shall not be initiated solely as a form of discipline.
6. Physical restraints shall be performed using minimal force and time necessary. Physical restraint means the application of physical force without the use of any device, for the purposes of restraining the free movement of a resident's body. Briefly holding a child without undue force in order to calm or comfort, or holding a hand to safely escort a child from one area to another, is not considered a physical restraint.
7. Documentation of all restraints shall be maintained and include child's name, date, time, reason, staff involved, and measures taken prior to restraint.

700 Independent Living Family Style Care

8. A child shall not be allowed to administer discipline, except teen parents may discipline their own children under the supervision of staff.
9. Searches of a child or a child's personal property shall be for reasons limited to safety and security of children and staff, in cases of suspected theft, or suspicion of possession of items which are not permitted by agency policy.
10. Any searches requiring removal of clothing shall be done in privacy.

707 Ratio & Supervision

1. The facility shall use a house parent staffing model.
2. The facility shall not exceed its total licensed capacity.
3. The facility shall have no more than eight (8) children in each unit, including the houseparent's children.
4. There shall be a staff/child ratio of at least 1:8 at all times. Staff members' children shall be counted in the ratio.
5. Child caring staff shall be responsible for providing the level of supervision, care, and treatment necessary to ensure the safety and well-being of each child at the facility, taking into account the child's age, individual differences and abilities, surrounding circumstances, hazards and risks.
6. The facility shall maintain a daily census report to include the child's name and room or building assignment.

708 Health & Medical Care

1. Each child shall have a medical exam at least annually. Health exams need not be repeated during the year if a child moves from one facility or agency to another, provided the results of the exam are available to the receiving facility or agency.
2. Staff shall supervise the administering of all medications.
3. The administering of all medications, including over-the-counter, shall be logged at the time the medication is given, by the person administering the medication.
4. The medication log shall include:
 - a. The child's name;
 - b. Time and date;
 - c. Medication dosage;
 - d. Initials of the person administering the medication.
5. All medications excluding Epi-pens, inhalers, and Glucagon kits shall be kept securely locked, and stored according to pharmaceutical recommendations. An

700

Independent Living Family Style Care

age-appropriate and developmentally capable child may be provided, or have access to non-narcotic prescriptions with an approved safety plan. Examples include, but are not limited to, birth control, acne cream, topical creams.

6. Keys to medication storage areas shall be on the premises and readily accessible by staff at all times.
7. Currently prescribed medications belonging to children shall be returned to the parent or custodian upon discharge.

709

Program

1. The facility shall ensure each child receives education in accordance with the Arkansas Department of Education.
2. The facility shall teach each child the daily living tasks required as a part of living in a group setting, and shall assign only light chores that are age-appropriate.
3. The agency shall have a policy regarding each child's money received and shall ensure that each child's funds are available to that child under staff supervision for personal use.
4. The facility shall not allow a child's outside employment, chores, or extracurricular activities to interfere with the child's time for school, sleep, family visits, or case plan activities.
5. The facility shall provide each child with adequate and nutritious food, routinely eaten in the home/cottage/unit.
6. The facility shall ensure that each child has sufficient sleep for his/her age and physical condition.
7. Each child shall be instructed in good grooming and personal hygiene habits.
8. The facility shall ensure each child is provided with his/her own clothing that is clean, well fitting, seasonal, and appropriate to age and gender, unless otherwise directed by a physician.
9. The facility shall ensure each child in care is provided with opportunities for regular recreational activities and exercise.
10. The facility shall provide activities and equipment that are age appropriate to the children in their care.
11. The use of television, videos, computer games and other screen time activities shall be monitored and time limited.

710

Grounds

1. The grounds of the facility shall be kept clean and free of safety hazards.

Independent Living Family Style Care

2. The facility shall provide sufficient outdoor recreation space for age appropriate physical activities.
3. Swimming pools shall be inspected and approved annually by the Arkansas Department of Health.

711**Buildings**

1. The building shall be a single-style dwelling, such as a house or cottage, or duplex in which the facility occupies both units. Multiple units may be located on campus.
1. The building shall house only the Independent Transitional Living Family Style Care license type.
2. No facility shall be located in a shopping center, strip mall, or other buildings used for commercial activity.
4. Unused or vacant portions of a facility shall not be rented, leased, loaned, or otherwise occupied by any commercial or other business entity, or private individuals, not associated with the facility or its management.
5. All buildings used by children or staff shall be inspected and approved annually for fire safety by fire department officials.
6. All buildings used by children or staff shall be inspected and approved annually for health and sanitation as required by the Arkansas Department of Health.
7. All buildings shall comply with local zoning ordinances and land use requirements where those exist.
8. All buildings and furnishings shall be safe, clean, and in good repair.
9. Licensing shall be notified of any changes to buildings that affect usage, size, capacity, or structural changes.
10. Building usage shall be approved by licensing prior to resident occupancy, and all required inspections, permits, and authorizations shall be provided.
11. Any modification to buildings used by children, or an increase in capacity shall require inspection and approval by the Fire and Health Department, if applicable.
12. All parts of buildings used as living, sleeping, or bath areas shall have a heating, ventilating and air conditioning source that keeps the temperature a minimum of sixty-five (65) degrees and a maximum of eighty-five (85) degrees.
13. The facility shall provide a living area that has at least thirty-five (35) square feet of floor space per child. The dining area and indoor recreation area may be included in this space.
14. The facility shall provide a dining area.

Independent Living Family Style Care

15. The facility shall have a kitchen.
16. Manufactured homes, used as residential facilities, shall be tied down and underpinned as required by the Arkansas Manufactured Home Commission. The home shall obtain an inspection and approval from the Arkansas Manufactured Home Commission prior to being licensed.

712 Bathrooms

1. The facility shall provide bathrooms for the children.
2. There shall be a separate toilet, bathtub or shower, and sink for each six (6) children.
3. There shall be an adequate supply of hot and cold running water.
4. The bathroom shall be clean and sanitary.
5. There shall be an adequate supply of soap, towels, and tissue.

713 Sleeping Arrangements

1. The facility shall provide bedrooms for the children.
2. There shall be no more than four (4) children per bedroom.
3. There shall be at least fifty (50) square feet of floor space per child in each bedroom.
4. No child shall share a bedroom with a child of the opposite gender.
5. Each child shall have a separate bed with a mattress, sheets, pillow, pillowcase, and adequate cover, all in good condition.
6. Bedding shall be changed at least weekly, more often if needed.
7. Each child shall have an area to store personal belongings.
8. Staff sleeping quarters shall be separate from children's sleeping rooms.
9. Room arrangements shall be based on characteristics of each resident to ensure the safety of each child.

714 Safety

1. The facility shall have an operable telephone or comparable communication system.

Independent Living Family Style Care

2. The facility shall have a continuous supply of clean drinking water. If the water source is not a municipal system, the source shall be approved by the Arkansas Department of Health annually.
3. A private sewage/septic system shall be approved initially and upon any increase in capacity by the Arkansas Department of Health.
4. There shall be operational smoke detectors near the cooking area, heating units, and within ten (10) feet of each bedroom.
5. An operational chemical fire extinguisher or other fire suppression system approved by local fire inspection officials shall be in the cooking area of each building. Approval of the fire suppression system shall be documented.
6. There shall be an emergency evacuation plan diagramed and posted in each building used by children.
7. Fire drills shall be practiced with children each month.
8. Severe weather drills shall be practiced with children quarterly.
9. A record of drills shall be maintained, showing date and time of day of the drill, number of participants, and length of time required to reach safety.
10. Each child shall be instructed in emergency procedures at admission.
11. The facility shall have proof of current rabies vaccinations for all household pets as required by Arkansas law.
12. No child shall be allowed to operate dangerous machinery or equipment, including firearms without proper adult supervision and following manufacturers' guidelines for age, safety precautions, and safety gear.
13. The agency shall have policy and procedure for carrying, storage and use of all firearms located at the facility.
14. All firearms shall be maintained in a secure, locked location, or secured by a trigger lock.
15. All ammunition shall be secured and locked separately from firearms, with the exception of ammunition locked in a long gun safe (ex. rifle, shotgun, muzzle loaders).

715**Transportation**

1. The facility shall have agency procured transportation available at all times.
2. The facility vehicle(s) shall not be used for personal use, unless other facility transportation is available.

700

Independent Living Family Style Care

3. Any vehicle used to transport children shall be in safe working condition and maintained in compliance with motor vehicle laws.
4. Any vehicle used to transport children shall be insured.
5. Children shall be transported only by an authorized person possessing a valid driver's license.
6. Children shall be transported according to Arkansas law, including, but not limited to, use of safety belts, child safety seats, and smoking restrictions.

716

Discharge

1. The discharge shall be planned by agency staff.
2. The agency may discharge a child on an emergency basis if failure to do so could result in harm to the child, other persons, or significant property damage.
3. A child shall be discharged to the custody of the child's parent or a person with authorization from the parent, guardian or a person authorized by court order to assume custody of the child.
4. The agency shall complete a discharge statement on each child that includes a discharge date and reason for discharge and provide a copy of it to the child's custodian.
5. Documentation of the discharge shall be maintained in the child's record.

800 Transitional Living

In addition to all standards in Sections 100, 200 and/or 600 as applicable, the following standards shall be met:

Agencies holding a Transitional Living license will provide a continuum of care for youths that have turned eighteen (18) while in the agency's residential program.

801 Agency Responsibilities

1. The agency shall have a residential ~~or placement~~ license in good standing.
2. The agency shall have written policies and procedures specific to the Independent Living program, which shall include:
 - a. Written rules of conduct and potential consequences for rule violations;
 - b. Transportation for residents;
 - c. Medication management.
3. The agency shall assign a specific caseworker to each youth in the Independent Living program who will be responsible for ~~delivery of all treatment~~ casework services ~~to the youth~~ according to the case plan.
4. ~~A~~ The case plan ~~must~~ shall be updated to reflect current goals. ~~completed and entered into the youth's record showing a goal of Independence and indicating all persons responsible for services to be provided.~~
5. The case plan ~~or accompanying documents~~ shall show a complete budget for the youth. This budget shall be developed jointly by the youth and the caseworker.
6. The case plan, ~~or accompanying documents~~, shall include written rules of conduct for the youth and shall include, but not limited to an agreement to abide by all federal, state and local laws including curfew ordinances.
7. Written policies shall include emergency and crisis intervention procedures, including the youth's twenty-four 24-hour ability to contact the agency.
8. The assigned caseworker shall visit the youth in the youth's residence not less than once per month. This visit and observations shall be documented in the case record.
9. ~~The agency shall ensure that agency personnel or qualified volunteers visit the youth in the youth's residence at least once each week and this visit shall be documented in the case record.~~

802 Eligibility Requirements

1. For a child to be eligible for placement into ~~an out-of-home~~ the transitional living program, the agency shall document ~~the youth must~~:
 - a. An evaluation ~~Be evaluated~~ by the caseworker or administrative staff to determine that placement in the Independent Living program does not present a health or safety risk to the youth or the community;
 - b. The resident is ~~Be~~ at least ~~16~~ eighteen (18) years of age and is being transferred directly from the residential program into the transitional living program without a break in the care given by the same agency. This applies to residents transferred after (date).
- ~~3. Must be 17 years of age to live in an off campus residence.~~
 - c. The resident is ~~been assessed in assess that they are~~ knowledgeable in basic life-skills, including, but not limited to:
 - i. money management;
 - ii. food management;
 - iii. personal appearance;
 - iv. personal hygiene/health/birth control;
 - v. housekeeping;
 - vi. transportation;
 - vii. emergency and safety skills;
 - viii. knowledge of community resources;
 - ix. interpersonal skills;
 - x. legal skills;
 - xi. housing;
 - xii. educational planning;
 - xiii. job-seeking and job maintenance skills.
 - d. The resident is ~~Be~~ actively engaged in an educational program such as high school, GED, vocational training, post-secondary education including college. If the youth has completed all educational requirements according to state law, he/she ~~must~~ shall be employed or actively involved in a supervised job search program.

803 Living Unit/Health/Safety

1. Each living unit shall have ~~operable toilet~~ a bathroom, ~~hygienic~~ a kitchen, and other standard features for independent living. Any exceptions (e.g. laundry arrangements) shall be noted in the case plan or accompanying documentation.
2. The living unit shall be accessible to community resources, including public transportation, if necessary.
3. Living units shall not be shared by different license types.

Transitional Living

4. There shall be no more than four (4) residents in a living unit. Facilities licensed before (date) shall come into compliance through attrition.
5. The living unit shall be clean, safe, and in good repair. ~~and free of safety hazards. The safety assessment shall include all potential water hazards, such as swimming pools, hot tubs, ponds and nearby lakes or streams.~~
6. There shall be operational smoke alarms within ten (10) feet of the kitchen and each bedroom.
7. There shall be a 2A rated ~~chemical~~ fire extinguisher readily accessible near ~~in~~ the cooking area of the living unit and the youth shall be instructed in its use.
8. The living unit shall have an operable telephone or the youth shall be provided with an alternative means of emergency communication (e.g. cell phone).
9. Any pets shall be approved by the caseworker and shall have rabies vaccinations as required by law.
10. No firearms, dangerous weapons, or illegal substances shall be permitted in any living unit.
11. If the participating youth is the parent of a child living in his/her care, the parent shall have current CPR/First Aid certification and an approved child care plan.
12. Each living unit shall be occupied by members of the same gender.
13. Overnight guests ~~must~~ shall have prior approval of the caseworker and cannot include unrelated members of the opposite gender.

900 Psychiatric Residential Treatment Facilities

In addition to all standards in Sections 100 and 200, as applicable, the following standards shall be met:

Agencies holding a Psychiatric Residential Treatment Facilities license provide treatment in a non-hospital setting to children not requiring acute care.

901 Licensing Approval & Monitoring

1. The agency shall have a written program description that is available to residents and parents or guardians. The following information shall be included:
 - a. Program philosophy and mission;
 - b. Services and treatment modalities;
 - c. Treatment planning procedures;
 - d. Behavior management program and expectations of each child;
 - e. Levels and privileges (if applicable);
 - f. Admission, exclusion, and discharge criteria;
 - g. Aftercare services.
2. The agency shall have written policies and procedures for family therapy, family visitation, and therapeutic passes subject to progress, treatment and physician's orders.
3. The agency shall establish and post a written list of children's rights.
4. The agency shall establish a procedure for hearing children's grievances. ~~and shall ensure that each child understands the process.~~
5. At the discretion of the Licensing Unit a multi-disciplinary team may be asked to assist the Licensing Specialist in the initial study, or during an investigation of a licensing complaint. This team may include a licensed mental health professional (as recognized by Arkansas Medicaid), or a person with professional expertise in the appropriate field.
6. At the discretion of the Licensing Unit, a multi-disciplinary team may be asked to assist the Licensing Specialist during inspections for advisory purposes.
7. All applicants for a Psychiatric Residential Treatment Facility licensed after ~~January 1st, 2000~~ March 1st, 2003, shall obtain a Permit of Approval (POA) from the Arkansas Health Services Agency prior to submitting an application or change of status request to the Child Welfare Agency Review Board.

902 Admission

- ~~1. Each child welfare agency shall establish written criteria for admitting/excluding children.~~
1. The agency facility shall not admit any child for whom the agency facility cannot provide adequate care.
2. Each child shall have a medical exam no more than ~~sixty days~~ one (1) year before admission, or ~~scheduled within~~ a documented appointment date for an exam within one (1) week ~~of~~ after admission.
3. Each child shall have proof of current immunizations; a letter of exemption in accordance with the Arkansas Department of Health, ~~Age appropriate immunizations shall be current~~ or a scheduled appointment within one (1) week ~~of~~ after admission.
4. ~~The residential child care facility shall attempt , and shall document their attempts, to obtain written verification of the placing agents authority to place the child at the time of admission, or within five (5) working days if an emergency placement.~~
5. The agency facility shall obtain written authority for medical care for the child from the placing agent at the time of admission. ~~parent(s), guardian(s), or court at the time of placement, or within 72 hours in an emergency placement.~~
6. The agency shall comply with the Interstate Compact on the Placement of Children when admitting children from outside Arkansas, if applicable.
7. The facility shall establish that all persons referred for admission are under the age of eighteen (18) years at the time of admission.
8. Residents may remain in the program after reaching age eighteen (18) years with the reason for continued placement documented. The resident ~~must~~ shall be discharged no later than his/her twenty-first (21) birthday.
9. ~~The facility shall not admit a child under age five (5) years. only if that child is a part of a sibling group of whom one child is age five (5) years or older, or if it is the summer before the child is eligible to enter kindergarten. Exception is also made for the infant child of a mother who is admitted to the facility.~~
10. At the time of ~~an emergency~~ admission, the following information ~~must~~ shall be documented in the child's record:
 - a. Name, signature and role or relationship of the person who relinquished the child into care;
 - b. A brief description of the circumstances requiring ~~the emergency~~ admission;
 - c. The date and time of the admission;

Psychiatric Residential Treatment Facilities

- d. A brief description of the child's history (if known) including behavioral history;
 - e. Any known medical history and known current health conditions;
 - f. All medications currently prescribed for the child (if known and available);
 - g. The child's current behavior or known emotional condition.
11. An Intake study information shall be completed on each child in care within ten (10) working days after admission.
 12. The intake study shall include: ~~the following information from the parent, guardian, custodian, previous placement, or from the child when no other sources of information are available:~~
 - a. Demographic information on the child and parent(s), including name, address, birth date, ~~sex~~ gender, race, and religious preference;
 - b. A factual description of the circumstances requiring placement;
 - c. A brief social history of the family;
 - d. The child's current legal status/custody;
 - e. Any history of previous placements outside the family.
 13. The facility shall obtain copies of legal documents within thirty (30) days of admission, or shall document their attempts to obtain the documents. The legal documents shall include, but not be limited to, birth certificates, social security cards and court orders.
 14. Facilities that have an adult program shall provide sleeping and living ~~transportation, and dining~~ arrangements to ensure separation of adults from children.

903 ~~Intake & Assessment & Case Treatment Planning~~

1. An assessment of services needed to ensure the health and welfare of each child, including medical history and psychological history shall be completed for each child and be included in the treatment plan.
2. A plan of safe care/~~protection~~ shall be ~~documented~~ developed for all children with physical limitations, medical conditions, or behaviors that are indicative of harm to self or others; to include, but not limited to: arson, physical/sexual aggression, and/or suicidal or other self-harming tendencies. This plan shall identify the behavior/problem, and shall specify the safeguards that are to be implemented. The agency shall document that the ~~direct caregiver(s)~~ child caring staff are informed of the provisions of the plan and place a copy of the plan in the child's ~~ease file~~ record.

Psychiatric Residential Treatment Facilities

3. A case treatment plan shall be developed for each resident received for care by a residential facility. The plan shall address the child's needs as identified in the intake study.
4. The case treatment plan shall be developed within thirty days after placement.
- ~~3. The case plan shall be developed after a staffing. If applicable, the parents, foster parents, facility staff, caseworker, social worker or probation officer, and the child shall be invited to the staffing.~~
5. The child's case treatment plan shall contain, at the minimum:
 - a. Specific needs of the child;
 - b. Plan for meeting child's needs;
 - c. Special treatment issues (e.g., psychotropic medications, sexual misconduct, and neurological disorders) shall be identified, with a statement of how the special needs shall be met;
 - d. A plan to ensure that the child's educational needs are met according to the Arkansas Department of Education requirements applicable state law;
 - ~~e. Visitation plan, if applicable;~~
 - e. Date of next review of the case treatment plan. if applicable;
6. A copy of the case treatment plan shall be made available to the parent(s), guardian(s), court, or other agencies involved in case treatment plan services delivery.
7. The child's case treatment plan shall be reviewed monthly, and shall be updated to reflect the child's progress.
8. The agency therapist shall visit the child monthly to monitor the progress of the treatment plan.
- ~~8. The case plan shall be reviewed at least semi-annually, and shall be updated to reflect the child's progress.~~
- ~~9. If family involvement is contraindicated, the agency shall make reasonable efforts to identify acceptable substitutes and shall include them in the therapeutic process.~~
- ~~7. If independence is a goal, the case plan shall include training in independent living skills.~~

Children's Records

1. The agency shall keep a confidential case record for each child that includes the following:

Psychiatric Residential Treatment Facilities

- a. Demographic information;
 - b. Plan of safe care/~~protection~~, if applicable;
 - c. A complete intake ~~study~~; ~~Intake information~~;
 - d. Assessments;
 - e. Consents, including consent for medical care and authority to place the child;
 - f. Interstate Compact information, if applicable;
 - g. ~~Case Treatment plans and ease treatment plan reviews~~; ~~Master treatment plan/case plan~~;
 - ~~g. Treatment plan review~~;
 - h. Copies of legal documents (e.g., birth certificate, social security card, court orders), or ~~shall~~ documentation of their attempts to obtain the documents;
 - i. Physical exams and immunization records or ~~shall~~ documentation of their attempts to obtain the documents;
 - j. Psychological reports, if applicable;
 - k. Educational reports, if applicable;
 - l. Disciplinary and incident reports, if applicable;
 - ~~l. Progress reports~~;
 - m. Daily behavioral observations;
 - n. Nightly visual observations;
 - o. Medication and physician's orders;
 - p. Therapy progress notes;
 - q. Physician notes;
 - r. Documentation of casework services and ~~client~~ child contact, ~~current to within one (1) month of occurrence~~;
 - s. Discharge ~~summary~~ statement.
2. Records for each child shall be kept for five (5) years from the date of discharge, unless otherwise specified by Arkansas law.
 3. The agency shall establish safeguards to limit access to records by authorized individuals only.

905 Behavior Management

1. The agency shall have a written discipline policy that is consistently followed.

Psychiatric Residential Treatment Facilities

2. Discipline shall be directed toward teaching the child acceptable behavior and self-control.
3. Discipline shall be appropriate to the child's age, development, and history.
4. The following actions shall not be used, including as discipline:
 - a. Denial of meals, sleep, shelter, essential clothing, or ~~ease~~ treatment plan activities;
 - b. Denial of parental visits or regular phone/mail contact with family. Non-disciplinary ~~ease~~ treatment planning issues are accepted;
 - c. Lewd or obscene language;
 - d. Derogatory comments about the child, the child's family, race, or gender;
 - e. Restriction to a room for more than a short period of time without periodic observation;
 - f. Restriction to a dark room or area;
 - ~~f. Locked isolation (psychiatric facilities excepted);~~
 - g. Physical injury or threat of bodily harm;
 - h. Humiliating or degrading action;
 - i. Extremely strenuous work or exercise.
 - ~~j. Mechanical/chemical restraints (psychiatric facilities excepted).~~
5. A child shall not be allowed to administer discipline, ~~except teen parents may discipline their own children.~~
6. Searches of a child or a child's personal property shall be for reasons limited to safety and security of children and staff, in cases of suspected theft, or suspicion of possession of items which are not permitted by agency policy.
7. Any searches requiring removal of clothing shall be done in privacy and ~~except in foster homes,~~ shall be witnessed by two (2) staff of the same ~~sex~~ gender as the child.
8. The agency shall have a written policy governing the use of behavior control measures with children, including physical, mechanical, or chemical restraints and seclusion rooms.
9. Physical restraints shall be performed using minimal force and time necessary. Physical restraint means the application of physical force without the use of any device, for the purposes of restraining the free movement of a resident's body. Briefly holding a child without undue force in order to calm or comfort, or holding a hand to safely escort a child from one area to another, is not considered a physical restraint.

Psychiatric Residential Treatment Facilities

10. Physical restraint shall be initiated only by staff trained by a certified instructor in a nationally recognized curriculum, and only to prevent injury to the child, other people or property, and shall not be initiated solely as a form of discipline. The agency shall maintain documentation that staff is deemed competent in physical restraint.
11. Chemical restraints shall be used only if ordered by a physician. A chemical restraint is an emergency behavioral intervention that uses pharmaceuticals by topical application, oral administration, injection, or other means to modify a child's behavior. Prescribed treatment medications that have a secondary effect on the child's behavior are not considered chemical restraint.
12. Seclusion, ~~or~~ mechanical, or physical restraints shall be used only if ordered by a physician, ~~clinically qualified registered nurse, or other licensed independent practitioner. The agency may authorize other qualified, trained staff members who are not licensed independent practitioners to initiate the use of seclusion or restraint before an order is obtained from the licensed independent practitioner. The following licensed independent practitioners, if clinically qualified, may be approved by the agency to order seclusion or restraints or to conduct the face-to-face assessments required following such order:~~ licensed certified social worker, licensed marriage and family therapist, licensed psychological counselor, licensed Ph.D. psychologist, licensed professional counselor, licensed professional associate counselor, or other licensed mental health professional (as recognized by Arkansas Medicaid). ~~The licensed professionals shall work under the supervision and/or review of the agency medical director.~~
13. Each written order for a physical restraint or seclusion is limited to two (2) hours for children ages nine (9) ~~to~~ through seventeen (17) years, or one (1) hour for children under age nine (9) years. A physician, clinically qualified registered nurse or other authorized licensed independent practitioner ~~must~~ shall conduct a face-to-face assessment of the child within one (1) hour after the initiation of the ordered intervention.
14. The original order may only be renewed in accordance with these limits for up to a total of twenty-four (24) hours. After the original order expires, a physician, clinically qualified registered nurse or other authorized licensed independent practitioner ~~must~~ shall see and assess the child before issuing a new order.
15. Staff shall search each child before placement in seclusion, and all potentially hazardous items shall be removed.
16. Staff shall continually monitor each child in seclusion or restraints and shall document.
17. Documentation of all restraints shall be maintained and include child's name, date, time, reason, staff involved, and measures taken prior to restraint.

906 Personnel

1. The agency shall employ have:
 - a. A physician currently licensed by the Arkansas State Medical Board who has experience in the practice of psychiatry;
 - b. A Director of Nursing/Nurse Manager who is currently licensed in Arkansas as a Registered Nurse;
 - c. A Program Clinical Director who has at least a master's degree in a human services field and is currently licensed in Arkansas as a mental health professional (as recognized by Arkansas Medicaid);
 - d. One or more therapists having at least a master's degree in a human services field and is currently licensed as mental health professionals (as recognized by Arkansas Medicaid);
 - e. A therapist assigned to each child who is responsible for assessments, treatment planning, and casework services.
- ~~6. Child caring staff who are at least twenty one (21) years of age and have a high school diploma or the equivalent;~~
- ~~6. The staff/child ratio shall be at least 1:6 during waking hours and at least 1:8 during sleeping hours. Only staff who directly supervise children shall be counted in this ratio.~~

907 Personnel Ratio & Supervision

1. The facility shall not exceed its total licensed capacity.
2. Child caring staff shall be responsible for providing the level of supervision, care, and treatment necessary to ensure the safety and well-being of each child at the facility, taking into account the child's age, individual differences and abilities, surrounding circumstances, hazards and risks.
3. Staff/child ratio shall be at least 1:6 during waking hours and 1:8 during sleeping hours.
- ~~2. There shall be a staff/child ratio of at least 1:9 during waking hours and at least 1:12 during sleeping hours. Staff members' own children shall be counted in the ratio~~
4. If any child is under age six (6) years, the ratio shall be at least 1:7 at all times.
5. Only staff who directly supervises children shall be counted in this ratio.
6. All child caring shift-staff, counted in the staff child ratio shall remain awake at all times.

Psychiatric Residential Treatment Facilities

7. Supervision during sleeping hours shall include a visual check on each child at least every thirty (30) minutes.
8. The visual checks shall be documented.
9. The facility shall maintain a daily census report to include the child's name and room or building assignment.
- ~~4. Only staff who directly supervises children shall be counted in this ratio. *Psychiatric facilities see Section 500.*~~
- ~~10. Agencies that mix children requiring different levels of supervision shall maintain the most intensive strictest staff/child ratio.~~
- ~~9. All child caring staff and each member of a houseparent's family older than twelve (12) years shall receive a skin test for tuberculosis upon employment and in accordance with the guidelines set forth by the Arkansas State Health Department, as long as test results remain negative. A person with a positive skin test must provide documentation from a physician every two years certifying that he/she is free from communicable tuberculosis.~~

Personal Health & Medical Care

1. The agency shall have a written policy for conducting health and related exams and assessments upon admission.
2. Each child shall have a medical exam at least annually. Health exams need not be repeated during the year if a child moves from one facility or agency to another, provided the results of the exam are available to the receiving facility or agency.
3. The agency shall have a written plan for prescribing, receipt, storage, dispensing, administering and accounting for all medications, including medications in the client's child's possession at the time of admission.
4. All medications shall be kept securely locked, and stored according to pharmaceutical recommendations.
5. Keys to medication storage areas shall be on the premises and readily accessible by staff at all times.
6. All controlled substances shall be kept under double lock.
- ~~5. All medications shall be administered to children by staff according to medical instructions. *Psychiatric facilities see Section 700.*~~
7. Medication shall be dispensed administered in accordance with state and federal laws.

Psychiatric Residential Treatment Facilities

8. The ~~dispensing~~ administering of all medications, including over-the-counter, shall be logged at the time the medication is given, by the person administering the medication.
9. The medication log shall include:
 - a. The child's name;
 - b. Time and date;
 - c. Medication dosage;
 - d. Initials of the person administering the medication.
- ~~8. Currently prescribed medications belonging to children shall be returned to the parent or custodian upon discharge. *Psychiatric facilities see Section 700.*~~
10. Disposal of unused medications and contaminated medical supplies shall follow established medical procedures.
11. Any stimulant or psychotropic medicine requiring intra-muscular injection shall be administered only by a physician, registered nurse, or LPN.
12. The agency shall require medical representation at major treatment staffing on each child.
13. When psychotropic medications are prescribed by a physician, they shall be used in conjunction with other treatment interventions.

~~Education Work, & Training Program~~

1. The facility shall ensure each child receives education in accordance with applicable state law.
2. The facility shall teach each child the daily living tasks required as a part of living in a group setting, and shall assign only light chores that are age-appropriate.
3. The agency shall have a policy regarding each child's money received ~~safeguard money earned by each child,~~ and shall ensure that each child's earnings funds are available to that child under staff supervision for personal use.
- ~~8. The facility shall not allow a child's outside employment, chores, or extracurricular activities to interfere with the child's time for school, sleep, family visits, or case plan activities.~~
4. The facility shall provide each child with adequate and nutritious food.
5. The facility shall ensure that each child has sufficient sleep for his/her age and physical condition
6. Each child shall be instructed in good grooming and personal hygiene habits.

Psychiatric Residential Treatment Facilities

7. The facility shall ensure each child ~~shall be~~ is provided with his/her own clothing that is clean, well fitting, seasonal, and appropriate to age and ~~sex~~ gender, unless otherwise directed by a physician.
8. The facility shall ensure each child ~~shall be~~ in care is provided with opportunities for regular recreational activities and exercise.
9. The facility shall provide activities and equipment that are age appropriate to the children in their care.
10. The use of television, videos, computer games and other screen time activities shall be monitored and time limited.

910**Grounds**

1. The grounds of the facility shall be kept clean and free of safety hazards.
2. The facility shall provide sufficient outdoor recreation space for age appropriate physical activities. ~~and age-appropriate play equipment to meet the needs of each child in care.~~
3. Swimming pools shall be inspected and approved annually by the Arkansas Department of Health.

911**Buildings**

1. No facility shall be located in a shopping center, strip mall, or other buildings used for commercial activity.
2. Unused or vacant portions of a facility shall not be rented, leased, loaned, or otherwise occupied by any commercial or other business entity, or private individuals, not associated with the facility or its management.
3. All buildings used by children or staff shall be inspected and approved annually for fire safety as ~~required by authorized fire inspection~~ by fire department officials.
4. All buildings used by children or staff shall be inspected and approved annually for health and sanitation as required by the Arkansas Department of Health.
5. All buildings shall comply with local zoning ordinances and land use requirements where those exist.
- ~~4. All buildings shall comply with building codes in effect at the time the building was converted to use as a child care facility.~~
6. All buildings and furnishings shall be ~~maintained in a safe, and clean condition,~~ and in good repair.

Psychiatric Residential Treatment Facilities

- ~~8. There shall be no more than twelve (12) children in a sleeping unit. Sleeping units sharing the same building shall be separated by a wall, kitchen, dining room, or other such area that gives a sense of separation. This does not apply to psychiatric treatment facilities.~~
7. Licensing shall be notified of any changes to buildings that affect usage, size, capacity, or structural changes.
8. Building usage shall be approved by licensing prior to resident occupancy, and all required inspections, permits, and authorizations shall be provided.
9. Any modification to buildings used by children, or increase in an capacity shall require inspection and approval by the Fire and Health Department, if applicable.
10. All parts of buildings used as living, sleeping, or bath areas shall have a ~~heating and ventilation system~~ heating, ventilating and air conditioning source that keeps the temperature a minimum of sixty-five (65) degrees and a maximum of eighty-five (85) degrees.
11. The facility shall provide a living area that has at least thirty-five (35) square feet of floor space per child. The dining area and indoor recreation area may be included in this space.
12. The facility shall provide a dining room.
13. The facility shall have a kitchen.
14. Seclusion rooms shall meet the following criteria:
 - a. At least thirty-five (35) square feet of floor space;
 - b. Sufficient lighting, with a shatterproof, recessed light fixture beyond reach of the child;
 - c. A door able to be opened from the outside at all times without use of a key or a removable locking device;
 - d. A door with a shatterproof observation window;
 - e. Located reasonably near to the staff work area.
15. Areas used by children shall be designed, constructed, and furnished to reduce risk of suicide and assault including, but not limited to:
 - a. Light fixtures that are recessed or abut to the ceiling;
 - b. No wooden or wire hangers;
 - c. Non-breakable windows and mirrors;
 - d. No loose wires, cords, chains, or ropes;
 - e. Sturdy, well-constructed furniture that cannot be broken for use as a weapon or means of self-inflicted injuries;

Psychiatric Residential Treatment Facilities

- f. Children's personal items that contain cords, pull-ties, strings, or other parts that could be used to inflict self-injury shall not be left in the child's room unless the dangerous component has been removed.
16. Manufactured homes, used as residential facilities, shall be tied down and underpinned as required by the Arkansas Manufactured Home Commission. The home shall obtain an inspection and approval from the Arkansas Manufactured Home Commission prior to being licensed.

912 Bathrooms

1. The facility shall provide bathrooms for the children. ~~that meet the following requirements:~~
2. There shall be a separate toilet, bathtub or shower, and sink for each six (6) children.
3. There shall be an adequate supply of hot and cold running water.
4. The bathroom shall be clean and sanitary.
5. There shall be separate bath and toilet facilities for males and females.
6. There shall be an adequate supply of soap, towels, and tissue.

913 Sleeping Arrangements

1. The facility shall provide bedrooms for the children ~~that meet the following requirements:~~
2. There shall be no more than four (4) children per bedroom.
3. There shall be at least fifty (50) square feet of floor space per child in each bedroom.
4. No child ~~age four (4) years or over~~ shall share a bedroom with a child of the opposite sex gender, ~~except teenage mothers who participate in the care of their own children.~~
5. Each child shall have a separate bed with a mattress, sheets, pillow, pillowcase, and adequate cover, all in good condition.
6. No child under the age of six (6) shall occupy a top bunk.
7. Bedding shall be changed at least weekly, more often if needed.
8. Each child shall have an area to store personal belongings.
9. ~~Staff sleeping quarters shall be separate from children's sleeping rooms.~~

Psychiatric Residential Treatment Facilities

9. Room arrangements shall be based on characteristics of ~~the individual~~ each resident to ensure the safety of each child.
10. Beds shall be positioned to ensure all children can easily exit the room in case of emergency.
11. Beds shall be positioned to minimize opportunity for physical contact between children.
- ~~11. Facilities that admit adult clients shall provide sleeping arrangements to ensure separation of adults from children.~~

914 Health & Safety

1. The facility shall have an operable telephone or comparable communication system.
2. The facility shall have a continuous supply of clean drinking water. If the water source is not a municipal system, the source ~~must~~ shall be approved by the Arkansas Department of Health annually.
3. A private sewage/septic system shall be approved initially and upon any increase in capacity by the Arkansas Department of Health.
4. There shall be operational smoke detectors near the cooking area, heating units, and within ten (10) feet of each bedroom.
5. An operational chemical fire extinguisher or other fire suppression system approved by local fire inspection officials shall be in the cooking area of each building. Approval of the fire suppression system shall be documented.
6. There shall be an emergency evacuation plan diagramed and posted in each building used by children.
7. Fire drills shall be practiced with children each month.
8. ~~and Severe weather and other appropriate emergency~~ drills shall be practiced with children quarterly.
9. A record of drills shall be maintained, showing date and time of day of the drill, number of participants, and length of time required to reach safety.
10. Each ~~newly admitted~~ child shall be instructed in emergency procedures ~~during orientation~~ at admission.
11. The facility shall have proof of current rabies vaccinations for all household pets as required by Arkansas law.

900 **Psychiatric Residential Treatment Facilities**

12. No child shall be allowed to operate dangerous machinery or ~~dangerous~~ equipment, including firearms without proper adult supervision and following manufacturers' guidelines for age, safety precautions, and safety gear.
13. The agency shall have policy and procedure for carrying, storage and use of all firearms located at the facility,
16. All firearms shall be maintained in a secure, locked location, or secured by a trigger lock.
17. All ammunition shall be secured and locked separately from firearms, with the exception of ammunition locked in a long gun safe (ex. rifle, shotgun, muzzle loaders).

915 **Transportation**

1. The facility shall have agency procured ~~its own~~ transportation available at all times.
2. The facility vehicle(s) shall not be used for personal use, unless other facility transportation is available.
3. Any vehicle used to transport children shall be in safe working condition and maintained in compliance with motor vehicle laws, ~~and be insured.~~
4. Any vehicle used to transport children shall be insured.
5. Children shall be transported only by an authorized person possessing a valid driver's license.
6. Children shall be transported according to Arkansas law, including, but not limited to, use of safety belts, child safety seats, and smoking restrictions.

916 **Discharge**

- ~~1. The agency shall discharge a child when the case planning team decides that the child is no longer in need of services or can no longer benefit from services provided by the agency.~~
1. ~~Except in the case of an emergency discharge,~~ The discharge shall be planned by appropriate agency staff, parent(s), child, and any agency that will offer post-discharge services.
2. The agency may discharge a child on an emergency basis if failure to do so could result in harm to the child, other persons, or significant property damage.
3. A child shall be discharged to the custody of the child's parent or a person with authorization from the parent, guardian or a person authorized by court order to assume custody of the child.

Psychiatric Residential Treatment Facilities

4. The agency shall complete a discharge statement on each child that includes a discharge date and reason for discharge and provide a copy of it to the child's custodian.
5. Documentation of the discharge shall be maintained in the child's record.

1000 Sexual Rehabilitative Programs

In addition to all standards in Section 100, and standards in Section 300, 200 and/or 500, as applicable, the following standards shall be met:

1001 Licensing Approval & Monitoring

1. At the discretion of the Licensing Unit a multi-disciplinary team may be asked to assist the Licensing Specialist in the initial study, or during an investigation of a licensing complaint. This team may include a licensed mental health professional (as recognized by Arkansas Medicaid), or a person with professional expertise in the appropriate field.
2. At the discretion of the Licensing Unit, a multi-disciplinary team may be asked to assist the Licensing Specialist during inspections for advisory purposes.

1002 Admission

- ~~1. Each child welfare agency shall establish written criteria for admitting/excluding children.~~
1. The agency shall have written policies regarding description of the target population, admission/exclusion criteria, and discharge criteria.
2. The agency facility shall not admit any child for whom the agency facility cannot provide adequate care.
3. In order to be admitted to the program, one of the following shall be met:
 - a. The child has committed a sexual offense that has been found true or exempt by an official investigation by the Department of Human Services or the Arkansas State Police;
 - b. The child has committed an offense involving the use of power, control, threat, coercion, or intimidation;
 - c. The child has committed an offense in which there was at least a three (3) year age difference between the offender and the victim;
 - d. The child has a documented pattern of deviant sexualized behavior, sexual misconduct, or sexually maladaptive behaviors as indicated by the psychosexual assessment.
4. Children admitted to the program shall have the cognitive ability to benefit from the treatment program.
5. Each child shall have a medical exam no more than ~~sixty days~~ one (1) year before admission, or ~~scheduled within~~ a documented appointment date for an exam within one (1) week ~~of~~ after admission.

6. Each child shall have proof of current immunizations, or a letter of exemption in accordance with the Arkansas Department of Health, ~~Age appropriate immunizations shall be current~~ or a scheduled appointment within one (1) week of after admission.
7. The ~~residential childcare~~ facility shall ~~attempt~~, ~~and shall document their attempts,~~ to obtain written verification of the placing agents authority to place the child at the time of admission, ~~or within five (5) working days if an emergency placement.~~
8. The ~~agency~~ facility shall obtain written authority for medical care for the child from the placing agent at the time of admission. ~~parent(s), guardian(s), or court at the time of placement, or within 72 hours in an emergency placement.~~
9. The agency shall comply with the Interstate Compact on the Placement of Children when admitting children from outside Arkansas, if applicable.
10. The facility shall establish that all persons referred for admission are under the age of eighteen (18) years at the time of admission.
11. Residents may remain in the program after reaching age eighteen (18) years with the reason for continued placement documented. The resident ~~must~~ shall be discharged no later than his/her twenty-first (21) birthday.
12. The facility shall not admit a child under age five (5) years. ~~only if that child is a part of a sibling group of whom one child is age five (5) years or older, or if it is the summer before the child is eligible to enter kindergarten. Exception is also made for the infant child of a mother who is admitted to the facility.~~
13. At the time of ~~an emergency~~ admission, the following information ~~must~~ shall be documented in the child's record:
 - a. Name, signature and role or relationship of the person who relinquished the child into care;
 - b. A brief description of the circumstances requiring ~~the emergency~~ admission;
 - c. The date and time of the admission;
 - d. A brief description of the child's history (if known) including behavioral history;
 - e. Any known medical history and known current health conditions;
 - f. All medications currently prescribed for the child (if known and available);
 - g. The child's current behavior or known emotional condition.
14. The agency shall obtain copies of legal documents within thirty (30) days of admission. The legal documents shall include, but not be limited to, birth certificates, social security cards and court orders.

1000 Sexual Rehabilitative Programs

15. Facilities that have an adult program shall provide sleeping and living transportation, and dining arrangements to ensure separation of adults from children.

1003 Intake & Assessment & Case Treatment Planning

1. A plan of safe care/protection shall be documented developed for all children with physical limitations, medical conditions, or behaviors that are indicative of harm to self or others; to include, but not limited to: arson, physical/sexual aggression, and/or suicidal or other self-harming tendencies. This plan shall identify the behavior/problem, and shall specify the safeguards that are to be implemented. The agency shall document that the direct caregiver(s) child caring staff are informed of the provisions of the plan and place a copy of the plan in the child's case file record.
2. The agency shall have a written policy describing children with sexually maladaptive behaviors' risk levels it will accept for admission, and therapeutic interventions it will utilize for each risk level.
3. The agency shall assign a caseworker to each child who is responsible for doing assessments, treatment planning, and casework services.
4. An Intake study information shall be completed on each child in care within ten (10) working days after admission.
5. The intake study shall include: the following information from the parent, guardian, custodian, previous placement, or from the child when no other sources of information are available:
 - a. Demographic information on the child and parent(s), including name, address, birth date, sex gender, race, and religious preference;
 - b. A factual description of the circumstances requiring placement;
 - c. A brief social history of the family;
 - d. The child's current legal status/custody;
 - e. Any history of previous placements outside the family;
 - f. Description of the offense or sexually maladaptive behavior, including police reports and victim statements (if available);
 - g. Psychosexual assessment (if available);
 - h. Discharge summary from previous offender sexual rehabilitative - specific treatment (if applicable and available).
6. A psychosexual evaluation shall be conducted by a licensed mental health professional (as recognized by Arkansas Medicaid) that is a member of the Association for the Treatment of Sexual Abusers or has forty (40) hours of sexual offender rehabilitative treatment training. The evaluation must shall be completed

within the past twelve (12) months, or within seven (7) days following admission of the child.

7. Each child shall be evaluated for ~~A psychological evaluation shall be conducted within the past eighteen (18) months which evaluates the child's intellectual ability, and identifies any learning disabilities, and/or language disorders within the past eighteen (18) months.~~ If a child is admitted without an ~~psychological~~ evaluation, the evaluation shall be completed within ~~ninety thirty (90)~~(30) days of admission.
8. An assessment of services needed to ensure the health and welfare of the child, including medical history and psychological history shall be completed for each child and included in the ~~ease~~ treatment plan.
9. The agency shall develop a treatment plan for each child that includes tasks appropriate to the needs of the child as identified in the intake ~~study~~, psychosexual assessment and (if applicable) the psychological evaluation.
10. The ~~ease~~ treatment plan shall be developed within thirty days after placement.
- ~~3. A case plan shall be developed for each resident received for care by a residential facility. The plan shall address the child's needs as identified in the intake study.~~
- ~~3. The case plan shall be developed after a staffing. If applicable, the parents, foster parents, facility staff, caseworker, social worker or probation officer, and the child shall be invited to the staffing.~~
11. The child's ~~ease~~ treatment plan shall contain, at the minimum:
 - a. A diagnosis related to their sexually maladaptive behavior;
 - b. Specific needs of the child;
 - c. Plan for meeting child's needs;
 - d. Special treatment issues (e.g., psychotropic medications, sexual misconduct, and neurological disorders) shall be identified, with a statement of how the special needs shall be met;
 - e. A plan to ensure that the child's educational needs are met according to ~~the Arkansas Department of Education requirements~~ applicable state law;
 - ~~e. Visitation plan, if applicable;~~
 - f. Date of next review of the ~~ease~~ treatment plan. ~~if applicable;~~
12. If treatment services are contracted, there shall be evidence of participation by the contracted therapist in treatment planning reviews and individualized program implementation.
13. The child's treatment plan shall be reviewed quarterly, and shall be updated to reflect the child's progress.

1000 Sexual Rehabilitative Programs

- ~~8. The case plan shall be reviewed at least semi-annually, and shall be updated to reflect the child's progress.~~
- 14. A copy of the ~~ease~~ treatment plan shall be made available to the parent(s), guardian(s), court, or other agencies involved in ~~ease~~ treatment plan services delivery.
- 15. An agency caseworker shall visit the child monthly to monitor the progress of the treatment plan.
- ~~7. If independence is a goal, the case plan shall include training in independent living skills.~~

1004 Children's Records

- 1. The agency shall keep a confidential case record for each child that includes the following:
 - a. Demographic information;
 - b. Plan of safe care/~~protection~~, if applicable;
 - c. A complete intake ~~study~~;
 - d. Consents, including consent for medical care and authority to place the child;
 - e. Interstate Compact information, if applicable;
 - f. ~~ease~~ Treatment plans and ~~ease~~ treatment plan reviews;
 - g. Copies of legal documents (e.g., birth certificate, social security card, court orders), or ~~shall~~ documentation of their attempts to obtain the documents;
 - h. Physical exams and immunization records, or ~~shall~~ documentation of their attempts to obtain the documents;
 - i. Psychological reports, if applicable;
 - j. Educational reports, if applicable;
 - k. Disciplinary and incident reports, if applicable;
 - ~~l. Progress reports;~~
 - l. Documentation of casework services and ~~client~~ child contact, ~~current~~ to within one (1) month of occurrence;
 - m. Discharge ~~summary~~ statement.
- 2. Records for each child shall be kept for five (5) years from the date of discharge, unless otherwise specified by Arkansas law.

1005 Behavior Management

1. The agency shall have a written discipline policy that is consistently followed.
2. Discipline shall be directed toward teaching the child acceptable behavior and self-control.
3. Discipline shall be appropriate to the child's age, development, and history.
4. The following actions shall not be used, including as discipline:
 - a. Denial of meals, sleep, shelter, essential clothing, or ~~ease~~ treatment plan activities;
 - b. Denial of parental visits or regular phone/mail contact with family. Non-disciplinary ~~ease~~ treatment planning issues are accepted;
 - c. Lewd or obscene language;
 - d. Derogatory comments about the child, the child's family, race, or gender;
 - e. Restriction to a room for more than a short period of time without periodic observation;
 - f. Restriction to a dark room or area;
 - g. Locked isolation (~~psychiatric facilities excepted~~);
 - h. Physical injury or threat of bodily harm;
 - i. Humiliating or degrading action;
 - j. Extremely strenuous work or exercise;
 - k. Mechanical/chemical restraints (~~psychiatric facilities excepted~~).
5. Physical restraint shall be initiated only by trained staff, and only to prevent injury to the child, other people or property, and shall not be initiated solely as a form of discipline.
6. Physical restraints shall be performed using minimal force and time necessary. Physical restraint means the application of physical force without the use of any device, for the purposes of restraining the free movement of a resident's body. Briefly holding a child without undue force in order to calm or comfort, or holding a hand to safely escort a child from one area to another, is not considered a physical restraint.
7. Documentation of all restraints shall be maintained and include child's name, date, time, reason, staff involved, and measures taken prior to restraint.
8. A child shall not be allowed to administer discipline, ~~except teen parents may discipline their own children.~~

1000 Sexual Rehabilitative Programs

9. Searches of a child or a child's personal property shall be for reasons limited to safety and security of children and staff, in cases of suspected theft, or suspicion of possession of items which are not permitted by agency policy.
10. Any searches requiring removal of clothing shall be done in privacy and ~~except in foster homes~~, shall be witnessed by two (2) staff of the same ~~sex~~ gender as the child.

1006 Personnel

1. The agency shall have:
 - a. ~~The Program Director or A Clinical Director (the person supervising casework services) shall meet all other requirements~~ who has:
 - i. At least a master's degree in a human services field;
 - ii. Be currently licensed in Arkansas as a mental health professional (as recognized by Arkansas Medicaid);
 - iii. ~~plus have~~ Not less than forty (40) hours of sexual ~~offender~~ rehabilitative treatment training;
 - iv. ~~and~~ A minimum of two (2) years of sexual ~~offender~~ rehabilitative treatment experience. Certification as a sexual ~~offender~~ rehabilitative treatment trainer may be substituted for the required experience.
2. A Therapist who is ~~Therapy services shall be provided by~~ a licensed mental health professional (as recognized by Arkansas Medicaid) ~~who~~ and has at least one (1) of the following:
 - a. At least two (2) years of experience in a sexual ~~offender~~ rehabilitative treatment program and at least forty (40) hours of sexual ~~offender~~ rehabilitative treatment training; ~~or~~
 - b. At least three (3) years of experience in sexual ~~offender~~ rehabilitative specific treatment; ~~or~~
 - c. Maintains current membership in or is actively working toward fulfilling the requirements for membership from the Association for the Treatment of Sexual Abusers.

1007 Personnel Ratio & Supervision

1. The facility shall not exceed its total licensed capacity.
2. Child caring staff shall be responsible for providing the level of supervision, care, and treatment necessary to ensure the safety and well-being of each child at the facility, taking into account the child's age, individual differences and abilities, surrounding circumstances, hazards and risks.
3. The agency shall have a written plan providing for appropriate supervision of children during activities away from the facility.

1000**Sexual Rehabilitative Programs**

- ~~2. There shall be a staff/child ratio of at least 1:9 during waking hours and at least 1:12 during sleeping hours. Staff members' own children shall be counted in the ratio~~
4. The staff/child ratio shall be at least 1:6 during waking hours and at least 1:8 during sleeping hours.
- ~~3. If any child is under age six (6) years, the ratio shall be at least 1:7 at all times.~~
5. Twenty-four (24) hour awake supervision is required if this program is in residential child care programs and psychiatric residential treatment programs.
6. Only staff who directly supervises children shall be counted in this ratio.
Psychiatric facilities see Section 500.
- ~~6. Agencies that mix children requiring different levels of supervision shall maintain the most intensive strictest staff/child ratio.~~
- ~~7. All direct care shift staff, counted in the staff child ratio, shall remain awake at all times. House parents are excluded from this requirement.~~
7. The facility shall maintain a daily census report to include the child's name and room or building assignment.
8. The agency shall have written policies governing the supervision and monitoring of children in the buildings, on the grounds, and in the community, including direct visual or auditory monitoring of moderate or high risk children (based on 1003.2). Policy shall include appropriate grouping of children according to chronological age and/or cognitive development.
9. If cameras, heat sensors, or motion detectors are used as part of the safety plan, they must shall be operational and placed for effective monitoring according to the plan.
10. The agency shall have a written safety plan to protect children in the program and to ensure public safety.
- ~~9. All child caring staff and each member of a houseparent's family older than twelve (12) years shall receive a skin test for tuberculosis upon employment and in accordance with the guidelines set forth by the Arkansas State Health Department, as long as test results remain negative. A person with a positive skin test must provide documentation from a physician every two years certifying that he/she is free from communicable tuberculosis.~~

1008**Personal Health & Medical Care**

1. Each child shall have a medical exam at least annually. Health exams need not be repeated during the year if a child moves from one facility or agency to another, provided the results of the exam are available to the receiving facility or agency.

1000 Sexual Rehabilitative Programs

2. All medications shall be administered to children by staff according to medical instructions. *Psychiatric facilities see Section 700.*
3. The ~~dispensing~~ administering of all medications, including over-the-counter, shall be logged at the time the medication is given, by the person administering the medication.
4. The medication log shall include:
 - a. The child's name;
 - b. Time and date;
 - c. Medication dosage;
 - d. Initials of the person administering the medication.
5. All medications excluding Epi-pens, inhalers, and Glucagon kits shall be kept securely locked, and stored according to pharmaceutical recommendations. An age-appropriate and developmentally capable child may be provided, or have access to non-narcotic prescriptions with an approved safety plan. Examples include, but are not limited to, birth control, acne cream, topical creams.
6. Keys to medication storage areas shall be on the premises and readily accessible by staff at all times.
7. Currently prescribed medications belonging to children shall be returned to the parent or custodian upon discharge. *Psychiatric facilities see Section 700.*
- ~~10. When psychotropic medications are prescribed by a physician, they shall be used in conjunction with other treatment interventions.~~

1009 ~~Education Work, & Training Program~~

1. The facility shall ensure each child receives education in accordance with the Arkansas Department of Education.
2. The facility shall teach each child the daily living tasks required as a part of living in a group setting, and shall assign only light chores that are age-appropriate.
3. The ~~facility~~ agency shall have a policy regarding each child's money received ~~safeguard money earned by each child,~~ and shall ensure that each child's earnings funds are available to that child under staff supervision for personal use.
4. The facility shall not allow a child's outside employment, chores, or extracurricular activities to interfere with the child's time for school, sleep, family visits, or ~~ease~~ treatment plan activities.
5. The facility shall provide each child with adequate and nutritious food.
6. The facility shall ensure that each child has sufficient sleep for his/her age and physical condition.

1000 Sexual Rehabilitative Programs

7. Each child shall be instructed in good grooming and personal hygiene habits.
8. The facility shall ensure each child ~~shall be~~ is provided with his/her own clothing that is clean, well fitting, seasonal, and appropriate to age and ~~sex~~ gender, unless otherwise directed by a physician.
9. The facility shall ensure each child ~~shall~~ in care is ~~be~~ provided with opportunities for regular recreational activities and exercise.
10. The facility shall provide activities and equipment that are age appropriate to the children in their care.
11. The use of television, videos, computer games and other screen time activities shall be monitored and time limited.

1010 Grounds

1. The grounds of the facility shall be kept clean and free of safety hazards.
2. The facility shall provide sufficient outdoor recreation space for age appropriate physical activities. ~~and age appropriate play equipment to meet the needs of each child in care.~~
3. Swimming pools shall be inspected and approved annually by the Arkansas Department of Health.

1011 Buildings

1. A sexual rehabilitative program shall not be located within one thousand (1000) feet of an elementary school, child care center, or child care family home.
2. No facility shall be located in a shopping center, strip mall, or other buildings used for commercial activity.
3. Unused or vacant portions of a facility shall not be rented, leased, loaned, or otherwise occupied by any commercial or other business entity, or private individuals, not associated with the facility or its management.
4. All buildings used by children or staff shall be inspected and approved annually for fire safety ~~as required by authorized fire inspection~~ by fire department officials.
5. All buildings used by children or staff shall be inspected and approved annually for health and sanitation as required by the Arkansas Department of Health.
6. All buildings shall comply with local zoning ordinances and land use requirements where those exist.
4. ~~All buildings shall comply with building codes in effect at the time the building was converted to use as a child care facility.~~

Sexual Rehabilitative Programs

7. All buildings and furnishings shall be ~~maintained in a safe, and clean condition,~~ and in good repair.
8. There shall be no more than twelve (12) children in a sleeping unit. A sleeping unit is considered to be a group of bedrooms.
9. Sleeping units sharing the same building shall be separated into different corridors, wings, floors, etc. ~~by a wall, kitchen, dining room, or other such area that gives a sense of separation.~~ Sleeping units modified or newly constructed after (date) shall comply with this standard.
10. Licensing shall be notified of any changes to buildings that affect usage, size, capacity, or structural changes.
11. Building usage shall be approved by licensing prior to resident occupancy, and all required inspections, permits, and authorizations shall be provided.
12. Any modification to buildings used by children, or an increase in capacity shall require inspection and approval by the Fire and Health Department, if applicable.
13. All parts of buildings used as living, sleeping, or bath areas shall have a ~~heating and ventilation system~~ heating, ventilating and air conditioning source that keeps the temperature a minimum of sixty-five (65) degrees and a maximum of eighty-five (85) degrees.
14. The facility shall provide a living area that has at least thirty-five (35) square feet of floor space per child. The dining area and indoor recreation area may be included in this space.
15. The facility shall provide a dining room.
16. The facility shall have a kitchen.
17. Manufactured homes, used as residential facilities, shall be tied down and underpinned as required by the Arkansas Manufactured Home Commission. The home shall obtain an inspection and approval from the Arkansas Manufactured Home Commission prior to being licensed.

1012**Bathrooms**

1. The facility shall provide bathrooms for the children. ~~that meet the following requirements:~~
2. There shall be a separate toilet, bathtub or shower, and sink for each six (6) children.
3. There shall be an adequate supply of hot and cold running water.
4. The bathroom shall be clean and sanitary.

1000 Sexual Rehabilitative Programs

5. There shall be separate bath and toilet facilities for males and females.
6. There shall be an adequate supply of soap, towels, and tissue.

1013 Sleeping Arrangements

1. The facility shall provide bedrooms for the children. ~~that meet the following requirements:~~
2. Children shall be placed in individual bedrooms unless each child's treatment plan specifically approves sharing a bedroom. If children are approved to share a bedroom there shall be three (3) or four (4) children in the room so as to limit the ability to keep secret any improper physical contact. When three (3) or four (4) children share a bedroom the agency shall have a clearly defined supervision plan to ensure the safety of each child.
3. There shall be no more than four (4) children per bedroom.
4. There shall be at least fifty (50) square feet of floor space per child in each bedroom.
5. Males and females shall not share a bedroom. ~~No child age four (4) years or over shall share a bedroom with a child of the opposite sex, except teenage mothers who participate in the care of their own children.~~
6. Each child shall have a separate bed with a mattress, sheets, pillow, pillowcase, and adequate cover, all in good condition.
7. No child under the age of six (6) shall occupy a top bunk.
8. Bedding shall be changed at least weekly, more often if needed.
9. Each child shall have an area to store personal belongings.
- ~~10. Staff sleeping quarters shall be separate from children's sleeping rooms.~~
10. Room arrangements shall be based on characteristics of ~~the individual~~ each resident to ensure the safety of each child.
11. Beds shall be positioned to minimize opportunity for physical contact between children.
12. Beds shall be positioned to ensure all children can easily exit the room in case of emergency.
13. Males and females shall not share an unsupervised ~~common~~ sleeping area unit. ~~(hallway, unit, and suite).~~
- ~~11. Facilities that admit adult clients shall provide sleeping arrangements to ensure separation of adults from children.~~

1014 ~~Health & Safety~~

1. The facility shall have an operable telephone or comparable communication system.
2. The facility shall have a continuous supply of clean drinking water. If the water source is not a municipal system, the source ~~must~~ shall be approved by the Arkansas Department of Health annually.
3. A private sewage/septic system shall be approved initially and upon any increase in capacity by the Arkansas Department of Health.
4. There shall be operational smoke detectors near the cooking area, heating units, and within ten (10) feet of each bedroom.
5. An operational chemical fire extinguisher or other fire suppression system approved by local fire inspection officials shall be in the cooking area of each building. Approval of the fire suppression system shall be documented.
6. There shall be an emergency evacuation plan diagramed and posted in each building used by children.
7. Fire drills shall be practiced with children each month.
8. ~~and~~ Severe weather ~~and other appropriate emergency~~ drills shall be practiced with children quarterly.
9. A record of drills shall be maintained, showing date and time of day of the drill, number of participants, and length of time required to reach safety.
10. Each ~~newly admitted~~ child shall be instructed in emergency procedures ~~during orientation~~ at admission.
11. The facility shall have proof of current rabies vaccinations for all household pets as required by Arkansas law.
12. No child shall be allowed to operate dangerous machinery or ~~dangerous~~ equipment, including firearms without proper adult supervision and following manufacturers' guidelines for age, safety precautions, and safety gear.
13. The agency shall have policy and procedure for carrying, storage and use of all firearms located at the facility,
14. All firearms shall be maintained in a secure, locked location, or secured by a trigger lock.
15. All ammunition shall be secured and locked separately from firearms, with the exception of ammunition locked in a long gun safe (ex. rifle, shotgun, muzzle loaders).

1015 Transportation

1. The facility shall have agency procured ~~its own~~ transportation available at all times.
2. The facility vehicle(s) shall not be used for personal use, unless other facility transportation is available.
3. Any vehicle used to transport children shall be in safe working condition and maintained in compliance with motor vehicle laws, ~~and be insured.~~
4. Any vehicle used to transport children shall be insured.
5. Children shall be transported only by an authorized person possessing a valid driver's license.
6. Children shall be transported according to Arkansas law, including, but not limited to, use of safety belts, child safety seats, and smoking restrictions.

1016 Discharge

- ~~1. The agency shall discharge a child when the case planning team decides that the child is no longer in need of services or can no longer benefit from services provided by the agency.~~
1. ~~Except in the case of an emergency discharge,~~ The discharge shall be planned by appropriate agency staff, parent(s), child, and any agency that will offer post-discharge services.
2. The agency may discharge a child on an emergency basis if failure to do so could result in harm to the child, other persons, or significant property damage.
3. A child shall be discharged to the custody of the child's parent or a person with authorization from the parent, guardian or a person authorized by court order to assume custody of the child.
4. The agency shall complete a discharge statement on each child that includes a discharge date and reason for discharge and provide a copy of it to the child's custodian.
5. Documentation of the discharge shall be maintained in the child's record.

Appendix A: Definitions

1. **"Adoption agency"** means a child placement agency which places, plans for or assists in the placement of an unrelated minor in a household of one (1) or more persons which has been approved to accept a child for adoption.
2. **"Adoptive home"** means a household of one (1) or more persons that has been approved by a licensed child placement agency to accept a child for adoption;
3. **"Adverse action"** means any petition by the Department of Human Services before the Child Welfare Agency Review Board to take any of the following actions against a licensee or applicant for a license:
 - a. Revocation of license;
 - b. Suspension of license;
 - c. Conversion of license from regular or provisional status to probationary status;
 - d. Imposition of a civil penalty;
 - e. Denial of application; or
 - f. Reduction of licensed capacity;
4. **"Alternative compliance"** means approval from the Child Welfare Agency Review Board to allow a licensee to deviate from the letter of a regulation, provided that the licensee has demonstrated how an alternate plan of compliance will meet or exceed the intent of the regulation;
5. **"Board"** means the Child Welfare Agency Review Board;
6. **"Boarding school"** means an institution that is operated solely for educational purposes and that meets each of the following criteria:
 - a. The institution is in operation for a period of time not to exceed the minimum number of weeks of classroom instruction required of schools accredited by the Department of Education;
 - b. The children in residence must customarily return to their family homes or legal guardians during school breaks and must not be in residence year round, except that this provision does not apply to students from foreign countries; and
 - c. The parents of children placed in the institution retain custody and planning and financial responsibility for the children;
7. **"Child"** means a person who is:
 - a. From birth to eighteen (18) years of age; or

- b. Adjudicated dependent-neglected, dependent, or a member of a family in need of services before eighteen (18) years of age and for whom the juvenile division of a circuit court retains jurisdiction under the Arkansas Juvenile Code of 1989, § 9-27-301 et seq.;
- 8. **"Child placement agency"** means a child welfare agency, not including any person licensed to practice medicine or law in the State of Arkansas that engages in any of the following activities:
 - a. Places a child in a foster home, adoptive home, or any type of facility licensed or exempted by this subchapter;
 - b. Plans for the placement of a child into a foster home, adoptive home, or any type of facility licensed or exempted by this subchapter; or
 - c. Assists the placement of a child in a foster home, adoptive home, or any type of facility licensed or exempted by this subchapter; or
 - d. Places, plans or assists in the placement of a child victim of human trafficking in a home or any type of shelter or facility.
- 9. **"Child welfare agency"** means any person, corporation, partnership, voluntary association, or other entity or identifiable group of entities having a coordinated ownership of controlling interest, whether established for profit or otherwise, that engages in any of the following activities:
 - a. Receives a total number of six (6) or more unrelated minors for care on a twenty-four- hour basis for the purpose of ensuring the minors receive care, training, education, custody, or supervision, whether or not there are six (6) or more children cared for at any single physical location;
 - b. Places any unrelated minor for care on a twenty-four-hour basis with persons other than themselves; or
 - c. Plans for or assists in the placements described in subdivision (8)(B) of this section; or
 - d. Places, plans or assists in the placement of a child victim of human trafficking in a home or any type of shelter or facility:
- 10. **"Church-related exemption"** means:
 - a. Any church or group of churches exempt from the state income tax levied by § 26-51-101 et seq. when operating a child welfare agency shall be exempt from obtaining a license to operate the facility by the receipt by the Child Welfare Agency Review Board of written request therefore, together with the written verifications.
 - b. A written request shall be made by those churches desiring exemption to the board, which is mandated under the authority of this subchapter to license all child welfare agencies.

- c. In order to maintain an exempt status, the child welfare agency shall state every two (2) years in written form signed by the persons in charge that the agency has met the fire, safety, and health inspections and is in substantial compliance with published standards that similar nonexempt child welfare agencies are required to meet.
 - d. Visits to review and advise exempt agencies shall be made as deemed necessary by the board to verify and maintain substantial compliance with all published standards for nonexempt agencies.
11. **"Emergency child care"** means any residential child care facility that provides care to children on a time-limited basis, not to exceed ninety (90) days;
 12. **"Emergency Family Style Care"** means any child welfare agency that provides twenty-four (24) hour custodial care, in a home like setting, for six (6) or more unrelated children or a child victim of human trafficking on an emergency basis, not to exceed ninety (90) days.
 13. **"Emergency Residential Child Care Facility"** means any child welfare agency that provides twenty-four (24) hour custodial care for six (6) or more unrelated children or a child victim of human trafficking on an emergency basis, not to exceed ninety (90) days. Any child admitted as an emergency placement shall be designated as such and shall be discharged within ninety (90) days.
 14. **"Exempt child welfare agency"** means any person, corporation, partnership, voluntary association or other entity, whether established for profit or otherwise, that otherwise fits the definition of a child welfare agency but that is specifically exempt from the requirement of obtaining a license under this subchapter. Those agencies specifically exempt from the license requirement are:
 - a. A facility or program owned or operated by an agency of the United States Government;
 - b. Any agency of the State of Arkansas that is statutorily authorized to administer or supervise child welfare activities. In order to maintain exempt status, the state child welfare agency shall state every two (2) years in written form signed by the persons in charge that their agency is in substantial compliance with published state agency child welfare standards. Visits to review and advise exempt state agencies shall be made as deemed necessary by the Child Welfare Agency Review Board to verify and maintain substantial compliance with the standards;
 - c. A facility or program owned or operated by or under contract with the Department of Correction;
 - d. A hospital providing acute care licensed pursuant to § 20-9-201 et seq.;
 - e. Any facility governed by the Department of Human Services State institutional System Board or its successor;

- f. Human development centers regulated by the Board of Developmental Disabilities Services pursuant to § 20-48-201 et seq.;
 - g. Any facility licensed as a family home pursuant to § 20-48-601 et seq.;
 - h. Any boarding school as defined in this section;
 - i. Any temporary camp as defined in this section;
 - j. Any state-operated facility to house juvenile delinquents or any serious offender program facility operated by a state designee to house juvenile delinquents. Those facilities shall be subject to program requirements modeled on nationally recognized correctional facility standards that shall be developed, administered, and monitored by the Division of Youth Services of the Department of Human Services;
 - k. Any child welfare agency operated solely by a religious organization that elects to be exempt from licensing and that complies within the conditions of the exemption for church-operated agencies as set forth in this subchapter;
 - l. The Division of Developmental Disabilities Services of the Department of Human Services; and
 - m. Any developmental disabilities services waiver provider licensed under § 2048-208 or § 20-48-601 et seq.;
15. **"Foster Care Placement Agency"** means a child placement agency which places plans for or assists in the placement of an unrelated minor in a private residence of one (1) or more family members for care and supervision on a twenty-four (24) hour basis; or places, plans or assists in the placement of a child victim of human trafficking in a home.
16. **"Foster home"** means a private residence of one (1) or more family members that receives from a child placement agency any child who is unattended by a parent or guardian in order to provide care, training, education, or supervision on a twenty-four-hour basis, not to include adoptive homes. **"Foster home"** does not include a home suspended or closed by a child placement agency;
17. **"Transitional Living"** means any child welfare agency that provides specialized services in adult living preparation in a structured setting for persons eighteen (18) years of age or older who have been admitted into the agencies residential program prior to the age of 18.
18. **"Independent Living"** means a child welfare agency that provides specialized services in adult living preparation in an experiential home like setting for persons sixteen (16) years of age or older.
19. **"Independent Living Family Style Care"** means a child welfare agency that provides specialized services in adult living preparation in an experiential home like setting for persons sixteen (16) years of age or older.

20. **"Minimum standards"** means those rules and regulations as established by the Child Welfare Agency Review Board that set forth the minimum acceptable level of practice for the care of children by a child welfare agency;
21. **"Placement Residential"** means a child placement agency which places, plans for, or assists in the placement of an unrelated minor into a residential child care facility or a child victim of human trafficking in any type of shelter or facility. The agency may be licensed for any or all types of licenses, depending on the types of services it provides.
22. **"Provisional foster home"** means a foster home opened for no more than six (6) months by the Division of Children and Family Services of the Department of Human Services for a relative or fictive kin of a child in the custody of the Division of Children and Family Services of the Department of Human Services after it:
 - a. Conducts a health and safety check, including a central registry check and a criminal background check or a check with local law enforcement, of the relative's home; and
 - b. Performs a visual inspection of the home of the relative to verify that the relative and the home will meet the standards for opening a regular foster home;
23. **"Probationary"** means a type of license issued to an agency that has not maintained compliance with minimum licensing standards, but the Board believes that compliance can be restored and subsequently maintained. This license may be issued for up to one (1) year, at the discretion of the Board.
24. **"Psychiatric residential treatment facility"** means a residential child care facility in a nonhospital setting that provides a structured, systematic, therapeutic program of treatment under the supervision of a psychiatrist, for children who are emotionally disturbed and in need of daily nursing services, psychiatrist's supervision, and residential care but who are not in an acute phase of illness requiring the services of an inpatient psychiatric hospital;
25. **"Relative"** means a person within the fifth degree of kinship by virtue of blood or adoption;
26. **"Religious organization"** means a church, synagogue, or mosque or association of same whose purpose is to support and serve the propagation of truly held religious beliefs;
27. **"Residential child care facility"** means any child welfare agency that provides care, training, education, custody, or supervision on a twenty-four-hour basis for six (6) or more unrelated children, excluding foster homes that have six (6) or more children who are all related to each other but who are not related to the foster parents; or receives a child victim of human trafficking in any type of shelter or facility.

28. **"Residential Family Style Care"** means any child welfare agency that provides care, training, education, custody or supervision, in a home like setting, on a twenty-four (24) hour basis for six (6) or more unrelated minors or receives a child victim of human trafficking in any type of shelter or facility.
29. **"Sexual Rehabilitative Program"** means a treatment program that offers a specific and specialized therapeutic program for children with sexually maladaptive behaviors. A licensed sexual rehabilitative program may be in a residential childcare facility, a therapeutic foster care home, or a psychiatric residential treatment facility.
30. **"Special consideration"** means approval from the Child Welfare Agency Review Board to allow a licensee to deviate from the letter of a rule if the licensee has demonstrated that the deviation is in the best interest of the children and does not pose a risk to persons served by the licensee;
31. **"Substantial compliance"** means compliance with all essential standards necessary to protect the health, safety, and welfare of the children in the care of the child welfare agency.
Essential standards include, but are not limited to, those relating to issues involving fire, health, safety, nutrition, discipline, staff-to-child ratio, and space;
32. **"Temporary camp"** means any facility or program providing twenty-four-hour care or supervision to children that meets the following criteria:
- a. The facility or program is operated for recreational, educational, or religious purposes only;
 - b. No child attends the program more than forty (40) days in a calendar year; and
 - c. The parents of children placed in the program retain custody and planning and financial responsibility for the children during placement;
33. **"Therapeutic Foster Care"** means any child placement agency that places plans for or assists in the placement of an unrelated minor or a child victim of human trafficking in a therapeutic foster home. Therapeutic foster care is intensive therapeutic care for children provided in specially trained family homes supported by licensed mental health professionals (as recognized by Arkansas Medicaid). A therapeutic foster care program is a family-based services delivery approach providing individualized treatment for children, youth, and their families. Treatment is delivered through an integrated set of services with key interventions and supports provided by therapeutic foster parents who are trained, supervised, and supported by qualified program staff. Therapeutic foster care services shall be provided in a separately identified program of a larger agency or be provided by an independent agency.

34. "**Therapeutic Foster Care - Sexual Rehabilitative Program**" means a treatment program that offers a specific and specialized therapeutic program for children with sexually maladaptive behaviors. A licensed sexual rehabilitative program may be in a residential childcare facility, a therapeutic foster care home, or a psychiatric residential treatment facility.
35. "**Unrelated minor**" means a child who is not related by blood, marriage, or adoption to the owner or operator of the child welfare agency and who is not a ward of the owner or operator of the child welfare agency pursuant to a guardianship order issued by a court of competent jurisdiction.

Appendix B: Prohibited Offences

1. A person who is required to have a criminal records check under the Child Welfare Agency Licensing Act shall be absolutely and permanently prohibited from having direct and unsupervised contact with a child in the care of a child welfare agency if that person has pleaded guilty or nolo contendere to or been found guilty of any of the following offenses by any court in the State of Arkansas, of a similar offense in a court of another state, or of a similar offense by a federal court, unless the conviction is vacated or reversed:

01. Abuse of an endangered or impaired person, if felony,	§ 5-28-103;
02. Arson,	§ 5-28-103;
03. Capital Murder,	§ 5-10-101;
04. Endangering the welfare of an incompetent person in the first degree,	§ 5-27-201;
05. Kidnapping,	§ 5-11-102;
06. Murder in the first degree,	§ 5-10-102;
07. Murder in the second degree,	§ 5-10-103;
08. Rape,	§ 5-14-103;
09. Sexual assault in the first degree,	§ 5-14-124;
10. Sexual assault in the second degree,	§ 5-14-125;

2. A person who is required to have a criminal records check under the Child Welfare Agency Licensing Act shall not be eligible to have direct and unsupervised contact with a child in the care of a child welfare agency if that person has pleaded guilty or nolo contendere to or been found guilty of any of the following offenses by a court in the State of Arkansas, of a similar offense in a court of another state, or of a similar offense by a federal court, unless the conviction is vacated or reversed:

01. Criminal attempt to commit any offenses;	§ 5-3-201;
02. Criminal complicity to commit any offenses;	§ 5-3-202;
03. Criminal conspiracy to commit any offenses ;	§ 5-3-401;
04. Criminal solicitation, to commit any offenses;	§ 5-3-301;
05. Assault in the first, second, or third degree;	§ 5-13-205/207;
06. Aggravated assault;	§ 5-13-204;
07. Aggravated assault on a family or household member,	§ 5-26-306;
08. Battery in the first, second, or third degree,	§ 5-13-201/203;
09. Breaking or entering,	§ 5-39-202;
10. Burglary,	§ 5-39-201;
11. Coercion,	§ 5-13-208;
12. Computer crimes against minors,	§ 5-27-601 et seq;
13. Contributing to the delinquency of a juvenile,	§ 5-27-220;
14. Contributing to the delinquency of a minor,	§ 5-27-209;

15. Criminal impersonation,	§ 5-37-208;
16. Criminal use of a prohibited weapon,	§ 5-73-104;
17. Communicating a death threat concerning a school employee or students:	§ 5-17-101;
18. Domestic battery in the first, second, or third degree,	§5-26-303/305;
19. Employing or consenting to the use of a child in a sexual performance,	§5-27-401;
20. Endangering the welfare of a minor in the first or second degree,	§5-27-205/206
21. Endangering the welfare of an incompetent person in the second degree,	§5-27-202;
22. Engaging children in sexually explicit conduct for use in visual or print media,	§ 5-27-303;
23. False imprisonment in the first or second degree,	§ 5-11-103/104;
24. Felony abuse of an endangered or impaired person,	§ 5-28-103;
25. Felony interference with a law enforcement officer,	§ 5-54-104;
26. Felony violation of the Uniform Controlled Substance Act,	§ 5-64-101 et seq. §5-64-501 et seq.;
27. Financial identity fraud,	§ 5-37-227;
28. Forgery,	§ 5-37-201;
29. Incest,	§ 5-26-202;
30. Interference with court ordered custody,	§ 5-26-502;
31. Interference with visitation,	§ 5-26-501;
32. Introduction of controlled substance into the body of another person,	§ 5-13-210;
33. Manslaughter,	§ 5-10-104;
34. Negligent homicide,	§ 5-10-105;
35. Obscene performance at a live public show,	§ 5-68-305;
36. Offense of cruelty to animals,	§ 5-62-103;
37. Offense of aggravated cruelty to dog, cat, or horse,	§ 5-62-104;
38. Pandering or possessing visual or print medium depicting sexually explicit conduct involving a child,	§ 5-27-304;
39. Sexual solicitation,	§ 5-70-103;
40. Permanent detention or restraint,	§ 5-11-106;
41. Permitting abuse of a minor,	§ 5-27-221;
42. Producing, directing, or promoting a sexual performance by a child,	§ 5-27-403;
43. Promoting obscene materials,	§ 5-68-303;
44. Promoting obscene performance,	§ 5-68-304;
45. Promoting prostitution in the first, second, or third degree,	§ 5-70-104- § 5-70-106;
46. Prostitution,	§ 5-70-102;
47. Public display of obscenity,	§ 5-68-205;
48. Resisting arrest,	§ 5-54-103;
49. Robbery,	§ 5-12-102;

50. Aggravated robbery,	§ 5-12-103;
51. Sexual offenses,	§ 5-14-101 et seq.
52. Simultaneous possession of drugs and firearms,	§ 5-74-106;
53. Soliciting money or property from incompetents,	§ 5-27-229;
54. Stalking,	§ 5-71-229;
55. Terroristic act,	§ 5-13-310;
56. Terroristic threatening,	§ 5-13-301;
57. Theft of public benefits,	§ 5-36-202;
58. Theft by receiving,	§ 5-36-106;
59. Theft of property,	§ 5-36-103;
60. Theft of services,	§ 5-36-104;
61. Transportation of minors for prohibited sexual conduct,	§ 5-27-305;
62. Unlawful discharge of a firearm from a vehicle,	§ 5-74-107; and
63. Voyeurism,	§ 5-16-102.

3. A former or future law of this or any other state or of the federal government that is substantially equivalent to one (1) of the offenses listed in the Child Welfare Licensing Act shall be considered as prohibiting.
4. A person who is required to have a criminal records check under the Child Welfare Agency Licensing Act who has pleaded guilty or nolo contendere to or been found guilty of any of the offenses listed shall be absolutely disqualified from being an owner, operator, volunteer, foster parent, adoptive parent, member of a child welfare agency's board of directors, or employee in a child welfare agency during the period of the person's confinement, probation, or parole supervision unless the conviction is vacated or reversed.
5. Except as provided under the Child Welfare Agency Licensing Act, a person who has pleaded guilty or nolo contendere to or been found guilty of one (1) of the offenses listed shall not work in a child welfare agency unless:
 - (a) The date of a plea of guilty or nolo contendere, or the finding of guilt for a misdemeanor offense is at least five (5) years from the date of the record check; and
 - (b) There have been no criminal convictions or pleas of guilty or nolo contendere of any type or nature during the five-year period preceding the background check request.
6. Except as provided under the Child Welfare Licensing Act:
 - (a) a person who is required to have a criminal records check, who has pleaded guilty or nolo contendere to or been found guilty of any of the offenses listed shall be presumed to be disqualified to be an owner, operator, volunteer, foster parent, adoptive parent, member of a child welfare agency's board of directors, or employee in a child welfare agency after the completion of his or her term of confinement, probation, or parole supervision unless the conviction is vacated or reversed.

- (b) An owner, operator, volunteer, foster parent, adoptive parent, household member of a foster parent or adoptive parent, member of any child welfare agency's board of directors, or an employee in a child welfare agency shall not petition the Child Welfare Agency Review Board unless the agency supports the petition, which can be rebutted in the following manner:
 - (i) The applicant shall petition the Child Welfare Agency Review Board to make a determination that the applicant does not pose a risk of harm to any person;
 - (ii) The applicant shall bear the burden of making such a showing; and
 - (iii) The Child Welfare Agency Review Board may permit an applicant to be an owner, operator, volunteer, foster parent, adoptive parent, member of an agency's board of directors, or an employee in a child welfare agency notwithstanding having pleaded guilty or nolo contendere to or been found guilty of an offense listed in this section upon making a determination that the applicant does not pose a risk of harm to any person served by the facility.
7. The Child Welfare Agency Review Board's decision to disqualify a person from being an owner, operator, volunteer, foster parent, adoptive parent, member of a child welfare agency's board of directors, or an employee in a child welfare agency under this section shall constitute the final administrative agency action of the Child Welfare Agency Review Board and is not subject to review.

~~Title 9 Family Law~~

~~Subtitle 3. Minors~~

~~Chapter 28 Placement or Detention~~

~~Subchapter 4—Child Welfare Agency Licensing Act~~

~~A.C.A. § 9-2~~

~~8-402 (2014)~~

~~9-28-402. Definitions.~~

~~As used in this subchapter:~~

~~(1) "Adoptive home" means a household of one (1) or more persons that has been approved by a licensed child placement agency to accept a child for adoption;~~

~~(2) "Adverse action" means any petition by the Department of Human Services before the Child Welfare Agency Review Board to take any of the following actions against a licensee or applicant for a license:~~

~~(A) Revocation of license;~~

~~(B) Suspension of license;~~

~~(C) Conversion of license from regular or provisional status to probationary status;~~

~~(D) Imposition of a civil penalty;~~

~~(E) Denial of application; or~~

~~(F) Reduction of licensed capacity;~~

~~(3) "Alternative compliance" means approval from the Child Welfare Agency Review Board to allow a licensee to deviate from the letter of a regulation, provided that the licensee has demonstrated how an alternate plan of compliance will meet or exceed the intent of the regulation;~~

~~(4) "Board" means the Child Welfare Agency Review Board;~~

~~(5) "Boarding school" means an institution that is operated solely for educational purposes and that meets each of the following criteria:~~

~~(A) The institution is in operation for a period of time not to exceed the minimum number of weeks of classroom instruction required of schools accredited by the Department of Education;~~

~~(B) The children in residence must customarily return to their family homes or legal guardians~~

Child Welfare Agency Licensing Act

~~during school breaks and must not be in residence year round, except that this provision does not apply to students from foreign countries; and~~

~~(C) The parents of children placed in the institution retain custody and planning and financial responsibility for the children;~~

~~(6) "Child" means a person who is:~~

~~(A) From birth to eighteen (18) years of age; or~~

~~(B) Adjudicated dependent-neglected, dependent, or a member of a family in need of services before eighteen (18) years of age and for whom the juvenile division of a circuit court retains jurisdiction under the Arkansas Juvenile Code of 1989, § 9-27-301 et seq.;~~

~~(7) "Child placement agency" means a child welfare agency, not including any person licensed to practice medicine or law in the State of Arkansas, that engages in any of the following activities:~~

~~(A) Places a child in a foster home, adoptive home, or any type of facility licensed or exempted by this subchapter;~~

~~(B) Plans for the placement of a child into a foster home, adoptive home, or any type of facility licensed or exempted by this subchapter; or~~

~~(C) Assists the placement of a child in a foster home, adoptive home, or any type of facility licensed or exempted by this subchapter;~~

~~(8) "Child welfare agency" means any person, corporation, partnership, voluntary association, or other entity or identifiable group of entities having a coordinated ownership or controlling interest, whether established for profit or otherwise, that engages in any of the following activities:~~

~~(A) Receives a total number of six (6) or more unrelated minors for care on a twenty-four-hour basis for the purpose of ensuring the minors receive care, training, education, custody, or supervision, whether or not there are six (6) or more children cared for at any single physical location;~~

~~(B) Places any unrelated minor for care on a twenty-four-hour basis with persons other than themselves; or~~

~~(C) Plans for or assists in the placements described in subdivision (8)(B) of this section;~~

~~(9) (A) "Class A violation" means a violation of an essential standard, including any of those governing fire, health, safety, nutrition, staff to child ratio, and space.~~

~~(B) Operation of an unlicensed child welfare agency shall also be a Class A violation unless specifically exempted as provided in this subchapter;~~

Child Welfare Agency Licensing Act

- ~~(10) "Class B violation" means any other violation of a standard that is not a Class A violation;~~
- ~~(11) "Emergency child care" means any residential child care facility that provides care to children on a time-limited basis, not to exceed ninety (90) days;~~
- ~~(12) "Exempt child welfare agency" means any person, corporation, partnership, voluntary association or other entity, whether established for profit or otherwise, that otherwise fits the definition of a child welfare agency but that is specifically exempt from the requirement of obtaining a license under this subchapter. Those agencies specifically exempt from the license requirement are:~~
- ~~(A) A facility or program owned or operated by an agency of the United States Government;~~
- ~~(B) (i) Any agency of the State of Arkansas that is statutorily authorized to administer or supervise child welfare activities.~~
- ~~(ii) In order to maintain exempt status, the state child welfare agency shall state every two (2) years in written form signed by the persons in charge that their agency is in substantial compliance with published state agency child welfare standards.~~
- ~~(iii) Visits to review and advise exempt state agencies shall be made as deemed necessary by the Child Welfare Agency Review Board to verify and maintain substantial compliance with the standards;~~
- ~~(C) A facility or program owned or operated by or under contract with the Department of Correction;~~
- ~~(D) A hospital providing acute care licensed pursuant to § 20-9-201 et seq.;~~
- ~~(E) Any facility governed by the Department of Human Services State Institutional System Board or its successor;~~
- ~~(F) Human development centers regulated by the Board of Developmental Disabilities Services pursuant to § 20-48-201 et seq.;~~
- ~~(G) Any facility licensed as a family home pursuant to § 20-48-601 et seq.;~~
- ~~(H) Any boarding school as defined in this section;~~
- ~~(I) Any temporary camp as defined in this section;~~
- ~~(J) Any state-operated facility to house juvenile delinquents or any serious offender program facility operated by a state designee to house juvenile delinquents. Those facilities shall be subject to program requirements modeled on nationally recognized correctional facility standards that shall be developed, administered, and monitored by the Division of Youth Services of the~~

Child Welfare Agency Licensing Act

Department of Human Services;

~~(K) Any child welfare agency operated solely by a religious organization that elects to be exempt from licensing and that complies within the conditions of the exemption for church-operated agencies as set forth in this subchapter;~~

~~(L) The Division of Developmental Disabilities Services of the Department of Human Services;~~
and

~~(M) Any developmental disabilities services waiver provider licensed under § 20-48-208 or § 20-48-601 et seq.;~~

~~(13) (A) "Foster home" means a private residence of one (1) or more family members that receives from a child placement agency any child who is unattended by a parent or guardian in order to provide care, training, education, or supervision on a twenty-four-hour basis, not to include adoptive homes.~~

~~(B) "Foster home" does not include a home suspended or closed by a child placement agency;~~

~~(14) "Independent living home" means any child welfare agency that provides specialized services in adult living preparation in an experiential setting for persons sixteen (16) years of age or older;~~

~~(15) "Minimum standards" means those rules and regulations as established by the Child Welfare Agency Review Board that set forth the minimum acceptable level of practice for the care of children by a child welfare agency;~~

~~(16) "Provisional foster home" means a foster home opened for no more than six (6) months by the Division of Children and Family Services of the Department of Human Services for a relative or fictive kin of a child in the custody of the Division of Children and Family Services of the Department of Human Services after it:~~

~~(A) Conducts a health and safety check, including a central registry check and a criminal background check or a check with local law enforcement, of the relative's home; and~~

~~(B) Performs a visual inspection of the home of the relative to verify that the relative and the home will meet the standards for opening a regular foster home;~~

~~(17) "Psychiatric residential treatment facility" means a residential child care facility in a nonhospital setting that provides a structured, systematic, therapeutic program of treatment under the supervision of a psychiatrist, for children who are emotionally disturbed and in need of daily nursing services, psychiatrist's supervision, and residential care but who are not in an acute phase of illness requiring the services of an inpatient psychiatric hospital;~~

~~(18) "Relative" means a person within the fifth degree of kinship by virtue of blood or adoption;~~

Child Welfare Agency Licensing Act

- ~~(19) "Religious organization" means a church, synagogue, or mosque or association of same whose purpose is to support and serve the propagation of truly held religious beliefs;~~
- ~~(20) "Residential child care facility" means any child welfare agency that provides care, training, education, custody, or supervision on a twenty-four-hour basis for six (6) or more unrelated children, excluding foster homes that have six (6) or more children who are all related to each other but who are not related to the foster parents;~~
- ~~(21) "Special consideration" means approval from the Child Welfare Agency Review Board to allow a licensee to deviate from the letter of a rule if the licensee has demonstrated that the deviation is in the best interest of the children and does not pose a risk to persons served by the licensee;~~
- ~~(22) (A) "Substantial compliance" means compliance with all essential standards necessary to protect the health, safety, and welfare of the children in the care of the child welfare agency.~~
- ~~(B) Essential standards include, but are not limited to, those relating to issues involving fire, health, safety, nutrition, discipline, staff to child ratio, and space;~~
- ~~(23) "Temporary camp" means any facility or program providing twenty-four-hour care or supervision to children that meets the following criteria:~~
- ~~(A) The facility or program is operated for recreational, educational, or religious purposes only;~~
- ~~(B) No child attends the program more than forty (40) days in a calendar year; and~~
- ~~(C) The parents of children placed in the program retain custody and planning and financial responsibility for the children during placement; and~~
- ~~(24) "Unrelated minor" means a child who is not related by blood, marriage, or adoption to the owner or operator of the child welfare agency and who is not a ward of the owner or operator of the child welfare agency pursuant to a guardianship order issued by a court of competent jurisdiction~~

~~9-28-403. Child Welfare Agency Review Board — Creation — Authority.~~

- ~~(a) (1) there is created the Child Welfare Agency Review Board to serve as the administrative body to carry out the provisions of this subchapter.~~
- ~~(2) The board shall have the authority to promulgate rules and regulations to enforce the provisions of this subchapter.~~
- ~~(b) The board may also identify and implement alternative methods of regulation and enforcement that may include, but not be limited to:~~
- ~~(1) Expanding the types and categories of licenses issued for programs falling within the~~

Child Welfare Agency Licensing Act

definition of "child welfare agency", as may be required by changes in the types of child welfare programs that may occur, and to promulgate separate regulations for each category of license as it may deem proper;

~~(2) Using the standards of other licensing authorities or compliance reviewing professionals as being equivalent to partial compliance with board promulgated rules, when those standards have been shown to predict compliance with the board promulgated rules; and~~

~~(3) Using an abbreviated inspection that employs key standards that have been shown to predict full compliance with the rules.~~

~~(c) (1) The Department of Human Services is designated as the governmental agency charged with the enforcement of this subchapter.~~

~~(2) Only the department, licensees, agencies specifically exempted by this subchapter, and applicants for a license shall have standing to initiate formal proceedings before the board, except when otherwise provided by law.~~

~~(d) When any person, corporation, partnership, voluntary association, or other entity shall be found to operate or assist in the operation of a child welfare agency that has been licensed by the board or has had the license denied, revoked, or suspended by the board, and therefore has been ordered to cease and desist operation in accordance with the provisions of this subchapter, the board shall have the right to go into the circuit court in the jurisdiction in which the child welfare agency is being operated and upon affidavit secure a writ of injunction, without bond, restraining and prohibiting the person, corporation, partnership, voluntary association, or other entity from operating the child welfare agency.~~

~~(e) The Arkansas Administrative Procedure Act, § 25-15-201 et seq., shall apply to all proceedings brought under this subchapter, except that the following provisions shall control during adverse action hearings to the extent that they conflict with the Arkansas Administrative Procedure Act § 25-15-201 et seq.:~~

~~(1) All parties to an adverse action shall be entitled to engage in and use formal discovery as provided for in Rules 26, 28—34, and 36 of the Arkansas Rules of Civil Procedure including:~~

~~(A) Requests for admission;~~

~~(B) Requests for production of documents and things;~~

~~(C) Written interrogatories; and~~

~~(D) Oral and written depositions; and~~

~~(2) All evidentiary rulings in an adverse action hearing shall be governed by the Arkansas Rules of Evidence with respect to the following types of evidence:~~

Child Welfare Agency Licensing Act

- ~~(A) The requirement of personal knowledge of a witness as required by Rule 602;~~
- ~~(B) The admissibility of character evidence as set forth by Rules 608 and 609;~~
- ~~(C) The admissibility of opinion evidence as set forth by Rules 701—703; and~~
- ~~(D) The admissibility of hearsay evidence as set forth by Rules 801—806.~~
- ~~(f) (1) Requests for subpoenas shall be granted by the Chief Counsel of the Department of Human Services or a designee if the testimony or documents desired are considered necessary and material without being unduly repetitious of other available evidence.~~
- ~~(2) Subpoenas provided for in this section shall be served in the manner as now provided by law, returned, and a copy made and kept by the department.~~
- ~~(3) The fees and mileage for officers serving the subpoenas and witnesses answering the subpoenas shall be the same as now provided by law.~~
- ~~(4) Witnesses duly served with subpoenas issued under this section who shall refuse to testify or give evidence may be cited on an affidavit through application of the chief counsel of the department to the Pulaski County Circuit Court or any circuit court of the state where the subpoenas were served.~~
- ~~(5) Failure to obey the subpoena may be deemed a contempt punishable accordingly.~~

~~**HISTORY:** Acts 1997, No. 1041, § 3; 2009, No. 723, §§ 2, 3; 2011, No. 522, § 6.~~

~~9-28-404. Child Welfare Agency Review Board — Composition.~~

- ~~(a) The Child Welfare Agency Review Board shall consist of Arkansas residents who shall be qualified as follows:~~
- ~~(1) The director of the division within the Department of Human Services designated by the Director of the Department of Human Services to administer this subchapter or his or her designee;~~
- ~~(2) One (1) representative from a privately owned, licensed child placement agency with expertise in foster care;~~
- ~~(3) One (1) representative from a privately owned, licensed child placement agency with expertise in adoptions;~~
- ~~(4) Two (2) representatives from licensed residential child care facilities;~~
- ~~(5) One (1) representative from a licensed psychiatric residential treatment facility;~~

Child Welfare Agency Licensing Act

~~(6) One (1) representative from a licensed emergency shelter; and~~

~~(7) One (1) representative from the public at large.~~

~~(b) Members shall be appointed by the Governor for four-year terms expiring on March 1 of the appropriate year, except that in making initial appointments, one (1) of the members representing licensed child placement agencies and the member representing the public at large shall serve for two (2) years and two (2) of the members representing residential facilities shall serve for three (3) years.~~

~~(c) Members of the board shall serve without compensation, but each member of the board shall be entitled to reimbursement for expenses for necessary meals, lodging, and mileage in attending board meetings, to be payable from funds appropriated for the maintenance and operation of the department.~~

~~(d) The members of the board shall select a chair from among its voting membership.~~

HISTORY: Acts 1997, No. 1041, § 4; 2001, No. 1414, §§ 1, 2; 2003, No. 1157, § 2; 2011, No. 522, §§ 7, 8.

~~9-28-405. Child Welfare Agency Review Board—Duties.~~

~~(a) (1) The Child Welfare Agency Review Board shall promulgate and publish rules setting minimum standards governing the granting, revocation, refusal, conversion, and suspension of licenses for a child welfare agency and the operation of a child welfare agency.~~

~~(2) The board may consult with such other agencies, organizations, or individuals as it shall deem proper.~~

~~(3) (A) The board shall take any action necessary to prohibit any person, partnership, group, corporation, organization, or association not licensed or exempted from licensure pursuant to this chapter from advertising, placing, planning for, or assisting in the placement of any unrelated minor for purposes of adoption or for care in a foster home.~~

~~(B) The prohibition against advertising shall not apply to persons who are seeking to add to their own family by adoption.~~

~~(b) The board may amend the rules and regulations promulgated pursuant to this section from time to time, in accordance with the rule promulgation procedures in the Arkansas Administrative Procedure Act, § 25-15-201 et seq.~~

~~(c) (1) The board shall have exclusive authority to promulgate rules that:~~

~~(A) Promote the health, safety, and welfare of children in the care of a child welfare agency;~~

~~(B) Promote safe and healthy physical facilities;~~

Child Welfare Agency Licensing Act

~~(C) Ensure adequate supervision of the children by capable, qualified, and healthy individuals;~~

~~(D) Ensure appropriate educational programs and activities for children in the care of a child welfare agency;~~

~~(E) Ensure adequate and healthy food service;~~

~~(F) Include procedures for the receipt, recordation, and disposition of complaints regarding allegations of violations of this subchapter, of the rules promulgated under this subchapter, or of child maltreatment laws;~~

~~(G) Include procedures for the assessment of child and family needs and for the delivery of services designed to enable each child to grow and develop in a permanent family setting;~~

~~(H) Ensure that criminal record checks and central registry checks are completed on owners, operators, and employees of a child welfare agency as set forth in this subchapter;~~

~~(I) Require the compilation of reports and making those reports available to the Division of Youth Services of the Department of Human Services when the board determines it is necessary for compliance determination or data compilation;~~

~~(J) Ensure that a child placement agency:~~

~~(i) Treats clients seeking or receiving services in a professional manner, as defined by rules promulgated pursuant to this section; and~~

~~(ii) Provides clients seeking or receiving services from a child placement agency that provides adoption services with the phone number and address of the Child Welfare Agency Licensing Unit of the Department of Human Services where complaints can be lodged;~~

~~(K) Require that all child welfare agencies that provide adoption services fully apprise in writing all clients involved in the process of adopting a child of the agency's adoption program or services, including all possible costs associated with the adoption program; and~~

~~(L) Establish rules governing retention of licensing records maintained by the department.~~

~~(2) This subchapter shall not be construed to prevent a licensed child welfare agency from adopting and applying internal operating procedures that meet or exceed the minimum standards required by the board.~~

~~(d) (1) Provided that the health, safety, and welfare of children in the care of a child welfare agency are not endangered, nothing in this subchapter shall permit the board to promulgate or enforce any rule that has the effect of:~~

~~(A) Interfering with the religious teaching or instruction offered by a child welfare agency;~~

Child Welfare Agency Licensing Act

~~(B) Infringing upon the religious beliefs of the holder or holders of a child welfare agency license;~~

~~(C) Infringing upon the right of an agency operated by a religious organization to consider creed in any decision or action relating to admitting or declining to admit a child or family for services;~~

~~(D) Infringing upon the parent's right to consent to a child's participating in prayer or other religious practices while in the care of the child welfare agency; or~~

~~(E) Prohibiting the use of corporal discipline.~~

~~(2) (A) (i) A child welfare agency that articulates a sincerely held religious belief that is violated by a specific rule promulgated by the board shall notify the department in writing of the belief and the specific rule that violates the belief.~~

~~(ii) The rule shall be presumptively invalid as applied to that child welfare agency.~~

~~(B) (i) The department may then file a petition before the board seeking to enforce the rule.~~

~~(ii) The department shall bear the burden of showing that the health, safety, or welfare of children would be endangered by the exemption, and if the board so finds by a preponderance of the evidence, the board shall render a finding of fact so concluding.~~

~~(c) The board shall issue all licenses to child welfare agencies upon majority vote of board members present during each properly called board meeting at which a quorum is present when the meeting is called to order.~~

~~(f) (1) (A) The board shall have the power to deny an application to operate a child welfare agency or revoke or suspend a previously issued license to operate a child welfare agency.~~

~~(B) The board may deny, suspend, convert, or revoke a child welfare agency license or issue letters of reprimand or caution to a child welfare agency if the board finds by a preponderance of the evidence that the applicant or licensee:~~

~~(i) Fails to comply with the provisions of this subchapter or any published rule of the board relating to child welfare agencies;~~

~~(ii) Furnishes or makes any statement or report to the department that is false or misleading;~~

~~(iii) Refuses or fails to submit required reports or to make available to the department any records required by it in making an investigation of the agency for licensing purposes;~~

~~(iv) Refuses or fails to submit to an investigation or to reasonable inspection by the department;~~

~~(v) Retaliates against an employee who in good faith reports a suspected violation of the~~

Child Welfare Agency Licensing Act

~~provisions of this subchapter or the rules promulgated under this subchapter;~~

~~(vi) Fails to engage in a course of professional conduct in dealing with clients being served by the child placement agency, as defined by rules promulgated pursuant to this section;~~

~~(vii) Demonstrates gross negligence in carrying out the duties at the child placement agency; or~~

~~(viii) Fails to provide clients involved in the process of adoption of a child with correct and sufficient information pertaining to the adoption process, services, and costs.~~

~~(2) Any denial of application or revocation or suspension of a license shall be effective when made.~~

~~(g) The board shall review the qualifications of persons required to have background checks under this subchapter.~~

~~(h) (1) The board or its designee may grant an agency's request for alternative compliance upon a finding that the child welfare agency does not meet the letter of a regulation promulgated under this subchapter but that the child welfare agency meets or exceeds the intent of that rule through alternative means.~~

~~(2) (A) If the board or its designee grants a request for alternative compliance, the child welfare agency's practice as described in the request for alternative compliance shall be the compliance terms under which the child welfare agency will be held responsible.~~

~~(B) The board or its designee may grant an agency's request for special consideration upon a finding that the request is in the best interest of the child or children or does not pose a risk to the persons served by the agency.~~

~~(C) Violations of these terms shall constitute a rule violation.~~

~~(i) (1) (A) The board shall have the authority to impose a civil penalty upon any person violating any provisions of this subchapter and any person assisting any partnership, group, corporation, organization, or association in violating any provisions of this subchapter, except that the imposition of civil penalties shall not apply to agencies that have been granted a church-operated exemption pursuant to this subchapter.~~

~~(B) (i) The board may impose a civil penalty upon any person, partnership, group, corporation, organization, or association not licensed or exempt from licensure as a child welfare agency in the State of Arkansas pursuant to this subchapter that advertises, places, plans for, or assists in the placement of any unrelated minor for purposes of adoption or for care in a foster home.~~

~~(ii) The prohibition against advertising does not apply to persons who are seeking to add to their own family by adoption.~~

~~(2) The board shall have the discretion to impose a civil penalty pursuant to this section when the~~

Child Welfare Agency Licensing Act

~~board determines by clear and convincing evidence that the person sought to be charged has violated this subchapter or the rules promulgated thereunder willfully, wantonly, or with conscious disregard for law or regulation.~~

~~(3) The board may impose civil penalties as follows:~~

~~(A) (i) Class A violations as defined in this subchapter shall be subject to a civil penalty of five hundred dollars (\$500) for each violation, with each day of noncompliance constituting a separate violation.~~

~~(ii) In no event shall the board impose civil penalties of more than two thousand five hundred dollars (\$2,500) for Class A violations occurring in any one (1) calendar month; and~~

~~(B) (i) Class B violations as defined in this subchapter shall be subject to a civil penalty of one hundred dollars (\$100) for each violation with each day of noncompliance constituting a separate violation.~~

~~(ii) In no event shall the board impose civil penalties of more than five hundred dollars (\$500) for Class B violations occurring in any one (1) calendar month.~~

~~(4) If any person upon whom the board has levied a civil penalty fails to pay the civil penalty within sixty (60) days of the board's decision to impose the penalty, the amount of the fine shall be considered to be a debt owed the State of Arkansas and may be collected by civil action by the Attorney General.~~

~~(j) (1) (A) The board shall notify the applicant or licensee of the department's petition for adverse action in writing and set forth the facts forming the basis for the request for the adverse action.~~

~~(B) This notice shall offer the licensee the opportunity for a pre-deprivation adverse action hearing to determine if the adverse action should be taken against the licensee or applicant.~~

~~(2) This section does not prevent the department or the board from closing a child welfare agency on an emergency basis if emergency closure is immediately required to protect the health, safety, or welfare of children, in which case the licensee shall be entitled to a post-deprivation adverse action hearing.~~

~~(k) (1) Adverse action hearings shall comply with the Arkansas Administrative Procedure Act, § 25-15-201 et seq.~~

~~(2) (A) Within ten (10) business days after rendering a decision, the board shall forward to the applicant or licensee written findings of fact and conclusions of law articulating the board's decision.~~

~~(B) The board shall also issue an order that the applicant or licensee cease and desist from the unlawful operation of a child welfare agency if the adverse action taken was revocation or suspension of the license or denial of an application.~~

Child Welfare Agency Licensing Act

~~(1) (1) If, upon the filing of a petition for a judicial review, the reviewing court determines that there is a substantial possibility that the board's decision against the licensee or applicant may be reversed, the circuit court may enter a stay prohibiting enforcement of a decision of the board, provided that the court articulates the facts from the adverse action hearing record that constitute a substantial possibility of reversal.~~

~~(2) (A) Thereafter, the court shall complete its review of the record and announce its decision within one hundred twenty (120) days of the entry of the stay.~~

~~(B) If the court does not issue its findings within one hundred twenty (120) days of the issuance of the stay, the stay shall be considered vacated.~~

~~(m) All rules promulgated under this section and all public comment received in writing by the department in response shall be made available for review by the Senate Interim Committee on Children and Youth and the Subcommittee on Children and Youth of the House Committee on Aging, Children and Youth, Legislative and Military Affairs, and by the Governor or his or her designee from among the Governor's staff.~~

~~(n) (1) (A) The validity or application of any rule or regulation promulgated by the board under authority of this subchapter shall be subject to remedies provided by law for obtaining declaratory judgments at the suit of any interested person instituted in the circuit court of any county in which the plaintiff resides or does business or in Pulaski County Circuit Court.~~

~~(B) However, the board must be named a party defendant and the board must be summoned as in an action by ordinary proceedings.~~

~~(2) If a juvenile is found to be maltreated due to the acts or omissions of a person other than the parent or guardian of the juvenile, the court may enter an order restraining or enjoining the person or facility employing that person from providing care, training, education, custody, or supervision of juveniles of whom the person or facility is not the parent or guardian.~~

~~(3) (A) If the person or facility other than the parent or guardian of the juvenile found to be maltreated was not subject to this subchapter, the court may order the person or facility to obtain a license from the board as a condition precedent to the person or facility providing care, training, education, custody, or supervision of any juveniles of whom the person or facility is not the parent or guardian.~~

~~(B) If the court so orders, this subchapter shall thereafter apply to the person or facility subject to the court order.~~

~~(o) (1) The Department of Human Services shall maintain a website accessible to the general public that contains information on child placement agencies.~~

~~(2) The website shall contain:~~

Child Welfare Agency Licensing Act

- ~~(A) The name, phone number, and address of all child placement agencies licensed by the board;~~
- ~~(B) Information on each child placement agency, specifically if the license is in good standing, if the license has ever been revoked or suspended, or if any letters of caution or reprimand have been issued by the board; and~~
- ~~(C) The name and contact information for a person in the unit who handles complaints about child placement agencies.~~

HISTORY: Acts 1997, No. 1041, § 5; 2005, No. 2225, § 1; 2005, No. 2234, § 2; 2009, No. 723, §§ 4-6; 2011, No. 522, §§ 9-14; 2013, No. 1275, § 2.

~~9-28-406. Department enforcement duties.~~

- ~~(a) (1) The Department of Human Services shall advise the Child Welfare Agency Review Board regarding proposed rules and regulations.~~
- ~~(2) The department shall obtain comments from the board prior to initiating the rule promulgation process.~~
- ~~(b) (1) The board is authorized to make an inspection and investigation of any proposed or operating child welfare agency and of any personnel connected with that agency to the extent that an inspection and investigation are necessary to determine whether the child welfare agency will be or is being operated in accordance with this subchapter and the rules and regulations promulgated by the board.~~
- ~~(2) The board may delegate this authority to any agencies of the State of Arkansas whom the board deems proper.~~
- ~~(c) (1) The department or any other public agency having authority or responsibility with respect to child maltreatment shall have the authority to investigate any alleged or suspected child maltreatment in any child welfare agency, whether licensed or exempt.~~
- ~~(2) Nothing contained in this section shall be construed to limit or restrict that authority.~~
- ~~(d) (1) the department shall assist licensees and applicants in complying with published rules and regulations by issuing advisory opinions regarding matters of rule compliance when so requested.~~
- ~~(2) The procedure for issuing advisory opinions shall be as follows:~~
 - ~~(A) (i) Any licensee or applicant for a license may submit a written request for an advisory opinion on whether or not a practice in any planned or existing child welfare agency complies with the rules promulgated pursuant to this subchapter. (ii) The department must respond to the request in writing within twenty (20) business days of receiving the request. (iii) If the department's response is that the subject of the request would not comply with published~~

Child Welfare Agency Licensing Act

~~standards, the department shall suggest an alternative practice that in its opinion would comply with published standards when it is possible to do so; and~~

~~(B) (i) A written opinion required in subdivision (d)(2)(A) of this section is binding on the department as a declaratory order if the applicant or licensee has acted in reliance on the opinion.~~

~~(ii) Notwithstanding the foregoing, in no event shall the advisory opinion be binding on the board if the compliance issue that is the subject of the advisory opinion is presented to the board for review.~~

~~(c) (1) The department shall inspect child welfare agencies as provided in this subsection.~~

~~(2) If the department finds that a child welfare agency has failed to comply with an applicable law or rule, the department shall issue a notice of noncompliance to the child welfare agency. The department's notice of noncompliance shall contain:~~

~~(A) A factual description of the conditions that constitute a violation of the law or rule;~~

~~(B) The specific law or rule violated; and~~

~~(C) A reasonable time frame within which the violation must be corrected.~~

~~(3) (A) (i) If the child welfare agency believes that the contents of the department's notice of noncompliance are in error, the child welfare agency may ask licensing authorities to reconsider the parts of the notice of noncompliance that are alleged to be in error.~~

~~(ii) The request for reconsideration must be in writing, delivered by certified mail within twenty (20) business days of receipt of the notice of noncompliance.~~

~~(iii) The request shall specify the parts of the notice of noncompliance that are alleged to be in error, explaining why they are in error, and include documentation to support the allegation of error.~~

~~(B) (i) The department shall render a decision on the request for reconsideration within twenty (20) working days after the date the request for reconsideration was received.~~

~~(ii) The licensee's request for reconsideration and supporting documentation shall be retained by the department and made a part of the licensee's record.~~

~~(4) (A) If upon re-inspection or other acceptable means of verification, the department finds that the licensee has corrected the violation or violations specified in the notice of noncompliance, the department shall note the correction and the date the correction was verified in the licensee's record.~~

~~(B) If upon re-inspection, the department finds that the licensee has not corrected the violations specified in the notice of noncompliance within the required time frame, the department may in its discretion petition the board to impose appropriate adverse action against the licensee.~~

Child Welfare Agency Licensing Act

~~(C) In the case of an applicant for a license, if the board or its designee finds that the applicant has not corrected the violations in a previously issued notice of noncompliance, the department may recommend denial of the application for a child welfare agency license.~~

HISTORY: Acts 1997, No. 1041, § 6; 2011, No. 522, § 15; 2013, No. 1275, § 3.

~~9-28-407. Licenses required and issued.~~

~~(a) (1) It shall be unlawful for any person, partnership, group, corporation, association, or other entity or identifiable group of entities having a coordinated ownership or controlling interest to operate or assist in the operation of a child welfare agency that has not been licensed by the Child Welfare Agency Review Board from licensing pursuant to this subchapter.~~

~~(2) This license shall be required in addition to any other license required by law for all entities that fit the definition of a child welfare agency and are not specifically exempted, except that no non-psychiatric residential treatment facility or agency licensed or exempted pursuant to this subchapter shall be deemed to fall within the meaning of § 20-10-101 for any purpose.~~

~~(3) Any child welfare agency capacity licensed or permitted by the board as of March 1, 2003, whether held by the original licensee or by a successor in interest to the original licensee, is exempted from:~~

~~(A) Obtaining any license or permit from the Office of Long-Term Care of the Division of Medical Services of the Department of Human Services;~~

~~(B) Obtaining any permit from the Health Services Permit Agency or the Health Services Permit Commission to operate at the capacity licensed by the board as of March 1, 2003; and~~

~~(C) Obtaining any permit from the agency or the commission to operate at any future expanded capacity serving only non-Arkansas residents unless a permit is required by federal law or regulation.~~

~~(4) Any further expansion of capacity by a licensee of the board shall require a license or permit from the Office of Long-Term Care and the agency unless the bed expansion is exempted under subdivisions (a)(3)(A) — (C) of this section.~~

~~(5) (A) Subdivisions (a)(3) and (4) of this section shall be construed to include a child welfare agency that is licensed or permitted by the board as a residential facility as of March 1, 2003, if the licensee then met and continues to meet the following criteria:~~

~~(i) The licensee is a nonhospital-based residential facility that specializes in providing treatment and care for seriously emotionally disturbed children under eighteen (18) years of age who have co-occurring substance abuse and psychiatric disorders;~~

~~(ii) The licensee possesses accreditation from at least one (1) of the following national~~

Child Welfare Agency Licensing Act

~~accreditation entities:~~

~~(a) The Commission on Accreditation of Rehabilitation Facilities;~~

~~(b) The Council on Accreditation of Services for Families and Children; or~~

~~(c) The Joint Commission on Accreditation of Healthcare Organizations;~~

~~(iii) The licensee is licensed by the Division of Behavioral Health Services or its successor; and~~

~~(iv) The licensee is operating a nontraditional program that is approved by the Department of Education.~~

~~(B) (i) Licensees described in subdivision (a)(5)(A) of this section shall be eligible for reimbursement by the Arkansas Medicaid Program under the same methodology and at the same reimbursement rates as residential treatment facilities that do not specialize in treating children with co-occurring substance abuse and psychiatric disorders.~~

~~(ii) However, Medicaid payments shall be reduced by payments received from other payer's in connection with Medicaid-covered care and treatment furnished to Medicaid recipients.~~

~~(b) (1) It shall be unlawful for any person to falsify an application for licensure, to knowingly circumvent the authority of this subchapter, to knowingly violate the orders issued by the board, or to advertise the provision of child care or child placement when not licensed under this subchapter to provide those services, unless determined by the board to be exempt from licensure under this subchapter.~~

~~(2) Any violation of this section shall constitute a Class D felony.~~

~~(c) (1) Any person, partnership, group, corporation, organization, association, or other entity or identifiable group of entities having a coordinated ownership or controlling interest, desiring to operate a child welfare agency shall first make application for a license or a church-operated exemption for the facility to the board on the application forms furnished for this purpose by the board.~~

~~(2) (A) The Department of Human Services shall also furnish to the applicant upon request an application form.~~

~~(B) The child welfare agency shall submit a separate application for license for each separate physical location of a child welfare agency.~~

~~(d) (1) The Department of Human Services shall review, inspect, and investigate each applicant to operate a child welfare agency and shall present a recommendation to the board whether the board should issue a license and what the terms and conditions of the license should be.~~

~~(2) The Department of Human Services shall complete its recommendation within ninety (90)~~

Child Welfare Agency Licensing Act

days after receiving a complete application from the applicant. A complete application shall consist of:

- ~~(A) A completed application form prepared and furnished by the board;~~
 - ~~(B) A copy of the articles of incorporation, bylaws, and current board roster, if applicable, including names and addresses of the officers;~~
 - ~~(C) A complete personnel list with verifications of qualifications and experience;~~
 - ~~(D) Substantiation of the financial soundness of the agency's operation; and~~
 - ~~(E) A written description of the agency's program of care, including intake policies, types of services offered, and a written plan for providing health care services to children in care.~~
- ~~(f) (1) The board shall issue a regular license that shall be effective until adverse action is taken on the license if the board finds that:~~
- ~~(A) The applicant for a child welfare agency license meets all licensing requirements; or~~
 - ~~(B) The applicant for a child welfare agency license meets all essential standards, has a favorable compliance history, and has the ability and willingness to comply with all standards within a reasonable time.~~
- ~~(2) (A) The board may issue a provisional license that shall be effective for up to one (1) year if the board finds that the applicant meets all essential standards but the applicant requires more frequent monitoring because the applicant's ability or willingness to meet all standards within a reasonable time has not been favorably determined.~~
- ~~(B) The board shall at no time issue a regular or provisional license to any agency or facility that does not meet all essential standards.~~
- ~~(f) (1) A license to operate a child welfare agency shall apply only to the owner stated on the application.~~
- ~~(2) The license shall be transferable, along with all capacity and rights of licensure, from:~~
- ~~(A) One (1) location to another; and~~
 - ~~(B) One (1) owner to another, if permitted under subdivision (f)(3) of this section.~~
- ~~(3) Whenever ownership of a controlling interest in the operation of a child welfare agency is sold, the following procedures shall be followed:~~
- ~~(A) The seller shall notify the Department of Human Services of the sale at least thirty (30) days before the completed sale;~~

Child Welfare Agency Licensing Act

~~(B) The seller shall remain responsible for the operation of the child welfare agency until the agency is closed or an amended license is issued to the buyer;~~

~~(C) The seller shall remain liable for all penalties assessed against the child welfare agency that are imposed for violations occurring before the transfer of a license to the buyer;~~

~~(D) The buyer shall provide all documentation required of a new applicant to the Department of Human Services;~~

~~(E) The buyer shall be subject to any corrective action notices to which the seller was subject; and~~

~~(F) The provisions of subsection (a) of this section, including those provisions regarding obtaining licenses or permits from the Office of Long-Term Care and regarding obtaining any permits from the Health Services Permit Agency or the Health Services Permit Commission, shall apply in their entirety to the new owner of the child welfare agency.~~

~~(g) If the board votes to issue a license to operate a child welfare agency, the license must be posted in a conspicuous place in the child welfare agency and must state at a minimum:~~

~~(1) The full legal name of the entity holding the license, including the business name, if different;~~

~~(2) The address of the child welfare agency;~~

~~(3) The effective date and expiration date of the license, if applicable;~~

~~(4) The type of child welfare agency the licensee is authorized to operate;~~

~~(5) The maximum number and ages of children that may receive services from the agency, if applicable;~~

~~(6) The status of the license, whether regular, provisional, or probationary; and~~

~~(7) Any special conditions or limitations of the license.~~

~~(h) (1) Reports, correspondence, memoranda, case histories, or other materials, including protected health information, compiled or received by a licensee or a state agency engaged in placing a child, including both 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 law and only:~~

~~(A) To the Director of the Child Welfare Agency Review Board as required by regulation;~~

~~(B) For adoptive placements as provided by the Revised Uniform Adoption Act, § 9-9-201 et seq.;~~

Child Welfare Agency Licensing Act

- ~~(C) To multidisciplinary teams under § 12-18-106(a);~~
- ~~(D) (i) To the child's parent, guardian, or custodian;~~
- ~~(ii) 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;~~
- ~~(iii) The licensee or state agency may 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) (i) 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;~~
- ~~(ii) "Health care providers" includes doctors, nurses, emergency medical technicians, counselors, therapists, mental health professionals, and dentists;~~
- ~~(G) To school personnel and day 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) (i) To foster parents, the foster care record for foster children currently placed in their home;~~
- ~~(ii) However, information about the parents or guardians and any siblings not in the foster home shall not be released;~~
- ~~(I) (i) To the board;~~
- ~~(ii) However, at any board meeting no information that 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 of the Department of Human Services, and the Department of Education, 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 that is authorized by law to conduct the 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;~~

Child Welfare Agency Licensing Act

~~(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 at 42 U.S.C. § 671(a)(8), as in effect January 1, 2001;~~

~~(R) For the administration of any other federal or federally assisted program that provides assistance, in cash or in kind, or services, directly to individuals on the basis of need;~~

~~(S) (i) To individual federal and state representatives and senators in their official capacity and their staff members with no re-disclosure of information;~~

~~(ii) No disclosure shall be made to any committee or legislative body of any information that identifies by name or address any recipient of services;~~

~~(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 or her family; or~~

~~(V) To volunteers authorized by the licensee or the state agency to provide support or services to the child or his or 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) (i) To a person, agency, or organization engaged in a bona fide research or evaluation project that is determined by the Division of Children and Family Services of the Department of Human Services to have value for the evaluation or development of policies and programs within the Division of Children and Family Services of the Department of Human Services.~~

~~(ii) Any confidential information provided by the Department of Human Services for a research or evaluation project under this subdivision (h)(1)(W) shall not be re-disclosed or published.~~

~~(X) To a child fatality review panel as authorized by the Department of Human Services.~~

~~(2) 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;~~

Child Welfare Agency Licensing Act

~~(D) To the board;~~

~~(E) To the Division of Children and Family Services of the Department of Human Services and the Department of Education, 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) (i) To individual federal and state representatives and senators in their official capacity and their staff members with no re-disclosure of information;~~

~~(ii) No disclosure shall be made to any committee or legislative body of any information that identifies by name or address any recipient of services; or~~

~~(I) To the attorney ad litem and court-appointed special advocate, the home study on the adoptive family selected by the Department of Human Services to adopt the juvenile.~~

~~(3) (A) Any person or agency to whom disclosure is made shall not disclose to any other person reports or other information obtained pursuant to this subsection.~~

~~(B) Any person disclosing information in violation of this subsection shall be guilty of a Class C misdemeanor.~~

~~(C) Nothing in this subchapter shall be construed to prevent subsequent disclosure by the child or his or her parent or guardian.~~

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

~~(i) Foster parents approved by a child placement agency licensed by the Department of Human Services shall not be liable for damages caused by their foster children, nor shall they be liable to the foster children nor to the parents or guardians of the foster children for injuries to the foster children caused by acts or omissions of the foster parents unless the acts or omissions constitute malicious, willful, wanton, or grossly negligent conduct.~~

~~(j) [Repealed.]~~

HISTORY: Acts 1997, No. 1041, § 7; 1999, No. 1319, § 1; 2001, No. 1211, § 1; 2001, No. 1800, § 1; 2003, No. 1157, § 1; 2003, No. 1166, § 39; 2003, No. 1285, § 1; 2005, No. 888, § 2; 2005, No. 1766, § 2; 2005, No. 2234, §§ 3, 4; 2007, No. 634, § 2; 2009, No. 723, § 7; 2009, No.

Child Welfare Agency Licensing Act

~~758, § 16; 2011, No. 522, §§ 16-20; 2011, No. 591, § 10; 2013, No. 1107, § 10; 2013, No. 1275, §§ 4-7.~~

~~9-28-408. Church-related exemption.~~

~~(a) (1) Any church or group of churches exempt from the state income tax levied by § 26-51-101 et seq. when operating a child welfare agency shall be exempt from obtaining a license to operate the facility by the receipt by the Child Welfare Agency Review Board of written request therefor, together with the written verifications required in subsection (b) of this section.~~

~~(2) A written request shall be made by those churches desiring exemption to the board, which is mandated under the authority of this subchapter to license all child welfare agencies.~~

~~(b) (1) In order to maintain an exempt status, the child welfare agency shall state every two (2) years in written form signed by the persons in charge that the agency has met the fire, safety, and health inspections and is in substantial compliance with published standards that similar nonexempt child welfare agencies are required to meet.~~

~~(2) Visits to review and advise exempt agencies shall be made as deemed necessary by the board to verify and maintain substantial compliance with all published standards for nonexempt agencies.~~

~~(3) Standards for substantial compliance shall not include those of a religious or curriculum nature so long as the health, safety, and welfare of the child are not endangered.~~

~~(c) (1) Any questions of substantial compliance with the published standards shall be reviewed by the board.~~

~~(2) Final administrative actions of the board shall be pursued by either party in the court of competent jurisdiction in the resident county of the facility under review.~~

~~(3) Challenge to the constitutionality or reasonableness of any regulation or statute may be made prior to any appeal under the Arkansas Administrative Procedure Act, § 25-15-201 et seq.~~

~~(d) (1) As used in this section, the term "substantial compliance" and the term "is being operated in accordance with this subchapter" shall each mean that a church-operated exempt or a nonexempt child welfare agency is being operated within the minimum requirements for substantial compliance as promulgated by the board.~~

~~(2) It is the intent and purpose of this section that the term "substantial compliance" be applicable to all child welfare agencies.~~

HISTORY: Acts 1997, No. 1041, § 8.

~~9-28-409. Criminal record and child maltreatment checks.~~

~~(a) (1) Each of the following persons in a child welfare agency shall be checked with the Child~~

Child Welfare Agency Licensing Act

~~Maltreatment Central Registry in his or her state of residence and any state of residence in which the person has lived for the past five (5) years and in the person's state of employment, if different, for reports of child maltreatment in compliance with policy and procedures promulgated by the Child Welfare Agency Review Board:~~

~~(A) An employee having direct and unsupervised contact with children;~~

~~(B) A volunteer having direct and unsupervised contact with children;~~

~~(C) A foster parent and all household members fourteen (14) years of age and older, excluding children in foster care;~~

~~(D) An adoptive parent and all household members fourteen (14) years of age and older, excluding children in foster care;~~

~~(E) An owner having direct and unsupervised contact with children; and~~

~~(F) A member of the agency's board of directors having direct and unsupervised contact with children.~~

~~(2) The board shall have the authority to deny a license or church-operated exemption to any applicant found to have any record of founded child maltreatment in the official record of the registry.~~

~~(3) (A) Any person required to be checked under this section who is found to have any record of child maltreatment in the official record of the registry shall be reviewed by the owner or operator of the facility in consultation with the board to determine appropriate corrective action measures that would indicate, but are not limited to, training, probationary employment, or non-selection for employment.~~

~~(B) The board shall also have the authority to deny a license or church-operated exemption to an applicant who continues to employ a person with any record of founded child maltreatment.~~

~~(4) All persons required to be checked with the registry under this subsection shall repeat the check at a minimum of every two (2) years, including adoptive parents who reside in Arkansas pending court issuance of a final decree of adoption, at which point repeat checks shall no longer be required.~~

~~(b) (1) Each of the following persons in a child welfare agency shall be checked with the Identification Bureau of the Department of Arkansas State Police to determine if the person has pleaded guilty or nolo contendere to or has been found guilty of the offenses listed in this subchapter in compliance with policy and procedures promulgated by the board:~~

~~(A) An employee having direct and unsupervised contact with children;~~

~~(B) A volunteer having direct and unsupervised contact with children;~~

Child Welfare Agency Licensing Act

~~(C) An owner having direct and unsupervised contact with children;~~

~~(D) A member of the agency's board of directors having direct and unsupervised contact with children;~~

~~(E) Foster parents, house parents, and each member of the household eighteen (18) years of age and older, excluding children in foster care; and~~

~~(F) (i) Adoptive parents and each member of the household eighteen (18) years of age and older, excluding children in foster care.~~

~~(ii) Adoptive parents and each member of the household eighteen (18) years of age and older, excluding children in foster care, who are not residents of Arkansas shall provide state-of-residence criminal records checks, if available.~~

~~(2) A child in the custody of the Department of Human Services shall not be placed in an approved home of any foster parent or adoptive parent unless all household members eighteen and one-half (18 1/2) years of age and older, excluding children in foster care, have been checked with the Identification Bureau of the Department of Arkansas State Police to determine if any of the persons have pleaded guilty or nolo contendere to or been found guilty of the offenses listed in this subchapter in compliance with policy and procedures promulgated by the board at a minimum of every two (2) years.~~

~~(3) (A) The owner or operator of a child welfare agency shall maintain on file, subject to inspection by the board, evidence that Department of Arkansas State Police criminal records checks have been initiated on all persons required to be checked and the results of the checks.~~

~~(B) Failure to maintain that evidence on file will be prima facie grounds to revoke the license or church-operated exemption of the owner or operator of the child welfare agency.~~

~~(4) All persons required to be checked with the Department of Arkansas State Police under this subsection shall repeat the check at a minimum of every five (5) years, except that adoptive parents who reside in Arkansas shall repeat the check every year pending court issuance of a final decree of adoption, at which point repeat checks shall no longer be required.~~

~~(e) (1) Each of the following persons in a child welfare agency who has not lived in Arkansas continuously for the past five (5) years shall have a fingerprint-based criminal background check performed by the Federal Bureau of Investigation in compliance with federal law and regulation to determine if the person has pleaded guilty or nolo contendere to or been found guilty of the offenses listed in this subchapter:~~

~~(A) An employee having direct and unsupervised contact with children;~~

~~(B) A volunteer having direct and unsupervised contact with children;~~

Child Welfare Agency Licensing Act

- ~~(C) An owner having direct and unsupervised contact with children;~~
- ~~(D) A member of the agency's board of directors having direct and unsupervised contact with children;~~
- ~~(E) Foster parents, house parents, and each member of the household eighteen (18) years of age and older, excluding children in foster care; and~~
- ~~(F) (i) Adoptive parents and each member of the household eighteen (18) years of age and older, excluding children in foster care.~~
- ~~(ii) Adoptive parents and each member of the household eighteen (18) years of age and older, excluding children in foster care, shall not be required to have a criminal background check performed by the Federal Bureau of Investigation if:~~
- ~~(a) The adoptive parents and each member of the household age eighteen (18) years of age and older, excluding children in foster care, have continuously resided in a state for at least five (5) years before the adoption; and~~
- ~~(b) The state of residence criminal records check is available. (2) (A) (i) A child in the custody of the Department of Human Services shall not be placed in an approved home of any foster or adoptive parent unless all household members eighteen (18) years of age and older, excluding children in foster care, have a fingerprint-based criminal background check performed by the Federal Bureau of Investigation in compliance with federal law and regulation to determine if any of the persons has pleaded guilty or nolo contendere to or been found guilty of the offenses listed in this subchapter.~~
- ~~(ii) A household member who turns eighteen (18) years of age has up to six (6) months from the date of his or her eighteenth birthday to have a background check completed.~~
- ~~(B) The owner or operator of a child welfare agency shall maintain on file, subject to inspection by the board, evidence that the Federal Bureau of Investigation's criminal records checks have been initiated on all persons required to be checked and the results of the checks.~~
- ~~(C) Failure to maintain that evidence on file will be prima facie grounds to revoke the license or church-operated exemption of the owner or operator of the child welfare agency.~~
- ~~(d) (1) Each person required to have a criminal records check under this subchapter shall complete a criminal records check form developed by the Department of Human Services and shall sign the form that contains the following under oath before a notary public:~~
- ~~(A) Certification that the subject of the check consents to the completion of the check;~~
- ~~(B) Certification that the subject of the check has not pleaded guilty or nolo contendere to or been found guilty of a crime and if the subject of the check has been convicted of a crime, contains a description of the crime and the particulars of the conviction;~~

Child Welfare Agency Licensing Act

~~(C) Notification that the subject of the check may challenge the accuracy and completeness of any information in any report and obtain a prompt determination as to the validity of the challenge before a final determination is made by the board with respect to his or her employment status or licensing status;~~

~~(D) Notification that the subject of the check may be denied a license or exemption to operate a child welfare agency or may be denied unsupervised access to children in the care of a child welfare agency due to information obtained by the check that indicates that the subject of the check has pleaded guilty or nolo contendere to or been found guilty of or is under pending indictment for a crime listed in this subchapter; and~~

~~(E) Notification that any background check and the results thereof shall be handled in accordance with the requirements of Pub. L. No. 92-544.~~

~~(2) The owner or operator of the child welfare agency shall submit the criminal records check form to the Identification Bureau of the Department of Arkansas State Police for processing within ten (10) days of hiring the employee or volunteer, who shall remain under conditional employment or volunteerism until the registry check and criminal records checks required under this subchapter are completed.~~

~~(3) Nothing in this section shall be construed to prevent the board from denying a license or exemption to an owner or preventing an operator or employee in a child welfare agency from having unsupervised access to children by reason of the pending appeal of a criminal conviction or child maltreatment determination.~~

~~(4) In the event a legible set of fingerprints as determined by the Department of Arkansas State Police and the Federal Bureau of Investigation cannot be obtained after a minimum of two (2) attempts by qualified law enforcement personnel, the board shall determine eligibility based upon a name check by the Department of Arkansas State Police and the Federal Bureau of Investigation.~~

~~(5) (A) An owner or operator of a child welfare agency shall not be liable during a conditional period of service for hiring any person required to have a background check pursuant to this subchapter who may be subject to a charge of false swearing upon completion of central registry and criminal records check.~~

~~(B) (i) Pursuant to this subchapter, false swearing shall occur when a person while under oath provides false information or omits information that the person knew or reasonably should have known was material.~~

~~(ii) Lack of knowledge that information is material is not a defense to a charge of false swearing.~~

~~(C) For purposes of this subchapter, false swearing is a Class A misdemeanor.~~

~~(e) (1) A report of a pleading of guilty or nolo contendere or a finding of guilt to any charge~~

Child Welfare Agency Licensing Act

listed in this subsection shall be:

~~(A) Returned to the Division of Children and Family Services of the Department of Human Services for review; and~~

~~(B) Considered regardless of whether or not the record is expunged, pardoned, or otherwise sealed.~~

~~(2) A person who is required to have a criminal records check under subdivisions (b)(1) or (c)(1) of this section shall be absolutely and permanently prohibited from having direct and unsupervised contact with a child in the care of a child welfare agency if that person has pleaded guilty or nolo contendere to or been found guilty of any of the following offenses by any court in the State of Arkansas, of a similar offense in a court of another state, or of a similar offense by a federal court, unless the conviction is vacated or reversed:~~

~~(A) Abuse of an endangered or impaired person, if felony, § 5-28-103;~~

~~(B) Arson, § 5-38-301;~~

~~(C) Capital Murder, § 5-10-101;~~

~~(D) Endangering the welfare of an incompetent person in the first degree, § 5-27-201;~~

~~(E) Kidnapping, § 5-11-102;~~

~~(F) Murder in the first degree, § 5-10-102;~~

~~(G) Murder in the second degree, § 5-10-103;~~

~~(H) Rape, § 5-14-103;~~

~~(I) Sexual assault in the first degree, § 5-14-124; and~~

~~(J) Sexual assault in the second degree, § 5-14-125;~~

~~(3) Except as provided under subdivision (f)(1) of this section, a person who is required to have a criminal records check under subdivision (b)(1) or (c)(1) of this section shall not be eligible to have direct and unsupervised contact with a child in the care of a child welfare agency if that person has pleaded guilty or nolo contendere to or been found guilty of any of the following offenses by a court in the State of Arkansas, of a similar offense in a court of another state, or of a similar offense by a federal court, unless the conviction is vacated or reversed:~~

~~(A) Criminal attempt, § 5-3-201, to commit any offenses in subdivision (c)(2) or (3) of this section;~~

~~(B) Criminal complicity, § 5-3-202, to commit any offenses in subdivision (c)(2) or (3) of this~~

Child Welfare Agency Licensing Act

section;

~~(C) Criminal conspiracy, § 5-3-401, to commit any offenses in subdivision (c)(2) or (3) of this section;~~

~~(D) Criminal solicitation, § 5-3-301, to commit any offenses in subdivision (c)(2) or (3) of this section;~~

~~(E) Assault in the first, second, or third degree, §§ 5-13-205—5-13-207;~~

~~(F) Aggravated assault, § 5-13-204;~~

~~(G) Aggravated assault on a family or household member, § 5-26-306;~~

~~(H) Battery in the first, second, or third degree, §§ 5-13-201—5-13-203;~~

~~(I) Breaking or entering, § 5-39-202;~~

~~(J) Burglary, § 5-39-201;~~

~~(K) Coercion, § 5-13-208;~~

~~(L) Computer crimes against minors, § 5-27-601 et seq.;~~

~~(M) Contributing to the delinquency of a juvenile, § 5-27-220;~~

~~(N) Contributing to the delinquency of a minor, § 5-27-209;~~

~~(O) Criminal impersonation, § 5-37-208;~~

~~(P) Criminal use of a prohibited weapon, § 5-73-104;~~

~~(Q) Communicating a death threat concerning a school employee or student, § 5-17-101;~~

~~(R) Domestic battery in the first, second, or third degree, §§ 5-26-303—5-26-305;~~

~~(S) Employing or consenting to the use of a child in a sexual performance, § 5-27-402;~~

~~(T) Endangering the welfare of a minor in the first or second degree, §§ 5-27-205 and 5-27-206;~~

~~(U) Endangering the welfare of an incompetent person in the second degree, § 5-27-202;~~

~~(V) Engaging children in sexually explicit conduct for use in visual or print media, § 5-27-303;~~

~~(W) False imprisonment in the first or second degree, §§ 5-11-103 and 5-11-104;~~

Child Welfare Agency Licensing Act

- ~~(X)~~ Felony abuse of an endangered or impaired person, § 5-28-103;
- ~~(Y)~~ Felony interference with a law enforcement officer, § 5-54-104;
- ~~(Z)~~ Felony violation of the Uniform Controlled Substance Act, §§ 5-64-101 et seq. — 5-64-501 et seq.;
- ~~(A)~~~~(A)~~ Financial identity fraud, § 5-37-227;
- ~~(B)~~~~(B)~~ Forgery, § 5-37-201;
- ~~(C)~~~~(C)~~ Incest, § 5-26-202;
- ~~(D)~~~~(D)~~ Interference with court ordered custody, § 5-26-502;
- ~~(E)~~~~(E)~~ Interference with visitation, § 5-26-501;
- ~~(F)~~~~(F)~~ Introduction of controlled substance into the body of another person, § 5-13-210;
- ~~(G)~~~~(G)~~ Manslaughter, § 5-10-104;
- ~~(H)~~~~(H)~~ Negligent homicide, § 5-10-105;
- ~~(I)~~~~(I)~~ Obscene performance at a live public show, § 5-68-305;
- ~~(J)~~~~(J)~~ Offense of cruelty to animals, § 5-62-103;
- ~~(K)~~~~(K)~~ Offense of aggravated cruelty to dog, cat, or horse, § 5-62-104;
- ~~(L)~~~~(L)~~ Pandering or possessing visual or print medium depicting sexually explicit conduct involving a child, § 5-27-304;
- ~~(M)~~~~(M)~~ Sexual solicitation, § 5-70-103;
- ~~(N)~~~~(N)~~ Permanent detention or restraint, § 5-11-106;
- ~~(O)~~~~(O)~~ Permitting abuse of a minor, § 5-27-221;
- ~~(P)~~~~(P)~~ Producing, directing, or promoting a sexual performance by a child, § 5-27-403;
- ~~(Q)~~~~(Q)~~ Promoting obscene materials, § 5-68-303;
- ~~(R)~~~~(R)~~ Promoting obscene performance, § 5-68-304;
- ~~(S)~~~~(S)~~ Promoting prostitution in the first, second, or third degree, §§ 5-70-104 — 5-70-106;

Child Welfare Agency Licensing Act

- ~~(T)(T) Prostitution, § 5-70-102;~~
- ~~(U)(U) Public display of obscenity, § 5-68-205;~~
- ~~(V)(V) Resisting arrest, § 5-54-103;~~
- ~~(W)(W) Robbery, § 5-12-102;~~
- ~~(X)(X) Aggravated robbery, § 5-12-103;~~
- ~~(Y)(Y) Sexual offenses, § 5-14-101 et seq.;~~
- ~~(Z)(Z) Simultaneous possession of drugs and firearms, § 5-74-106;~~
- ~~(A)(A)(A) Soliciting money or property from incompetents, § 5-27-229;~~
- ~~(B)(B)(B) Stalking, § 5-71-229;~~
- ~~(C)(C)(C) Terroristic act, § 5-13-310;~~
- ~~(D)(D)(D) Terroristic threatening, § 5-13-301;~~
- ~~(E)(E)(E) Theft of public benefits, § 5-36-202;~~
- ~~(F)(F)(F) Theft by receiving, § 5-36-106;~~
- ~~(G)(G)(G) Theft of property, § 5-36-103;~~
- ~~(H)(H)(H) Theft of services, § 5-36-104;~~
- ~~(I)(I)(I) Transportation of minors for prohibited sexual conduct, § 5-27-305;~~
- ~~(J)(J)(J) Unlawful discharge of a firearm from a vehicle, § 5-74-107; and~~
- ~~(K)(K)(K) Voyeurism, § 5-16-102.~~

~~(4) A former or future law of this or any other state or of the federal government that is substantially equivalent to one (1) of the offenses listed in subdivision (e)(3) of this section shall be considered as prohibiting under subdivisions (e)(2) and (3) of this section.~~

~~(f) (1) A person who is required to have a criminal records check under subdivision (b)(1) or (e)(1) of this section who has pleaded guilty or nolo contendere to or been found guilty of any of the offenses listed in subdivision (e)(3) of this section shall be absolutely disqualified from being an owner, operator, volunteer, foster parent, adoptive parent, member of a child welfare agency's board of directors, or employee in a child welfare agency during the period of the person's confinement, probation, or parole supervision unless the conviction is vacated or reversed.~~

Child Welfare Agency Licensing Act

~~(2) Except as provided under subdivision (f)(3) of this section, a person who has pleaded guilty or nolo contendere to or been found guilty of one (1) of the offenses listed in subdivision (e)(3) of this section shall not work in a child welfare agency unless:~~

~~(A) The date of a plea of guilty or nolo contendere, or the finding of guilt for a misdemeanor offense is at least five (5) years from the date of the records check; and~~

~~(B) There have been no criminal convictions or pleas of guilty or nolo contendere of any type or nature during the five-year period preceding the background check request.~~

~~(3) (A) Except as provided under subdivision (f)(1) of this section, a person who is required to have a criminal records check under subdivision (b)(1) or (c)(1) of this section who has pleaded guilty or nolo contendere to or been found guilty of any of the offenses listed in subdivision (e)(3) of this section shall be presumed to be disqualified to be an owner, operator, volunteer, foster parent, adoptive parent, member of a child welfare agency's board of directors, or employee in a child welfare agency after the completion of his or her term of confinement, probation, or parole supervision unless the conviction is vacated or reversed.~~

~~(B) An owner, operator, volunteer, foster parent, adoptive parent, household member of a foster parent or adoptive parent, member of any child welfare agency's board of directors, or an employee in a child welfare agency shall not petition the Child Welfare Agency Review Board unless the agency supports the petition, which can be rebutted in the following manner:~~

~~(i) The applicant shall petition the Child Welfare Agency Review Board to make a determination that the applicant does not pose a risk of harm to any person;~~

~~(ii) The applicant shall bear the burden of making such a showing; and~~

~~(iii) (a) The Child Welfare Agency Review Board may permit an applicant to be an owner, operator, volunteer, foster parent, adoptive parent, member of an agency's board of directors, or an employee in a child welfare agency notwithstanding having pleaded guilty or nolo contendere to or been found guilty of an offense listed in this section upon making a determination that the applicant does not pose a risk of harm to any person served by the facility.~~

~~(b) In making a determination, the Child Welfare Agency Review Board shall consider:~~

~~(1) The nature and severity of the crime;~~

~~(2) The consequences of the crime;~~

~~(3) The number and frequency of the crimes;~~

~~(4) The relation between the crime and the health, safety, and welfare of any person, such as the:~~

~~(A) Age and vulnerability of the crime victim;~~

Child Welfare Agency Licensing Act

~~(B) Harm suffered by the victim; and~~

~~(C) Similarity between the victim and the persons served by a child welfare agency;~~

~~(5) The time elapsed without a repeat of the same or similar event;~~

~~(6) Documentation of successful completion of training or rehabilitation related to the incident; and~~

~~(7) Any other information that relates to the applicant's ability to care for children or is deemed relevant.~~

~~(e) The Child Welfare Agency Review Board's decision to disqualify a person from being an owner, operator, volunteer, foster parent, adoptive parent, member of a child welfare agency's board of directors, or an employee in a child welfare agency under this section shall constitute the final administrative agency action of the Child Welfare Agency Review Board and is not subject to review.~~

HISTORY: ~~Acts 1997, No. 1041, § 9; 1999, No. 328, § 1; 2001, No. 1211, § 2; 2003, No. 1087, § 11; 2005, No. 1766, § 3; 2005, No. 1923, § 1; 2007, No. 634, § 3; 2009, No. 723, §§ 8-10; 2011, No. 522, §§ 21, 22; 2011, No. 570, § 71; 2011, No. 591, § 11; 2013, No. 1275, § 8.~~

**Minimum Licensing Standards
for
Child Welfare Agencies**



Child Welfare Agency Review Board

&

Arkansas Department of Human Services

Division of Child Care and Early Childhood Education

Placement and Residential Licensing Unit



DRAFT JULY 2015(CLEAN)
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Table of Contents

INTRODUCTION	8
Child Welfare Agency Review Board	8
Residential Agencies Requiring Licensing	9
Residential Types of Licenses	10
Emergency Residential Child Care Facility.....	10
Emergency Family Style Care	10
Residential Child Care Facility.....	10
Residential Family Style Care	10
Psychiatric Residential Treatment Facility	10
Sexual Rehabilitative Program	10
Independent Living.....	10
Independent Transitional Living Family Style Care.....	11
Transitional Living.....	11
License Status	11
Provisional	11
Probationary.....	11
Regular.....	11
Suspended	11
Closed	12
Revoked	12
Status Change.....	12
How To Apply The Standards	13
Special Consideration	13
Alternative Compliance	13
100 General Requirements.....	14
101 Applications & Licensing Procedure	14
102 Organization & Administration.....	15
103 Central Registry & Criminal Record Checks.....	17
104 General Personnel Requirements	18
105 Staff Qualifications & Training.....	19
106 Sponsors, Mentors, Volunteers & Student Interns.....	21

107	Exploitation of Children.....	22
108	Ethical Standards.....	22
109	Unprofessional Conduct.....	23
110	Inspections, Investigations & Corrective Action	23
200	Emergency Residential Facilities.....	26
201	Admission.....	26
202	Assessment & Case Planning.....	27
203	Children's Records	28
204	Behavior Management	29
205	Ratio & Supervision	30
206	Health & Medical Care	30
207	Program	31
208	Grounds	31
209	Buildings	31
210	Bathrooms	32
211	Sleeping Arrangements	33
212	Safety.....	33
213	Transportation	34
214	Discharge.....	35
300	Emergency Family Style Care	36
301	Admission.....	36
302	Assessment & Case Planning.....	37
303	Children's Records	38
304	Behavior Management	38
305	Ratio & Supervision	40
306	Health & Medical Care	40
307	Program	41
308	Grounds	41
309	Buildings	41
310	Bathrooms	42
311	Sleeping Arrangements	43
312	Safety.....	43
313	Transportation	44
314	Discharge.....	45

400	Residential Facilities	46
401	Admission.....	46
402	Assessment & Case Planning.....	47
403	Children's Records	48
404	Behavior Management	48
405	Ratio & Supervision.....	50
406	Health & Medical Care	50
407	Program	51
408	Grounds	51
409	Buildings	51
410	Bathrooms	52
411	Sleeping Arrangements	53
412	Safety.....	53
413	Transportation	54
414	Discharge.....	55
500	Residential Family Style Care	56
501	Admission.....	56
502	Assessment & Case Planning.....	57
503	Children's Records	58
504	Behavior Management	59
505	Ratio & Supervision.....	60
506	Health & Medical Care	60
507	Program	61
508	Grounds	61
509	Buildings	62
510	Bathrooms	62
511	Sleeping Arrangements	63
512	Safety.....	63
513	Transportation	64
514	Discharge.....	65
600	Independent Transitional Living.....	66
601	Agency Responsibilities.....	66
602	Admission.....	66
603	Eligibility Requirements	67

604	Assessment & Case Planning.....	68
605	Children's Records	69
606	Behavior Management	69
607	Ratio & Supervision.....	71
608	Health & Medical Care	71
609	Program.....	72
610	Grounds.....	72
611	Buildings	72
612	Bathrooms	73
613	Sleeping Arrangements	74
614	Safety.....	74
615	Transportation	75
616	Discharge.....	75
700	Independent Transitional Living Family Style Care.....	76
701	Agency Responsibilities.....	76
702	Admission.....	76
703	Eligibility Requirements	77
704	Assessment & Case Planning.....	78
705	Children's Records	79
706	Behavior Management	80
707	Ratio & Supervision.....	81
708	Health & Medical Care	81
709	Program.....	82
710	Grounds.....	82
711	Buildings	82
712	Bathrooms	83
713	Sleeping Arrangements	84
714	Safety.....	84
715	Transportation	85
716	Discharge.....	85
800	Independent Living.....	86
801	Agency Responsibilities.....	86
802	Eligibility Requirements	86
803	Living Unit/Health/Safety	87

900	Psychiatric Residential Treatment Facilities.....	89
901	Licensing Approval & Monitoring.....	89
902	Admission.....	89
903	Assessment & Treatment Planning	91
904	Children's Records	92
905	Behavior Management	92
906	Personnel	94
907	Ratio & Supervision.....	94
908	Health & Medical Care	95
909	Program	96
910	Grounds	96
911	Buildings	97
912	Bathrooms	98
913	Sleeping Arrangements	98
914	Safety.....	99
915	Transportation	100
916	Discharge.....	100
1000	Sexual Rehabilitative Programs	101
1001	Licensing Approval & Monitoring.....	101
1002	Admission.....	101
1003	Assessment & Treatment Planning.....	102
1004	Children's Records.....	104
1005	Behavior Management.....	105
1006	Personnel	106
1007	Ratio & Supervision	106
1008	Health & Medical Care.....	107
1009	Program	108
1010	Grounds	108
1011	Buildings.....	108
1012	Bathrooms.....	109
1013	Sleeping Arrangements.....	110
1014	Safety	110
1015	Transportation.....	111
1016	Discharge	112

Appendix A: Definitions..... 113
Appendix B: Prohibited Offences..... 120

INTRODUCTION

“The Child Welfare Licensing Act,” Ark. Code Ann. **9-28-401** et. seq., (the Act) is the legal authority under which the Child Welfare Agency Review Board establishes minimum licensing standards for child welfare agencies, as defined under the statute.

Child Welfare Agency Review Board

The Child Welfare Agency Review Board (Board) shall promulgate and publish rules and regulations setting minimum standards governing the granting, revocation, refusal, conversion, and suspension of licenses for a child welfare agency and the operation of a child welfare agency.

The Board may consult with such other agencies, organizations, or individuals as it shall deem proper.

The Board may amend the rules and regulations promulgated pursuant to this section from time to time, in accordance with the rule promulgation procedures in the Arkansas Administrative Procedure Act, § **25-15-201** et seq.

The Board shall promulgate rules and regulations that:

1. Promote the health, safety, and welfare of children in the care of a child welfare agency;
2. Promote safe and healthy physical facilities;
3. Ensure adequate supervision of the children by capable, qualified, and healthy individuals;
4. Ensure appropriate educational programs and activities for children in the care of a child welfare agency;
5. Ensure adequate and healthy food service;
6. Include procedures for the receipt, recordation, and disposition of complaints regarding allegations of violations of this subchapter, of the rules promulgated under the Child Welfare Agency Licensing Act, or of child maltreatment laws;
7. Include procedures for the assessment of child and family needs and for the delivery of services designed to enable each child to grow and develop in a permanent family setting;
8. Ensure that criminal record checks and central registry checks are completed on owners, operators, employees, volunteers, foster parents, adoptive parents, and other persons in the homes as set forth in this subchapter;

9. Require the compilation of reports and making those reports available to the division when the board determines it is necessary for compliance determination or data compilation;
10. Establish rules governing retention of licensing records maintained by the division.

A licensed Child Welfare Agency may adopt and apply internal operating procedures that meet or exceed the minimum standards required by the board.

The Arkansas Administrative Procedure Act, Ark. Code Ann. **25-15-201** et seq., shall apply to all proceedings brought to the Board under this subchapter, except that the following provisions shall control during adverse action hearings to the extent that they conflict with the Arkansas Administrative Procedure Act:

1. All parties to an adverse action shall be entitled to engage in and use formal discovery as provided for in Rules 26, 28, 29, 30, 31, 32, 33, 34, and 36 of the Arkansas Rules of Civil Procedure including:
 - a. Requests for admission;
 - b. Request for production of documents and things;
 - c. Written interrogatories;
 - d. Oral and written depositions.
2. All evidentiary rulings in an adverse action hearing shall be governed by the Arkansas Rules of Evidence with respect to the following types of evidence:
 - a. The requirements of personal knowledge of a witness as required by Rule 602;
 - b. The admissibility of character evidence as set forth by Rules 608 and 609;
 - c. The admissibility of character evidence as set forth by Rules 701-703;
 - d. The admissibility of hearsay evidence as set forth by Rules 801-806.

Residential Agencies Requiring Licensing

Any person, organization, corporation, partnership, voluntary association or other entity which provides care, training, education, custody, supervision for a total of six (6) or more unrelated minors on a twenty-four (24) hour basis, or receives a child victim of human trafficking in any type of shelter or facility, and is not otherwise exempt by the Act, requires a license.

Residential Types of Licenses

Emergency Residential Child Care Facility

Any child welfare agency that provides twenty-four (24) hour custodial care for six (6) or more unrelated children or a child victim of human trafficking on an emergency basis, not to exceed ninety (90) days. Any child admitted as an emergency placement shall be designated as such and shall be discharged within ninety (90) days.

Emergency Family Style Care

Any child welfare agency that provides twenty-four (24) hour custodial care, in a home like setting, for six (6) or more unrelated children or a child victim of human trafficking on an emergency basis, not to exceed ninety (90) days.

Residential Child Care Facility

Any child welfare agency that provides care, training, education, custody or supervision on a twenty-four (24) hour basis for six (6) or more unrelated minors.

Residential Family Style Care

Any child welfare agency that provides care, training, education, custody or supervision, in a home like setting, on a twenty-four (24) hour basis for six (6) or more unrelated minors or a child victim of human trafficking.

Psychiatric Residential Treatment Facility

A residential child care facility in a non-hospital setting that provides a structured, systematic, therapeutic program of treatment under the supervision of a physician licensed by the Arkansas State Medical Board who has experience in the practice of psychiatry. It is for children who are emotionally disturbed and in need of daily nursing services, physician's supervision and residential care, but who are not in an acute phase of illness requiring the services of an inpatient psychiatric hospital.

Sexual Rehabilitative Program

A treatment program that offers a specific and specialized therapeutic program for children with sexually maladaptive behaviors. A licensed sexual rehabilitative program may be in a residential childcare facility, a therapeutic foster care home, or a psychiatric residential treatment facility.

Independent Living

A child welfare agency that provides specialized services in adult living preparation in an experiential setting for persons sixteen (16) years of age or older.

Independent Living Family Style Care

A child welfare agency that provides specialized services in adult living preparation in an experiential home like setting for persons sixteen (16) years of age or older.

Transitional Living

A child welfare agency that provides specialized services in adult living preparation in a structured setting for persons eighteen (18) years of age or older who have been admitted into the agency's residential program prior to the age eighteen (18).

An agency may be licensed for any or all types of licenses, depending on the types of services it provides.

License Status

The Board shall issue all licenses to child welfare agencies upon majority vote of members present during each properly called board meeting at which a quorum is present. The Board shall have the power to deny an application to operate a child welfare agency or to revoke or suspend a previously issued license to operate a child welfare agency. The Board may also issue letters of reprimand or caution to a child welfare agency. Any denial of application or revocation or suspension of a license shall be effective when made.

Provisional

Issued to a newly licensed agency for a one (1) year period, to give the agency time to demonstrate substantial compliance with minimum licensing standards. At the discretion of the Board, a provisional license may be issued up to one (1) additional year.

Probationary

Issued to an agency that has not maintained compliance with minimum licensing standards, but the Board believes that compliance can be restored and subsequently maintained. This license may be issued for up to one (1) year, at the discretion of the Board.

Regular

Issued either to a previously licensed agency that continues to meet all minimum licensing standards, or issued to an agency that meets all essential standards and has a favorable compliance history, which predicts full compliance with all standards within a reasonable time. A regular license shall remain open and effective until closed at the request of the agency or Board action.

Suspended

Board action taken when an agency has failed to maintain compliance with minimum licensing standards, but the violations do not warrant revocation. A license may not be suspended for

longer than one (1) year at a time. The Board may issue a probationary or regular license when compliance is restored.

Closed

Action taken when the agency requests that the license be closed.

Revoked

Board action taken when an agency has failed to maintain compliance with minimum licensing standards. The agency may not apply for a new license for at least one (1) year from the date of revocation.

Status Change

After a board action an amended license shall be issued any time there is a change in the agency's program that affects the license type, status, capacity, ages of children served, a name change or address change.

A license to operate a child welfare agency shall apply only to the address and location stated on the application and license issued, and it shall be transferable from one holder of the license to another or from one place to another.

Whenever ownership of a controlling interest in the operation of a child welfare agency is sold, the following procedures shall be followed:

1. The seller shall notify the division of the sale at least thirty days prior to the completed sale;
2. The seller shall remain responsible for the operation of the child welfare agency until such time as the agency is closed or a license is issued to the buyer;
3. The seller shall remain liable for all penalties assessed against the child welfare agency which are imposed for violations or deficiencies occurring before the transfer of a license to the buyer;
4. The buyer shall be subject to any corrective action notices to which the seller was subject; and
5. The provisions of subsection (a) of this section, including those provisions regarding obtaining licenses or permits from the Office of Long-Term Care of the Division of Medical Services of the Department of Human Services and regarding obtaining any permits from the Health Services Permit Agency or the Health Services Permit Commission shall apply in their entirety to the new owner of the Child Welfare Agency.

The Child Placement Agency shall inform current and potential clients if their license has been suspended or revoked, or if they have voluntarily surrendered their license.

How To Apply The Standards

Section 100 of the Minimum Licensing Standards for Child Welfare Agencies applies to all agencies. Subsequent sections apply to specific types of residential agencies. The agency shall meet the license requirements of its agency category.

Special Consideration

The Child Welfare Agency Review Board may approve an agency's request for special consideration to allow a licensee to deviate from the letter of a rule if the licensee has demonstrated that the deviation is in the best interest of the children and does not pose a risk to persons served by the licensee.

If the board grants a request for special consideration, the child welfare agency's practice as described in the request shall be the compliance terms under which the child welfare agency will be held responsible and violations of those terms shall constitute a rule violation.

The Child Welfare Agency Review Board has authorized the Managers and Supervisors of the Licensing Unit to make temporary rulings regarding special consideration requests when the best interests of a child requires an immediate decision, subject to final approval at the next regularly scheduled meeting of the Board.

Alternative Compliance

The Board may grant an agency's request for alternative compliance upon a finding that the agency does not meet the letter of a regulation promulgated under the Child Welfare Agency Licensing Act, but that the agency meets or exceeds the intent of that rule through alternative means.

If the board grants a request for alternative compliance, the agency's practice as described in the request for alternative compliance shall be the compliance terms under which the agency will be held responsible and violations of those terms shall constitute a rule violation.

The Child Welfare Agency Review Board has authorized the Managers and Supervisors of the Licensing Unit to make temporary rulings regarding Alternative Compliance requests when the best interests of a child requires an immediate decision, subject to final approval at the next regularly scheduled meeting of the Board.

Alternative Compliance requests granted in the areas listed below shall be time limited and shall not exceed two (2) years in length. These alternative compliances shall be monitored on an ongoing basis for compliance and shall be reviewed by the Board every two (2) years.

1. Staff to Child ratio;
2. Capacity;
3. Sleeping arrangements;
4. Bathrooms.

100 General Requirements

The standards in Section 100 apply to all agencies unless otherwise indicated.

101 Applications & Licensing Procedure

1. The owner or board shall prepare and furnish an application packet for a license that contains the following:
 - a. A completed application form;
 - b. A letter from the agency's board or owner (as applicable) authorizing a person to sign the application;
 - c. A copy of the Articles of Incorporation, bylaws, and current board roster, if applicable, including names, addresses, and contact information of officers. Out of state agencies shall have legal authorization from the Arkansas Secretary of State to do business in Arkansas;
 - d. A personnel list with verifications of qualifications and experience;
 - e. Substantiation of the agency's financial soundness. This shall include but is not limited to: a budget showing sufficient resources to operate for a period of six (6) months either with resources on hand or with projected revenue from verifiable sources, verifiable letters of financial support and/or monthly bank account statements may be included to project income;
 - f. Proof of general and professional liability insurance (does not apply to State agencies);
 - g. A written description of the agency's program of care, including intake policies, types of services offered, and a written plan for providing health care services to children in care;
 - h. Fire inspection;
 - i. Arkansas Department of Health inspection, including food service inspection, septic/sewage inspection, non-municipal water sources and general sanitation inspection, as applicable;
 - j. Floor plan with room dimensions;
 - k. Zoning approval, where applicable;
 - l. Any additional information requested by the Licensing Specialist to verify compliance with these standards and to make a recommendation regarding the granting of a license.
2. Once a completed application packet has been received, the Division shall complete a licensing study and recommendation within ninety (90) days. If a recommendation is not made within ninety (90) days, the applicant may appear before the Board to request a license.

102 Organization & Administration

1. The agency shall obtain a license before receiving six (6) or more children who are unrelated to the caregiver for care on a twenty-four hour basis.
2. The purpose and mission of the agency, including treatment philosophy, services provided, and characteristics of children it is designed to serve, shall be stated in writing.
3. The following policies of the agency shall be current and available to all employees of the agency and the Licensing Specialist:
 - a. Personnel policies;
 - b. Volunteer policy;
 - c. Student intern policy;
 - d. Admission policy;
 - e. Intake policy;
 - f. Behavior Management policy;
 - g. Crisis Management policy;
 - h. Child Maltreatment/Mandated Reporter policy; according to Arkansas law, including, procedures to ensure that alleged, suspected, or witnessed incidents of maltreatment are reported to the Child Maltreatment Hotline, and documented as required by these or other applicable regulations or laws;
 - i. Child Exploitation policy;
 - j. Visitation policy;
 - k. Family Therapy/Therapeutic Pass policy (Psychiatric only);
 - l. Admission Health Assessments policy (Psychiatric only);
 - m. Public Safety policy (Sexual Rehabilitative Programs only);
 - n. Target Population, Admission/Exclusion Criteria, and Discharge Criteria policy (Sexual Rehabilitative Programs only).
4. If cameras are used for security or surveillance, the agency shall have written policy governing their use, including the following:
 - a. Access to the live viewing or recordings is limited to persons approved by the Administrator, law enforcement, the Division of Children and Family Services Investigators, Division of Children and Family Services personnel as approved or designated by the Director, and regulatory authorities;
 - b. The placing authority and the child shall be informed regarding the use of cameras;

General Requirements

- c. Cameras shall not be used to observe or record children while toileting, bathing, dressing or undressing.
5. The agency shall be legally authorized to conduct business in Arkansas by state law and local ordinance.
6. The agency shall provide copies of all programmatic licenses, certifications, and accreditations held by the agency.
7. The agency shall meet all federal, state, and local laws and ordinances that apply to child welfare agencies and to the proper care of children in such facilities.
8. The Owner and/or Board of Directors shall be responsible for operating the facility and shall have final responsibility to ensure that the facility meets licensing requirements. Names and addresses of Board members shall be provided to the Licensing Specialist annually.
9. The agency shall maintain a current organizational chart showing the administrative structure of the organization.
10. The agency shall maintain proof of current general and professional liability insurance.
11. The agency shall notify the Licensing Unit within five (5) days of any change of Administrator, Social Service Director, or Clinical Director.
12. The agency shall establish and follow written policies and procedures that meet or exceed the *Minimum Licensing Standards for Child Welfare Agencies*.
13. Agencies applying for an Arkansas license shall provide proof that they are licensed in good standing in their home state, if applicable, and are in good standing in all other states where they are licensed. If an agency is being disciplined or sanctioned in another jurisdiction, the board shall be notified.
14. Agencies licensed in Arkansas after January 18, 2002 shall have an office in Arkansas.
15. Agencies licensed in Arkansas shall maintain all required files for licensing review as needed. They may choose to:
 - a. Maintain these files in their office in Arkansas; or
 - b. Arrange to provide the required files to the licensing staff.
16. Agencies licensed in Arkansas shall have a qualified person on call to supervise emergency services. [Pursuant to 104]
17. A residential child care facility license shall not be granted to an applicant to operate the facility in his/her own residence, or in a home owned and occupied by an employee of the agency.
18. If electronic records are kept, these records shall be made available to the Licensing Specialist for purposes of monitoring and investigation.
19. Any disciplinary action taken against the agency by another jurisdiction shall be reported to the Licensing Unit.

General Requirements

20. If an agency is inactive for one (1) year the license shall be closed in good standing, unless the agency requests annually in writing that the license remains open. This request shall be approved by the CWARB.
21. If a facility has been inactive for more than six (6) months, the Licensing Unit shall be notified before children are taken into care.
22. If a facility becomes inactive, the Licensing Unit shall be notified within 30 days.
23. The agency shall not permit, aid, or abet an unlicensed person to perform activities requiring a license.
24. The agency shall not misrepresent the type or status of education, training, expertise, licensure, or professional affiliations.

103**Central Registry & Criminal Record Checks**

1. The agency shall conduct background checks as required by the Child Welfare Agency Licensing Act (§ 9-28-409) using forms approved by the Licensing Unit. Background checks conducted by or for other licensing authorities (e.g., Office of Long Term Care, Division of Developmental Services, et.al) do not meet the requirement of this standard.
2. The following persons in a child welfare agency shall be checked with the Child Maltreatment Central Registry in his state of residence, if available, and any state of residence in which the person has lived for the past five (5) years, and in the person's state of employment, if different, for reports of child maltreatment:
 - a. Employees, having direct and unsupervised contact with children;
 - b. House parents and each member of the household age fourteen years and older;
 - c. Volunteers, mentors, sponsors and student interns having direct and unsupervised contact with children;
 - d. Owners having direct and unsupervised contact with children;
 - e. Members of the agency's board of directors having direct and unsupervised contact with children.
3. Persons required to have the Child Maltreatment Central Registry Check shall repeat the check every two (2) years.
4. Any person found to have a record of child maltreatment shall be reviewed by the owner or administrator of the agency, in consultation with the Child Welfare Agency Review Board or its designee, to determine corrective action. Corrective action may include, but is not limited to, counseling, training, probationary employment, non-selection for employment, or termination.
5. The following persons in a Child Welfare Agency shall be checked with the Identification Bureau of the Arkansas State Police for convictions of offenses listed in Arkansas Code Annotated 9-28-409:
 - a. Employees having direct and unsupervised contact with children;

General Requirements

- b. Volunteers, mentors, sponsors, and student interns having direct and unsupervised contact with children;
 - c. House parents, and each member of the household age eighteen (18) years and older. The house parents shall certify in writing annually whether or not household members age fourteen (14) thru seventeen (17) have criminal records;
 - d. Owners having direct and unsupervised contact with children;
 - e. Members of the agency's board of directors having direct and unsupervised contact with children.
6. If any person (listed in #5 above) has not resided in Arkansas continuously for the past five (5) years, a record check with the Federal Bureau of Investigation shall be completed.
 7. All persons required to be checked with the Department of Arkansas State Police under this subsection shall repeat the check at a minimum of every five (5) years.
 8. Child Maltreatment Central Registry Checks and Arkansas State Police/FBI Criminal Record Checks shall be initiated within ten (10) days of employment.
 9. The agency shall provide a copy of the Federal Bureau of Investigation Criminal Record Check form and the Arkansas State Police Criminal Record Check form to the Licensing Office upon initiation.
 10. The agency shall maintain on file evidence that background checks have been initiated as required and results of the completed checks.
 11. No person guilty of an excluded criminal offense pursuant to A.C.A. §9-28-409 shall be permitted to have direct and unsupervised contact with children, except as provided in the statute.
 12. A child welfare agency shall immediately notify the Licensing Unit when a person(s) listed in #5 above is found to have a record of an excluded criminal offense.

104 General Personnel Requirements

All personnel employed on or after April 12, 1999 shall meet the following requirements:

1. The agency shall have an administrator who shall be responsible for the general management of the agency, possessing at least one of the following qualifications [Only "a" and "b" meet requirements for Psychiatric facilities]:
 - a. A doctorate degree;
 - b. A master's degree in a human services field (child development, psychology, sociology, social work, guidance and counseling, divinity, education), administration, business, or a related field;
 - c. A bachelor's degree in a human services field, administration, business, or a related field, and at least two (2) years of work experience in a human services agency.

General Requirements

2. The agency shall have a Social Services Director who shall supervise child placement activities and/or casework services by the agency, possessing at least one of the following qualifications (Psychiatric facilities see section 906 and Sexual Rehabilitative Program see 1006):
 - a. A master's degree or higher in a human services field (child development, psychology, sociology, social work, counseling and guidance, divinity, education);
 - b. A bachelor's degree in a human services field and two (2) years of work experience in a child welfare agency;
 - c. Anyone permitted to supervise child placement or casework services shall meet the qualifications for Social Services Director.
3. Each agency shall have a caseworker who is responsible for doing assessments, case planning, and casework services, possessing at least one of the following (Psychiatric facilities see section 906):
 - a. A bachelor's degree in a human services field;
 - b. A bachelor's degree and two (2) years work experience in a human services field.
4. If casework services are contracted, the agency shall maintain all required personnel information on the contracted caseworkers.
5. A caseworker shall not have more than twenty-five (25) children's cases at a time.

105 Staff Qualifications & Training

1. Child caring staff shall be at least twenty-one (21) years old and have a high school diploma or the equivalent.
2. Assistant child caring staff shall be at least nineteen (19) years old, have a high school diploma or the equivalent, and be under the direct supervision of regular staff (excludes psychiatric and sexual rehabilitative programs).
3. Child caring staff shall complete pre-service training prior to being counted in the staff/child ratio. This training may be counted toward training hours for the first year. This applies to personnel employed on or after January 1, 2011.
4. Pre-service training shall include but is not limited to:
 - a. Confidentiality;
 - b. Resident grievance process (psychiatric only);
 - c. Fire and disaster plans;
 - d. Suicide awareness and protocol;
 - e. Behavior management;
 - f. Crisis intervention strategies;
 - g. Agency policies and procedures;

General Requirements

- h. Child Maltreatment/Mandated Reporter policy;
 - i. One (1) hour of training on the program's safety plan (sexual rehabilitative only);
 - j. Minimum Licensing Standards for Child Welfare Agencies (that pertains to license type).
5. All child caring staff shall have a current certificate of successful completion of First Aid and CPR. The training shall require hands on skill base instruction as well as practical testing. Training and certification that is provided solely on-line will not be accepted. Staff shall complete this requirement within 90 days of hire.
 6. At least one (1) child caring staff currently certified in hands on, skill based CPR and First Aid must be able to immediately respond to an emergency.
 7. No staff shall be allowed to participate in a physical restraint until properly trained to do so.
 8. All full-time child caring staff shall have thirty (30) hours of job related in-service or workshop training each year. First aid, CPR, and in-service training at the facility may be included.
 9. Child caring staff working twenty-four (24) hours a week or less shall have at least fifteen (15) hours of job related in-service or workshop training each year. First Aid, CPR, and in-service training at the facility may be included.
 10. All child caring staff in Psychiatric facilities shall complete ten (10) hours of psychiatric specific training before being counted in the staff to child ratio. This applies to employees on or after (date.)
 11. Sexual Rehabilitative program child caring staff shall receive their initial ten (10) hours of sexual rehabilitative training within sixty (60) days of employment.
 12. All child caring staff in Sexual Rehabilitative programs shall have at least ten (10) hours of sexual rehabilitative training annually, which may be included in the required thirty (30) hours of annual training.
 13. Documentation verifying annual training shall include the date, number of hours, the name of the source, and the topic/title.
 14. The Administrator, Social Services Director, each caseworker, and each therapist of a child welfare agency shall have twenty-four (24) hours of job-related continuing education each year.
 15. The agency shall maintain a personnel file for each employee, which shall include:
 - a. A resume or application;
 - b. Date of hire;
 - c. Verifications of qualifications;
 - d. Documentation of required annual training;

General Requirements

- e. Criminal Record Check and Child Maltreatment Central Registry Check information as required by law;
 - f. Documentation that applicable employees are informed that they are mandated reporters of suspected child maltreatment, according to A.C.A § 12-18-402, and are provided the information needed to make a report;
 - g. A functional job description;
 - h. At least three (3) positive personal references from non-relatives.
16. All Owner/operators, employees, or volunteers in a child welfare agency shall be responsible for ensuring the proper care, treatment, safety, and supervision of the children they supervise.

106 Sponsors, Mentors, Volunteers & Student Interns

1. The agency shall have a policy clearly defining the qualifications, duties, and supervision of sponsors, mentors and volunteers.
2. A sponsor is a non-relative person approved to take a child to the Sponsor's home. This does not include normal age-appropriate activities such as overnight visits with friends, extra-curricular activities, church activities, or short-term summer camps. A sponsor's record shall contain the following documentation and narrative:
 - a. Documentation and narrative of at least one (1) home visit for evaluation purposes prior to visitation occurring; A visual inspection of the home to ensure the home is appropriate and free of health and safety hazards;
 - b. At least three (3) non-relative character references;
 - c. Documentation of Child Maltreatment Central Registry, State Police Criminal Record Checks, and FBI Criminal Record Checks, if applicable, if available as required for all household members;
 - d. Documentation of continuing contact and an annual inspection of the sponsor's home to ensure continued compliance.
3. A mentor is a person who offers supportive services to the child on or off campus such as, shopping, movies, sporting events, etc. A mentor's record shall contain:
 - a. At least three (3) non-relative character references;
 - b. Documentation of Child Maltreatment Central Registry Checks, State Police Criminal Record Checks, and FBI Criminal Record Checks, if applicable.
4. A volunteer is a non-paid person who donates their time and/or services to an agency or the child. A volunteer:
 - a. Shall have appropriate supervision by a designated staff person;

General Requirements

- b. Who is counted in the staff/child ratio, provides direct care and substitutes as staff, shall meet all qualifications required for a paid employee in that position.
5. A student intern is a student or a recent graduate who is undergoing supervised practical training at an agency. Student interns:
 - a. Shall have appropriate supervision by a designated staff person;
 - b. Who are counted in the staff/child ratio, provide direct care and substitute as staff, shall meet all qualifications required for a paid employee in that position.

107 Exploitation of Children

1. The agency shall not require a child to acknowledge dependency, destitution, or neglect or to make public statements about his/her background.
2. The agency shall not use or allow to be used, any reports, pictures, or any other information from which a child can be identified, except under the following conditions:
 - a. The child and the parent/guardian sign a consent form that describes the purposes for which the identification is being made;
 - b. The signed consent shall say in which publication or broadcast the identification will appear;
 - c. The parent/guardian and child shall be informed that the consent may be withdrawn.
3. All information regarding children and their families shall be kept strictly confidential and may only be released with the consent of the child or parent/guardian, except to authorized persons or agencies.
4. The agency shall document that all staff have been made aware of the need to protect the confidentiality of children in the use of social media.

108 Ethical Standards

1. The Arkansas Child Welfare Agency Review Board sets forth this section as a Code of Ethics/Standards for Practice for all child welfare agencies within the State of Arkansas. Violations of the following shall be grounds for disciplinary action:
 - a. Confidentiality: In providing services, a child welfare agency shall safeguard information given by clients. A child welfare agency shall obtain the client's informed written consent before releasing confidential information, except when consent to disclose is permitted by law or required by judicial order. If the client is a minor, then the written consent shall be made with the minor and their legal representative or guardian;

General Requirements

- b. Misrepresentation: A child welfare agency shall not misrepresent its program services or experience;
- c. Client Relationships: Relationships with clients shall not be exploited by the child welfare agency staff for personal gain.

109 Unprofessional Conduct

1. Unprofessional conduct in the practice of child welfare activities shall include, but not limited to the following:
 - a. Permitting, aiding, or abetting an unlicensed person to perform activities requiring a professional license;
 - b. Misrepresenting type or status of education, training, expertise, licensure, or professional affiliations;
 - c. Failing to maintain confidentiality, except as otherwise required or permitted by law, of all information that has been received from a client in confidence during the course of services;
 - d. Violating the ethical standards adopted by the Board;
 - e. Failing to report to the Licensing Unit any disciplinary action taken against the child welfare agency by another jurisdiction, domestic or international, or failing to report to the Licensing Unit the surrender of a license or loss of authorization to practice child welfare activities in another jurisdiction;
 - f. Failing to comply with any stipulation or agreement with the Board involving probation or a settlement of any disciplinary matters;
 - g. Engaging in behavior that could be viewed as sexual, dangerous, exploitative, or physically harmful to children.

110 Inspections, Investigations & Corrective Action

1. The Licensing Specialist shall conduct inspections to ensure continued compliance with licensing standards.
2. The Licensing Specialist shall investigate complaints of alleged violation of licensing standards against all residential facilities, and may participate in investigations of alleged child maltreatment.
3. The agency shall cooperate with the Licensing Unit in conducting inspections and investigations, and shall provide information required to verify compliance with rules.
4. Inspections and investigations may be scheduled or unscheduled, at the discretion of the Licensing Specialist, and may be conducted outside regular working hours.
5. The frequency of inspections shall be at the discretion of the Licensing Unit, and may be based on the agency's compliance history.

General Requirements

6. At the discretion of the Licensing Unit, a multi-disciplinary team may be asked to advise the Licensing Specialist during initial approval or during inspections. This team may include a professional in the appropriate field.
7. Upon finding any violations of licensing standards, the Licensing Specialist shall issue to the agency a corrective action notice, which shall state:
 - a. A factual description of the conditions that constitute a violation of the standard;
 - b. The specific law or standard violated;
 - c. A reasonable time frame within which the violation shall be corrected.
8. The agency shall provide a written corrective action plan, when requested to do so, by the Licensing Specialist in a corrective action notice.
9. Any owner/operator, employee, foster parent, or volunteer in a child welfare agency shall immediately notify the Child Abuse Hotline if he or she has reasonable cause to suspect that a child has been subjected to child maltreatment, died as a result of child maltreatment or if they observe a child being subjected to conditions or circumstances that would reasonably result in child maltreatment.
10. If a complaint of child maltreatment is filed against any owner/operator, employee, foster parent, volunteer, or other person in a child welfare agency, the agency administration shall evaluate the risk to children and determine the suitability of the person(s) to supervise, be left alone with children, have disciplinary control over children, or remain in the child welfare agency until the allegations are determined to be true or unsubstantiated. Any interim corrective action measures shall be approved by the Licensing Unit.
11. The agency shall maintain a log or file of all calls to the child abuse hotline.
12. The agency shall notify the Licensing Unit by the next business day when a report of child maltreatment is accepted by the child abuse hotline against the owner/operator, employee, foster parent, volunteer, child, or other person in a child welfare agency.
13. The agency and all staff shall cooperate fully with investigators during a child maltreatment investigation.
14. The agency shall take steps to prevent harm or retaliation against the child while an allegation of child maltreatment is being investigated.
15. Any person with a true finding of child maltreatment shall be reviewed by the owner or administrator of the agency, in consultation with the Child Welfare Agency Review Board or its designee, to determine corrective action. Corrective action may include, but is not limited to, counseling, training, probationary employment, non-selection for employment, or termination.
16. Any employee who has been sanctioned by any licensing or certifying entity for any reason pertaining to child safety shall be reviewed by the owner or administrator of the agency, in consultation with the Child Welfare Agency Review Board or its designee, to determine corrective action. Corrective action

General Requirements

may include, but is not limited to, counseling, training, probationary employment, non-selection for employment, or termination.

17. The agency shall notify the Licensing Unit by the next business day of serious injuries requiring emergency medical treatment, agency vehicle accidents, arrests, elopements, suicide attempts, or deaths, and maintain documentation of the incident and notification.
18. The agency shall maintain reports on all incidents that cause injury, property damage or disruption to routine operation or services.

200 Emergency Residential Facilities

In addition to all standards in Section 100, the following standards shall be met:

Facilities holding an Emergency Residential Facility license provide residential care on an emergency basis for up to ninety (90) days.

201 Admission

1. The agency shall establish written criteria for admitting/excluding children.
2. The facility shall not admit any child for whom the facility cannot provide adequate care.
3. Each child shall have a medical examination no more than one (1) year before admission, or a documented appointment date for an exam within one (1) week after admission.
4. Each child shall have proof of current immunizations, or a letter of exemption in accordance with the Arkansas Department of Health, or a scheduled appointment within one (1) week after admission.
5. The facility shall obtain written verification of the placing agent's authority to place the child within five (5) working days.
6. The facility shall obtain written authority for medical care for the child from the placing agent within 72 hours.
7. The agency shall comply with the Interstate Compact on the Placement of Children when admitting children from outside Arkansas, if applicable.
8. The facility shall establish that all persons referred for admission are under the age of eighteen (18) years at the time of admission.
9. Residents may remain in the program after reaching age eighteen (18) years with the reason for continued placement documented.
10. The facility may admit children birth to eighteen (18) years of age.
11. The facility shall admit children for a maximum of ninety (90) days.
12. At the time of admission the following information shall be documented in the child's record.
 - a. Name, signature and role or relationship of the person who relinquished the child into care;
 - b. A brief description of the circumstances requiring admission;
 - c. The date and time of the admission;
 - d. A brief description of the child's history (if known) including behavioral history;

Emergency Residential Facilities

- e. Any known medical history and known current health conditions;
 - f. All medications currently prescribed for the child (if known and available);
 - g. The child's current behavior or known emotional condition.
13. Intake information shall be completed on each child in care within ten (10) working days after admission.
 14. The intake shall include:
 - a. Demographic information on the child and parent(s), including name, address, birth date, gender, race, and religious preference;
 - b. A factual description of the circumstances requiring placement;
 - c. A brief social history of the family;
 - d. The child's current legal status/custody;
 - e. Any history of previous placements outside the family.
 15. The facility shall obtain copies of legal documents within thirty (30) days of admission, or shall document their attempts to obtain the documents. The legal documents shall include, but not be limited to, birth certificates, social security cards and court orders.
 16. A dependent juvenile child of a parent who is in the custody of DCFS shall be subject to all regulations regarding space, ratio, health and safety.
 17. Facilities that have an adult program shall provide sleeping and living arrangements to ensure separation of adults from children.

202**Assessment & Case Planning**

1. The agency shall assign a caseworker to each child who is responsible for doing assessments, case planning, and casework services.
2. A plan of safe care shall be developed for all children with physical limitations, medical conditions, or behaviors that are indicative of harm to self or others; to include, but not limited to: arson, physical aggression, sexual aggression, suicidal behaviors or other self-harming tendencies. This plan shall identify the behavior and or problem, and shall specify the safeguards that are to be implemented. The agency shall document that the child caring staff are informed of the provisions of the plan and place a copy of the plan in the child's record.
3. An assessment of services needed to ensure the health and welfare of the child, including medical history and psychological history shall be completed for each child and included in the case plan.
4. A case plan shall be developed for each resident received for care.
5. The case plan shall be developed within thirty days after placement.

Emergency Residential Facilities

6. The child's case plan shall contain, at the minimum:
 - a. Specific needs of the child;
 - b. Plan for meeting child's needs;
 - c. Special treatment issues (e.g., psychotropic medications, sexual misconduct, and neurological disorders) shall be identified, with a statement of how the special needs shall be met;
 - d. A plan to ensure that the child's educational needs are met according to applicable state law.
7. A copy of the case plan shall be made available to the parent(s), guardian(s), court, or other agencies involved in case plan services delivery.
8. The agency caseworker shall visit the child monthly to monitor the progress of the case plan.

203**Children's Records**

1. The agency shall keep a confidential case record for each child that includes the following:
 - a. Demographic information;
 - b. Plan of safe care, if applicable;
 - c. A complete intake;
 - d. Consents, including consent for medical care and authority to place the child;
 - e. Interstate Compact information, if applicable;
 - f. Case plans;
 - g. Copies of legal documents (e.g., birth certificate, social security card, court orders), or documentation of their attempts to obtain the documents;
 - h. Physical exams and immunization records, or documentation of their attempts to obtain the documents;
 - i. Psychological reports, if applicable;
 - j. Educational reports, if applicable;
 - k. Disciplinary and incident reports, if applicable;
 - l. Documentation of casework services and child contact;
 - m. Discharge statement.
2. Records for each child shall be kept for five (5) years from the date of discharge, unless otherwise specified by Arkansas law.

204 Behavior Management

1. The agency shall have a written discipline policy that is consistently followed.
2. Discipline shall be directed toward teaching the child acceptable behavior and self-control.
3. Discipline shall be appropriate to the child's age, development, and history.
4. The following actions shall not be used, including as discipline:
 - a. Denial of meals, sleep, shelter, essential clothing, or case plan activities;
 - b. Denial of parental visits or regular phone/mail contact with family. Non-disciplinary case planning issues are accepted;
 - c. Lewd or obscene language;
 - d. Derogatory comments about the child, the child's family, race, or gender;
 - e. Restriction to a room for more than a short period of time without periodic observation;
 - f. Restriction to a dark room or area;
 - g. Locked isolation;
 - h. Physical injury or threat of bodily harm;
 - i. Humiliating or degrading action;
 - j. Extremely strenuous work or exercise;
 - k. Mechanical/chemical restraints.
5. Physical restraint shall be initiated only by a trained staff, and only to prevent injury to the child, other people or property, and shall not be initiated solely as a form of discipline.
6. Physical restraints shall be performed using minimal force and time necessary. Physical restraint means the application of physical force without the use of any device, for the purposes of restraining the free movement of a resident's body. Briefly holding a child without undue force in order to calm or comfort, or holding a hand to safely escort a child from one area to another, is not considered a physical restraint.
7. Documentation of all physical restraints shall be maintained and include child's name, date, time, reason, staff involved, and measures taken prior to restraint.
8. A child shall not be allowed to administer discipline, except teen parents may discipline their own children under the supervision and guidance of staff.
9. Searches of a child or a child's personal property shall be for reasons limited to safety and security of children and staff, in cases of suspected theft, or suspicion of possession of items which are not permitted by agency policy.

10. Any searches requiring removal of clothing shall be done in privacy and shall be witnessed by two (2) staff of the same gender as the child.

205 Ratio & Supervision

1. The facility shall not exceed its total licensed capacity.
2. There shall be a staff/child ratio of at least 1:9 during waking hours and at least 1:12 during sleeping hours. Staff members' children shall be counted in the ratio.
3. If any child is under age six (6) years, the ratio shall be at least 1:7 at all times.
4. Only staff who directly supervises children shall be counted in this ratio.
5. Child caring staff shall be responsible for providing the level of supervision, care, and treatment necessary to ensure the safety and well-being of each child at the facility, taking into account the child's age, individual differences and abilities, surrounding circumstances, hazards and risks.
6. All child caring shift-staff, counted in the staff child ratio, shall remain awake at all times. House parents are excluded from this requirement.
7. The facility shall maintain a daily census report to include the child's name and room or building assignment.

206 Health & Medical Care

1. Each child shall have a medical exam at least annually. Health exams need not be repeated during the year if a child moves from one facility or agency to another, provided the results of the exam are available to the receiving facility or agency.
2. All medications shall be administered to children by staff according to medical instructions.
3. The administering of all medications, including over-the-counter, shall be logged at the time the medication is given, by the person administering the medication.
4. The medication log shall include:
 - a. The child's name;
 - b. Time and date;
 - c. Medication dosage;
 - d. Initials of the person administering the medication.
5. All medications excluding Epi-pens, inhalers, and Glucagon kits shall be kept securely locked, and stored according to pharmaceutical recommendations. An age-appropriate and developmentally capable child may be provided, or have access to non-narcotic prescriptions with an approved safety plan. Examples include, but are not limited to, birth control, acne cream, topical creams.
6. Keys to medication storage areas shall be on the premises and readily accessible by staff at all times.

Emergency Residential Facilities

7. Currently prescribed medications belonging to children shall be returned to the parent or custodian upon discharge.

207**Program**

1. The facility shall ensure each child receives education in accordance with the Arkansas Department of Education.
2. The facility shall teach each child the daily living tasks required as a part of living in a group setting, and shall assign only light chores that are age-appropriate.
3. The agency shall have a policy regarding each child's money received and shall ensure that each child's funds are available to that child under staff supervision for personal use.
4. The facility shall not allow a child's outside employment, chores, or extracurricular activities to interfere with the child's time for school, sleep, family visits, or case plan activities.
5. The facility shall provide each child with adequate and nutritious food.
6. The facility shall ensure that each child has sufficient sleep for his/her age and physical condition.
7. Each child shall be instructed in good grooming and personal hygiene habits.
8. The facility shall ensure each child is provided with his/her own clothing that is clean, well fitting, seasonal, and appropriate to age and gender, unless otherwise directed by a physician.
9. The facility shall ensure each child is provided with opportunities for regular recreational activities and exercise.
10. The facility shall provide activities and equipment that are age appropriate to the children in their care.
11. The use of television, videos, computer games and other screen time activities shall be monitored and time limited.

208**Grounds**

1. The grounds of the facility shall be kept clean and free of safety hazards.
2. The facility shall provide sufficient outdoor recreation space for age appropriate physical activities.
3. Swimming pools shall be inspected and approved annually by the Arkansas Department of Health.

209**Buildings**

1. No facility shall be located in a shopping center, strip mall, or other buildings used for commercial activity.

Emergency Residential Facilities

2. Unused or vacant portions of a facility shall not be rented, leased, loaned, or otherwise occupied by any commercial or other business entity, or private individuals, not associated with the facility or its management.
3. All buildings used by children or staff shall be inspected and approved annually for fire safety by fire department officials.
4. All buildings used by children or staff shall be inspected and approved annually for health and sanitation as required by the Arkansas Department of Health.
5. All buildings shall comply with local zoning ordinances and land use requirements where those exist.
6. All buildings and furnishings shall be safe, clean, and in good repair.
7. There shall be no more than twelve (12) children in a sleeping unit. A sleeping unit is considered to be a group of bedrooms.
8. Sleeping units sharing the same building shall be separated into different corridors, wings, floors, etc. Sleeping units modified or newly constructed after (date) shall comply with this standard.
9. Licensing shall be notified of any changes to buildings that affect usage, size, capacity, or structural changes.
10. Building usage shall be approved by licensing prior to resident occupancy, and all required inspections, permits, and authorizations shall be provided.
11. Any modifications to buildings used by children, or an increase in capacity, shall require inspection and approval by the Fire and Health Department, if applicable.
12. All parts of buildings used as living, sleeping, or bath areas shall have a heating, ventilating and air conditioning source that keeps the temperature a minimum of sixty-five (65) degrees and a maximum of eighty-five (85) degrees.
13. The facility shall provide a living area that has at least thirty-five (35) square feet of floor space per child. The dining area and indoor recreation area may be included in this space.
14. The facility shall provide a dining room.
15. The facility shall have a kitchen.
16. Manufactured homes, used as residential facilities, shall be tied down and underpinned as required by the Arkansas Manufactured Home Commission. The home shall obtain an inspection and approval from the Arkansas Manufactured Home Commission prior to being licensed.

210**Bathrooms**

1. The facility shall provide bathrooms for the children.
2. There shall be a separate toilet, bathtub or shower, and sink for each six (6) children.
3. There shall be an adequate supply of hot and cold running water.

Emergency Residential Facilities

4. The bathroom shall be clean and sanitary.
5. There shall be separate bath and toilet facilities for males and females.
6. There shall be an adequate supply of soap, towels, and tissue.

211 Sleeping Arrangements

1. The facility shall provide bedrooms for the children.
2. There shall be no more than four (4) children per bedroom.
3. There shall be at least fifty (50) square feet of floor space per child in each bedroom.
4. No child age four (4) years or over shall share a bedroom with a child of the opposite gender, except teenaged parents who participate in the care of their own children.
5. Each child shall have a separate bed with a mattress, sheets, pillow, pillowcase, and adequate cover, all in good condition.
6. All cribs used for children shall have current certification of compliance with Consumer Product Safety Commission (CPSC) standards.
7. Children twelve (12) months of age and below shall be placed flat on their backs to sleep, in accordance with American Academy of Pediatrics guidelines, to lessen the risk of suffocation and Sudden Infant Death Syndrome. (If a child rolls over on his/her own, the facility is not required to reposition the child.) If there is a medical reason a child cannot sleep on his/her back, a signed statement from the child's physician shall be in the file stating the reason, the sleep position indicated, and the time frame required.
8. Beds shall be positioned to ensure all children can easily exit the room in case of emergency.
9. No child under the age of six (6) shall occupy a top bunk.
10. Bedding shall be changed at least weekly, more often if needed.
11. Each child shall have an area to store personal belongings.
12. Staff sleeping quarters shall be separate from children's sleeping rooms.
13. Room arrangements shall be based on characteristics of each resident to ensure the safety of each child.

212 Safety

1. The facility shall have an operable telephone or comparable communication system.
2. The facility shall have a continuous supply of clean drinking water. If the water source is not a municipal system, the source shall be approved by the Arkansas Department of Health annually.

Emergency Residential Facilities

3. A private sewage/septic system shall be approved initially and upon any increase in capacity by the Arkansas Department of Health.
4. There shall be operational smoke detectors near the cooking area, heating units, and within ten (10) feet of each bedroom.
5. An operational chemical fire extinguisher or other fire suppression system approved by local fire inspection officials shall be in the cooking area of each building. Approval of the fire suppression system shall be documented.
6. There shall be an emergency evacuation plan diagramed and posted in each building used by children.
7. Fire drills shall be practiced with children each month.
8. Severe weather drills shall be practiced with children quarterly.
9. A record of drills shall be maintained, showing date and time of day of the drill, number of participants, and length of time required to reach safety.
10. Each child shall be instructed in emergency procedures at admission.
11. The facility shall have proof of current rabies vaccinations for all household pets as required by Arkansas law.
12. No child shall be allowed to operate dangerous machinery or equipment, including firearms, without proper adult supervision and following manufacturers' guidelines for age, safety precautions, and safety gear.
13. The agency shall have policy and procedure for carrying, storage and use of all firearms located at the facility,
14. All firearms shall be maintained in a secure, locked location, or secured by a trigger lock.
15. All ammunition shall be secured and locked separately from firearms, with the exception of ammunition locked in a long gun safe (ex. rifle, shotgun, muzzle loaders).

213 Transportation

1. The facility shall have agency procured transportation available at all times.
2. The facility vehicle(s) shall not be used for personal use, unless other facility transportation is available.
3. Any vehicle used to transport children shall be in safe working condition and maintained in compliance with motor vehicle laws.
4. Any vehicle used to transport children shall be insured.
5. Children shall be transported only by an authorized person possessing a valid driver's license.
6. Children shall be transported according to Arkansas law, including, but not limited to, use of safety belts, child safety seats, and smoking restrictions.

214 Discharge

1. The discharge shall be planned by agency staff.
2. The agency may discharge a child on an emergency basis if failure to do so could result in harm to the child, other persons, or significant property damage.
3. A child shall be discharged to the custody of the child's parent or a person with authorization from the parent, guardian or a person authorized by court order to assume custody of the child.
4. The agency shall complete a discharge statement on each child that includes the discharge date and reason for discharge and provide a copy of it to the child's custodian.
5. Documentation of the discharge shall be maintained in the child's record.

300 Emergency Family Style Care

In addition to all standards in Section 100, the following standards shall be met:

Facilities holding an Emergency Family Style Care license provide residential care on an emergency basis for up to ninety (90) days in a home like setting.

301 Admission

1. The agency shall establish written criteria for admitting/excluding children.
2. The facility shall not admit any child for whom the facility cannot provide adequate care.
3. Each child shall have a medical exam no more than one (1) year before admission, or a documented appointment date for an exam within one (1) week after admission.
4. Each child shall have proof of current immunizations, or a letter of exemption in accordance with the Arkansas Department of Health, or a scheduled appointment within one (1) week after admission.
5. The facility shall obtain written verification of the placing agents' authority to place the child within five (5) working days.
6. The facility shall obtain written authority for medical care for the child from the placing agent within seventy-two (72) hours.
7. The agency shall comply with the Interstate Compact on the Placement of Children when admitting children from outside Arkansas, if applicable.
8. The facility shall establish that all persons referred for admission are under the age of eighteen (18) years at the time of admission.
9. Residents may remain in the program after reaching age eighteen (18) years with the reason for continued placement documented.
10. The facility may admit children birth to 18 years of age.
11. The facility shall admit children for a maximum of ninety (90) days.
12. At the time of admission, the following information shall be documented in the child's record:
 - a. Name, signature and role or relationship of the person who relinquished the child into care;
 - b. A brief description of the circumstances requiring admission;
 - c. The date and time of the admission;
 - d. A brief description of the child's history (if known) including behavioral history;
 - e. Any known medical history and known current health conditions;

Emergency Family Style Care

- f. All medications currently prescribed for the child (if known and available);
 - g. The child's current behavior or known emotional condition.
13. Intake information shall be completed on each child in care within ten (10) working days after admission.
 14. The intake shall include:
 - a. Demographic information on the child and parent(s), including name, address, birth date, gender, race, and religious preference;
 - b. A factual description of the circumstances requiring placement;
 - c. A brief social history of the family;
 - d. The child's current legal status/custody;
 - e. Any history of previous placements outside the family.
 15. The facility shall obtain copies of legal documents within thirty (30) days of admission, or shall document their attempts to obtain the documents. The legal documents shall include, but not be limited to, birth certificates, social security cards and court orders.
 16. A dependent juvenile child of a parent who is in the custody of DCFS shall be subject to all regulations regarding space, ratio, health and safety.
 17. Facilities that have an adult program shall provide sleeping and living arrangements to ensure separation of adults from children.

302**Assessment & Case Planning**

1. The agency shall assign a caseworker to each child who is responsible for doing assessments, case planning, and casework services.
2. A plan of safe care shall be developed for all children with physical limitations, medical conditions, or behaviors that are indicative of harm to self or others; to include, but not limited to: arson, physical/sexual aggression, and/or suicidal behaviors or other self-harming tendencies. This plan shall identify the behavior/problem, and shall specify the safeguards that are to be implemented. The agency shall document that the child caring staff are informed of the provisions of the plan and place a copy of the plan in the child's record.
3. An assessment of services needed to ensure the health and welfare of the child, including medical history and psychological history shall be completed for each child and included in the case plan.
4. A case plan shall be developed for each resident received for care.
5. The case plan shall be developed within thirty days after placement.
6. The child's case plan shall contain, at the minimum:
 - a. Specific needs of the child;

Emergency Family Style Care

- b. Plan for meeting child's needs;
 - c. Special treatment issues (e.g., psychotropic medications, sexual misconduct, and neurological disorders) shall be identified, with a statement of how the special needs shall be met;
 - d. A plan to ensure that the child's educational needs are met according to applicable state law.
7. A copy of the case plan shall be made available to the parent(s), guardian(s), court, or other agencies involved in case plan services delivery.
 8. The agency caseworker shall visit the child monthly to monitor the progress of the case plan.

303**Children's Records**

1. The agency shall keep a confidential case record for each child that includes the following:
 - a. Demographic information;
 - b. Plan of safe care, if applicable;
 - c. A complete intake;
 - d. Consents, including consent for medical care and authority to place the child;
 - e. Interstate Compact information, if applicable;
 - f. Case plans;
 - g. Copies of legal documents (e.g., birth certificate, social security card, court orders), or documentation of their attempts to obtain the documents;
 - h. Physical exams and immunization records, or documentation of their attempts to obtain the documents;
 - i. Psychological reports, if applicable;
 - j. Educational reports, if applicable;
 - k. Disciplinary and incident reports, if applicable;
 - l. Documentation of casework services and child contact;
 - m. Discharge statement.
2. Records for each child shall be kept for five (5) years from the date of discharge, unless otherwise specified by Arkansas law.

304**Behavior Management**

1. The agency shall have a written discipline policy that is consistently followed.

Emergency Family Style Care

2. Discipline shall be directed toward teaching the child acceptable behavior and self-control.
3. Discipline shall be appropriate to the child's age, development, and history.
4. The following actions shall not be used, including as discipline:
 - a. Denial of meals, sleep, shelter, essential clothing, or case plan activities;
 - b. Denial of parental visits or regular phone/mail contact with family. Non-disciplinary case planning issues are accepted;
 - c. Lewd or obscene language;
 - d. Derogatory comments about the child, the child's family, race, or gender;
 - e. Restriction to a room for more than a short period of time without periodic observation;
 - f. Restriction to a dark room or area;
 - g. Locked isolation;
 - h. Physical injury or threat of bodily harm;
 - i. Humiliating or degrading action;
 - j. Extremely strenuous work or exercise;
 - k. Mechanical/chemical restraints.
5. Physical restraint shall be initiated only by a trained staff, and only to prevent injury to the child, other people or property, and shall not be initiated solely as a form of discipline.
6. Physical restraints shall be performed using minimal force and time necessary. Physical restraint means the application of physical force without the use of any device, for the purposes of restraining the free movement of a resident's body. Briefly holding a child without undue force in order to calm or comfort, or holding a hand to safely escort a child from one area to another, is not considered a physical restraint.
7. Documentation of all restraints shall be maintained and include child's name, date, time, reason, staff involved, and measures taken prior to restraint.
8. A child shall not be allowed to administer discipline, except teen parents may discipline their own children under the supervision and guidance of staff.
9. Searches of a child or a child's personal property shall be for reasons limited to safety and security of children and staff, in cases of suspected theft, or suspicion of possession of items which are not permitted by agency policy.
10. Any searches requiring removal of clothing shall be done in privacy.

305 Ratio & Supervision

1. The facility shall use a houseparent staffing model.
2. The facility shall not exceed its total licensed capacity.
3. The facility shall have no more than eight (8) children in each unit, including the houseparent's children.
4. There shall be a staff/child ratio of at least 1:8 at all times. Staff members' children shall be counted in the ratio.
5. Child caring staff shall be responsible for providing the level of supervision, care, and treatment necessary to ensure the safety and well-being of each child at the facility, taking into account the child's age, individual differences and abilities, surrounding circumstances, hazards and risks.
6. The facility shall maintain a daily census report to include the child's name and building or room assignment.

306 Health & Medical Care

1. Each child shall have a medical exam at least annually. Health exams need not be repeated during the year if a child moves from one facility or agency to another, provided the results of the exam are available to the receiving facility or agency.
2. All medications shall be administered to children by staff according to medical instructions.
3. The administering of all medications, including over-the-counter, shall be logged at the time the medication is given, by the person administering the medication.
4. The medication log shall include:
 - a. The child's name;
 - b. Time and date;
 - c. Medication dosage;
 - d. Initials of the person administering the medication.
5. All medications excluding Epi-pens, inhalers, and Glucagon kits shall be kept securely locked, and stored according to pharmaceutical recommendations. An age-appropriate and developmentally capable child may be provided, or have access to non-narcotic prescriptions with an approved safety plan. Examples include, but are not limited to, birth control, acne cream, topical creams.
6. Keys to medication storage areas shall be on the premises and readily accessible by staff at all times.
7. Currently prescribed medications belonging to children shall be returned to the parent or custodian upon discharge.

307 Program

1. The facility shall ensure each child receives education in accordance with the Arkansas Department of Education.
2. The facility shall teach each child the daily living tasks required as a part of living in a group setting, and shall assign only light chores that are age-appropriate.
3. The agency shall have a policy regarding each child's money received and shall ensure that each child's funds are available to that child under staff supervision for personal use.
4. The facility shall not allow a child's outside employment, chores, or extracurricular activities to interfere with the child's time for school, sleep, family visits, or case plan activities.
5. The facility shall provide each child with adequate and nutritious food, routinely eaten in the home, cottage, or unit.
6. The facility shall ensure that each child has sufficient sleep for his/her age and physical condition.
7. Each child shall be instructed in good grooming and personal hygiene habits.
8. The facility shall ensure each child is provided with his/her own clothing that is clean, well fitting, seasonal, and appropriate to age and gender, unless otherwise directed by a physician.
9. The facility shall ensure each child is provided with opportunities for regular recreational activities and exercise.
10. The facility shall provide activities and equipment that are age appropriate to the children in their care.
11. The use of television, videos, computer games and other screen time activities shall be monitored and time limited.
12. The agency shall have policy and procedure to ensure children in care are allowed to participate in age appropriate activities away from the facility.

308 Grounds

1. The grounds of the facility shall be kept clean and free of safety hazards.
2. The facility shall provide sufficient outdoor recreation space for age appropriate physical activities.
3. Swimming pools shall be inspected and approved annually by the Arkansas Department of Health.

309 Buildings

1. The building shall be a single-style dwelling, such as a house or cottage, or duplex in which the facility occupies both units. Multiple units may be located on campus.

Emergency Family Style Care

2. The building(s) shall house only children in Emergency Family Style Care or Residential Family Style Care.
3. No facility shall be located in a shopping center, strip mall, or other buildings used for commercial activity.
4. Unused or vacant portions of a facility shall not be rented, leased, loaned, or otherwise occupied by any commercial or other business entity, or private individuals, not associated with the facility or its management.
5. All buildings used by children or staff shall be inspected and approved annually for fire safety by fire department officials.
6. All buildings used by children or staff shall be inspected and approved annually for health and sanitation as required by the Arkansas Department of Health.
7. All buildings shall comply with local zoning ordinances and land use requirements where those exist.
8. All buildings and furnishings shall be safe, clean, and in good repair.
9. Licensing shall be notified of any changes to buildings that affect usage, size, capacity, or structural changes.
10. Building usage shall be approved by licensing prior to resident occupancy, and all required inspections, permits, and authorizations shall be provided.
11. Any modification to buildings used by children, or an increase in capacity shall require inspection and approval by the Fire and Health Department, if applicable.
12. All parts of buildings used as living, sleeping, or bath areas shall have a heating, ventilating, and air conditioning source that keeps the temperature a minimum of sixty-five (65) degrees and a maximum of eighty-five (85) degrees.
13. The facility shall provide a living area that has at least thirty-five (35) square feet of floor space per child. The dining area and indoor recreation area may be included in this space.
14. The facility shall provide a dining area.
15. The facility shall have a kitchen.
16. Manufactured homes, used as residential facilities, shall be tied down and underpinned as required by the Arkansas Manufactured Home Commission. The home shall obtain an inspection and approval from the Arkansas Manufactured Home Commission prior to being licensed.

310**Bathrooms**

1. The facility shall provide bathrooms for the children.
2. There shall be a separate toilet, bathtub or shower, and sink for each six (6) children.
3. There shall be an adequate supply of hot and cold running water.

Emergency Family Style Care

4. The bathroom shall be clean and sanitary.
5. There shall be an adequate supply of soap, towels, and tissue.

311 Sleeping Arrangements

1. The facility shall provide bedrooms for the children.
2. There shall be no more than four (4) children per bedroom.
3. There shall be at least fifty (50) square feet of floor space per child in each bedroom.
4. No child age four (4) years or over shall share a bedroom with a child of the opposite gender, except teenaged parents who participate in the care of their own children.
5. Each child shall have a separate bed with a mattress, sheets, pillow, pillowcase, and adequate cover, all in good condition.
6. All cribs used for children shall have certification of compliance with CPSC standards.
7. Children twelve (12) months of age and below shall be placed flat on their backs to sleep, in accordance with American Academy of Pediatrics guidelines, to lessen the risk of suffocation and Sudden Infant Death Syndrome. (If a child rolls over on his/her own, the facility is not required to reposition the child.) If there is a medical reason a child cannot sleep on his/her back, a signed statement from the child's physician shall be in the file stating the reason, the sleep position indicated, and the time frame required.
8. Beds shall be positioned to ensure all children can easily exit the room in case of emergency.
9. No child under the age of six (6) shall occupy a top bunk.
10. Bedding shall be changed at least weekly, more often if needed.
11. Each child shall have an area to store personal belongings.
12. Staff sleeping quarters shall be separate from children's sleeping rooms.
13. Room arrangements shall be based on characteristics of each resident to ensure the safety of each child.

312 Safety

1. The facility shall have an operable telephone or comparable communication system.
2. The facility shall have a continuous supply of clean drinking water. If the water source is not a municipal system, the source shall be approved by the Arkansas Department of Health annually.

Emergency Family Style Care

3. A private sewage/septic system shall be approved initially and upon any increase in capacity by the Arkansas Department of Health.
4. There shall be operational smoke detectors near the cooking area, heating units, and within ten (10) feet of each bedroom.
5. An operational chemical fire extinguisher or other fire suppression system approved by local fire inspection officials shall be in the cooking area of each building. Approval of the fire suppression system shall be documented.
6. There shall be an emergency evacuation plan diagramed and posted in each building used by children.
7. Fire drills shall be practiced with children each month.
8. Severe weather drills shall be practiced with children quarterly.
9. A record of drills shall be maintained, showing date and time of day of the drill, number of participants, and length of time required to reach safety.
10. Each child shall be instructed in emergency procedures at admissions.
11. The facility shall have proof of current rabies vaccinations for all household pets as required by Arkansas law.
12. No child shall be allowed to operate dangerous machinery or equipment, including firearms without proper adult supervision and following manufacturers' guidelines for age, safety precautions, and safety gear.
13. The agency shall have policy and procedure for carrying, storage and use of all firearms located at the facility.
14. All firearms shall be maintained in a secure, locked location, or secured by a trigger lock.
15. All ammunition shall be secured and locked separately from firearms, with the exception of ammunition locked in a long gun safe (ex. rifle, shotgun, muzzle loaders).

313 Transportation

1. The facility shall have agency procured transportation available at all times.
2. The facility vehicle(s) shall not be used for personal use, unless other facility transportation is available.
3. Any vehicle used to transport children shall be in safe working condition and maintained in compliance with motor vehicle laws.
4. Any vehicle used to transport children shall be insured.
5. Children shall be transported only by an authorized person possessing a valid driver's license.
6. Children shall be transported according to Arkansas law, including, but not limited to, use of safety belts, child safety seats, and smoking restrictions.

314 Discharge

1. The discharge shall be planned by agency staff.
2. The agency may discharge a child on an emergency basis if failure to do so could result in harm to the child, other persons, or significant property damage.
3. A child shall be discharged to the custody of the child's parent or a person with authorization from the parent, guardian or a person authorized by court order to assume custody of the child.
4. The agency shall complete a discharge statement on each child that includes the discharge date and reason for discharge and provide a copy of it to the child's custodian.
5. Documentation of the discharge shall be maintained in the child's record.

400 Residential Facilities

In addition to all standards in Section 100, the following standards shall be met:

Facilities holding a Residential Facility license provide residential care on a long term basis.

401 Admission

1. The agency shall establish written criteria for admitting/excluding children.
2. The facility shall not admit any child for whom the facility cannot provide adequate care.
3. Each child shall have a medical exam no more than one (1) year before admission, or a documented appointment date for an exam within one (1) week after admission.
4. Each child shall have proof of current immunizations, or a letter of exemption in accordance with the Arkansas Department of Health, or a scheduled appointment within one (1) week after admission.
5. The facility shall obtain written verification of the placing agent's authority to place the child at the time of admission.
6. The facility shall obtain written authority for medical care for the child from the placing agent at the time of admission.
7. The agency shall comply with the Interstate Compact on the Placement of Children when admitting children from outside Arkansas, if applicable.
8. The facility shall establish that all persons referred for admission are under the age of eighteen (18) years at the time of admission.
9. Residents may remain in the program after reaching age eighteen (18) years with the reason for continued placement documented. The resident shall be discharged no later than his/her twenty-first (21) birthday.
10. The facility may admit a child under age five (5) years, only if that child is a part of a sibling group of which one (1) child is age five (5) years or older, or if it is the summer before the child is eligible to enter kindergarten. Exception is made for the infant child or children of a parent who is admitted to the facility.
11. At the time of admission, the following information shall be documented in the child's record:
 - a. Name, signature and role or relationship of the person who relinquished the child into care;
 - b. A brief description of the circumstances requiring admission;
 - c. The date and time of the admission;
 - d. A brief description of the child's history (if known) including behavioral history;
 - e. Any known medical history and known current health conditions;

Residential Facilities

- f. All medications currently prescribed for the child (if known and available);
 - g. The child's current behavior or known emotional condition.
12. Intake information shall be completed on each child in care within ten (10) working days after admission.
 13. The intake shall include:
 - a. Demographic information on the child and parent(s), including name, address, birth date, gender, race, and religious preference;
 - b. A factual description of the circumstances requiring placement;
 - c. A brief social history of the family;
 - d. The child's current legal status/custody;
 - e. Any history of previous placements outside the family.
 14. The facility shall obtain copies of legal documents within thirty (30) days of admission, or shall document their attempts to obtain the documents. The legal documents shall include, but not be limited to, birth certificates, social security cards and court orders.
 15. A dependent juvenile child of a parent who is in the custody of DCFS shall be subject to all regulations regarding space, ratio, health and safety.
 16. Facilities that have an adult program shall provide sleeping and living arrangements to ensure separation of adults from children.

402 Assessment & Case Planning

1. The agency shall assign a caseworker to each child who is responsible for doing assessments, case planning, and casework services.
2. A plan of safe care shall be developed for all children with physical limitations, medical conditions, or behaviors that are indicative of harm to self or others; to include, but not limited to: arson, physical/sexual aggression, and/or suicidal or other self-harming tendencies. This plan shall identify the behavior/problem, and shall specify the safeguards that are to be implemented. The agency shall document that the child caring staff are informed of the provisions of the plan and place a copy of the plan in the child's record.
3. An assessment of services needed to ensure the health and welfare of the child, including medical history and psychological history shall be completed for each child and included in the case plan.
4. A case plan shall be developed for each resident received for care.
5. The case plan shall be developed within thirty (30) days after placement.
6. The child's case plan shall contain, at the minimum:
 - a. Specific needs of the child;

Residential Facilities

- b. Plan for meeting child's needs;
 - c. Special treatment issues (e.g., psychotropic medications, sexual misconduct, and neurological disorders) shall be identified, with a statement of how the special needs shall be met;
 - d. A plan to ensure that the child's educational needs are met according to applicable state law;
 - e. Date of next review of the case plan.
7. A copy of the case plan shall be made available to the parent(s), guardian(s), court, or other agencies involved in case plan services delivery.
 8. The case plan shall be reviewed at least semi-annually, and shall be updated to reflect the child's progress.

403**Children's Records**

1. The agency shall keep a confidential case record for each child that includes the following:
 - a. Demographic information;
 - b. Plan of safe care, if applicable;
 - c. A complete intake;
 - d. Consents, including consent for medical care and authority to place the child;
 - e. Interstate Compact information, if applicable;
 - f. Case plans and case plan reviews;
 - g. Copies of legal documents (e.g., birth certificate, social security card, court orders), or documentation of their attempts to obtain the documents;
 - h. Physical exams and immunization records, or documentation of their attempts to obtain the documents;
 - i. Psychological reports, if applicable;
 - j. Educational reports, if applicable;
 - k. Disciplinary and incident reports, if applicable;
 - l. Documentation of casework services and child contact;
 - m. Discharge statement.
2. Records for each child shall be kept for five (5) years from the date of discharge, unless otherwise specified by Arkansas law.

404**Behavior Management**

1. The agency shall have a written discipline policy that is consistently followed.

Residential Facilities

2. Discipline shall be directed toward teaching the child acceptable behavior and self-control.
3. Discipline shall be appropriate to the child's age, development, and history.
4. The following actions shall not be used, including as discipline:
 - a. Denial of meals, sleep, shelter, essential clothing, or case plan activities;
 - b. Denial of parental visits or regular phone/mail contact with family. Non-disciplinary case planning issues are accepted;
 - c. Lewd or obscene language;
 - d. Derogatory comments about the child, the child's family, race, or gender;
 - e. Restriction to a room for more than a short period of time without periodic observation;
 - f. Restriction to a dark room or area;
 - g. Locked isolation;
 - h. Physical injury or threat of bodily harm;
 - i. Humiliating or degrading action;
 - j. Extremely strenuous work or exercise;
 - k. Mechanical/chemical restraints.
5. Physical restraint shall be initiated only by trained staff, and only to prevent injury to the child, other people or property, and shall not be initiated solely as a form of discipline.
6. Physical restraints shall be performed using minimal force and time necessary. Physical restraint means the application of physical force without the use of any device, for the purposes of restraining the free movement of a resident's body. Briefly holding a child without undue force in order to calm or comfort, or holding a hand to safely escort a child from one area to another, is not considered a physical restraint.
7. Documentation of all restraints shall be maintained and include child's name, date, time, reason, staff involved and measures taken prior to restraint.
8. A child shall not be allowed to administer discipline, except teen parents may discipline their own children under the supervision and guidance of staff.
9. Searches of a child or a child's personal property shall be for reasons limited to safety and security of children and staff, in cases of suspected theft, or suspicion of possession of items which are not permitted by agency policy.
10. Any searches requiring removal of clothing shall be done in privacy and shall be witnessed by two (2) staff of the same gender as the child.

405 Ratio & Supervision

1. The facility shall not exceed its total licensed capacity.
2. There shall be a staff/child ratio of at least 1:9 during waking hours and at least 1:12 during sleeping hours. Staff members' children shall be counted in the ratio.
3. If any child is under age six (6) years, the ratio shall be at least 1:7 at all times.
4. Only staff who directly supervises children shall be counted in this ratio.
5. Child caring staff shall be responsible for providing the level of supervision, care, and treatment necessary to ensure the safety and well-being of each child at the facility, taking into account the child's age, individual differences and abilities, surrounding circumstances, hazards and risks.
6. All child caring shift-staff, counted in the staff child ratio, shall remain awake at all times. House parents are excluded from this requirement.
7. The facility shall maintain a daily census report to include the child's name and room or building assignment.

406 Health & Medical Care

1. Each child shall have a medical exam at least annually. Health exams need not be repeated during the year if a child moves from one facility or agency to another, provided the results of the exam are available to the receiving facility or agency.
2. All medications shall be administered to children by staff according to medical instructions.
3. The administering of all medications, including over-the-counter, shall be logged at the time the medication is given, by the person administering the medication.
4. The medication log shall include:
 - a. The child's name;
 - b. Time and date;
 - c. Medication dosage;
 - d. Initials of the person administering the medication.
5. All medications excluding Epi-pens, inhalers, and Glucagon kits shall be kept securely locked, and stored according to pharmaceutical recommendations. An age-appropriate and developmentally capable child may be provided, or have access to non-narcotic prescriptions with an approved safety plan. Examples include, but are not limited to, birth control, acne cream, topical creams.
6. Keys to medication storage areas shall be on the premises and readily accessible by staff at all times.
7. Currently prescribed medications belonging to children shall be returned to the parent or custodian upon discharge.

407 Program

1. The facility shall ensure each child receives education in accordance with the Arkansas Department of Education.
2. The facility shall teach each child the daily living tasks required as a part of living in a group setting, and shall assign only light chores that are age-appropriate.
3. The agency shall have a policy regarding each child's money received and shall ensure that each child's funds are available to that child under staff supervision for personal use.
4. The facility shall not allow a child's outside employment, chores, or extracurricular activities to interfere with the child's time for school, sleep, family visits, or case plan activities.
5. The facility shall provide each child with adequate and nutritious food.
6. The facility shall ensure that each child has sufficient sleep for his/her age and physical condition.
7. Each child shall be instructed in good grooming and personal hygiene habits.
8. The facility shall ensure each child is provided with his/her own clothing that is clean, well fitting, seasonal, and appropriate to age and gender, unless otherwise directed by a physician.
9. The facility shall ensure each child in care is provided with opportunities for regular recreational activities and exercise.
10. The facility shall provide activities and equipment that are age appropriate to the children in their care.
11. The use of television, videos, computer games and other screen time activities shall be monitored and time limited.

408 Grounds

1. The grounds of the facility shall be kept clean and free of safety hazards.
2. The facility shall provide sufficient outdoor recreation space for age appropriate physical activities.
3. Swimming pools shall be inspected and approved annually by the Arkansas Department of Health.

409 Buildings

1. No facility shall be located in a shopping center, strip mall, or other buildings used for commercial activity.
2. Unused or vacant portions of a facility shall not be rented, leased, loaned, or otherwise occupied by any commercial or other business entity, or private individuals, not associated with the facility or its management.

Residential Facilities

3. All buildings used by children or staff shall be inspected and approved annually for fire safety by fire department officials.
4. All buildings used by children or staff shall be inspected and approved annually for health and sanitation as required by the Arkansas Department of Health.
5. All buildings shall comply with local zoning ordinances and land use requirements where those exist.
6. All buildings and furnishings shall be safe, clean, and in good repair.
7. There shall be no more than twelve (12) children in a sleeping unit. A sleeping unit is considered to be a group of bedrooms.
8. Sleeping units sharing the same building shall be separated into different corridors, wings, floors, etc. Sleeping units modified or newly constructed after (date) shall comply with this standard.
9. Licensing shall be notified of any changes to buildings that affect usage, size, capacity, or structural changes.
10. Building usage shall be approved by licensing prior to resident occupancy, and all required inspections, permits, and authorizations shall be provided.
11. Any modification to buildings used by children, or an increase in capacity shall require inspection and approval by the Fire and Health Department, if applicable.
12. All parts of buildings used as living, sleeping, or bath areas shall have a heating, ventilating and air conditioning source that keeps the temperature a minimum of sixty-five (65) degrees and a maximum of eighty-five (85) degrees.
13. The facility shall provide a living area that has at least thirty-five (35) square feet of floor space per child. The dining area and indoor recreation area may be included in this space.
14. The facility shall provide a dining room.
15. The facility shall have a kitchen.
16. Manufactured homes, used as residential facilities, shall be tied down and underpinned as required by the Arkansas Manufactured Home Commission. The home shall obtain an inspection and approval from the Arkansas Manufactured Home Commission prior to being licensed.

410**Bathrooms**

1. The facility shall provide bathrooms for the children.
2. There shall be a separate toilet, bathtub or shower, and sink for each six (6) children.
3. There shall be an adequate supply of hot and cold running water.
4. The bathroom shall be clean and sanitary.
5. There shall be separate bath and toilet facilities for males and females.

6. There shall be an adequate supply of soap, towels, and tissue.

411 Sleeping Arrangements

1. The facility shall provide bedrooms for the children.
2. There shall be no more than four (4) children per bedroom.
3. There shall be at least fifty (50) square feet of floor space per child in each bedroom.
4. No child age four (4) years or over shall share a bedroom with a child of the opposite gender, except teenaged parents who participate in the care of their own children.
5. Each child shall have a separate bed with a mattress, sheets, pillow, pillowcase, and adequate cover, all in good condition.
6. All cribs used for children shall have current certification of compliance with CPSC standards.
7. Children twelve (12) months of age and below shall be placed flat on their backs to sleep, in accordance with American Academy of Pediatrics guidelines, to lessen the risk of suffocation and Sudden Infant Death Syndrome. (If a child rolls over on his/her own, the facility is not required to reposition the child.) If there is a medical reason a child cannot sleep on his/her back, a signed statement from the child's physician shall be in the file stating the reason, the sleep position indicated, and the time frame required.
8. Beds shall be positioned to ensure all children can easily exit the room in case of emergency.
9. No child under the age of six (6) shall occupy a top bunk.
10. Bedding shall be changed at least weekly, more often if needed.
11. Each child shall have an area to store personal belongings.
12. Staff sleeping quarters shall be separate from children's sleeping rooms.
13. Room arrangements shall be based on characteristics of each resident to ensure the safety of each child.

412 Safety

1. The facility shall have an operable telephone or comparable communication system.
2. The facility shall have a continuous supply of clean drinking water. If the water source is not a municipal system, the source shall be approved by the Arkansas Department of Health annually.
3. A private sewage/septic system shall be approved initially and upon any increase in capacity by the Arkansas Department of Health.

Residential Facilities

4. There shall be operational smoke detectors near the cooking area, heating units, and within ten (10) feet of each bedroom.
5. An operational chemical fire extinguisher or other fire suppression system approved by local fire inspection officials shall be in the cooking area of each building. Approval of the fire suppression system shall be documented.
6. There shall be an emergency evacuation plan diagramed and posted in each building used by children.
7. Fire drills shall be practiced with children each month.
8. Severe weather drills shall be practiced with children quarterly.
9. A record of drills shall be maintained, showing date and time of day of the drill, number of participants, and length of time required to reach safety.
10. Each child shall be instructed in emergency procedures at admission.
11. The facility shall have proof of current rabies vaccinations for all household pets as required by Arkansas law.
12. No child shall be allowed to operate dangerous machinery or equipment, including firearms without proper adult supervision and following manufacturers' guidelines for age, safety precautions, and safety gear.
13. The agency shall have policy and procedure for carrying, storage and use of all firearms located at the facility,
14. All firearms shall be maintained in a secure, locked location, or secured by a trigger lock.
15. All ammunition shall be secured and locked separately from firearms, with the exception of ammunition locked in a long gun safe (ex. rifle, shotgun, muzzle loaders).

413 Transportation

1. The facility shall have agency procured transportation available at all times.
2. The facility vehicle(s) shall not be used for personal use, unless other facility transportation is available.
3. Any vehicle used to transport children shall be in safe working condition and maintained in compliance with motor vehicle laws.
4. Any vehicle used to transport children shall be insured.
5. Children shall be transported only by an authorized person possessing a valid driver's license.
6. Children shall be transported according to Arkansas law, including, but not limited to, use of safety belts, child safety seats, and smoking restrictions.

414 Discharge

1. The discharge shall be planned by agency staff.
2. The agency may discharge a child on an emergency basis if failure to do so could result in harm to the child, other persons, or significant property damage.
3. A child shall be discharged to the custody of the child's parent or a person with authorization from the parent, guardian or a person authorized by court order to assume custody of the child.
4. The agency shall complete a discharge statement on each child that includes a discharge date and reason for discharge and provide a copy of it to the child's custodian.
5. Documentation of the discharge shall be maintained in the child's record.

500 Residential Family Style Care

In addition to all standards in Section 100, the following standards shall be met:

Facilities holding a Residential Family Style Care license provide residential care on a long term basis in a home like setting.

501 Admission

1. The agency shall establish written criteria for admitting/excluding children.
2. The facility shall not admit any child for whom the facility cannot provide adequate care.
3. Each child shall have a medical exam no more than one (1) year before admission, or a documented appointment date for an exam within one (1) week after admission.
4. Each child shall have proof of current immunizations, or a letter of exemption in accordance with the Arkansas Department of Health, or a scheduled appointment within one (1) week after admission.
5. The facility shall obtain written verification of the placing agent's authority to place the child at the time of admission.
6. The facility shall obtain written authority for medical care for the child from the placing agent at the time of admission.
7. The agency shall comply with the Interstate Compact on the Placement of Children when admitting children from outside Arkansas, if applicable.
8. The facility shall establish that all persons referred for admission are under the age of eighteen (18) years at the time of admission.
9. Residents may remain in the program after reaching age eighteen (18) years with the reason for continued placement documented. The resident shall be discharged no later than his/her twenty-first (21) birthday.
10. The facility may admit a child(ren) under age five (5) years only if that child is a part of a sibling group of whom one child is age five (5) years or older, or if it is the summer before the child is eligible to enter kindergarten. Exception is made for the infant child or children of a parent who is admitted to the facility.
11. At the time of an admission, the following information shall be documented in the child's record:
 - a. Name, signature and role or relationship of the person who relinquished the child into care;
 - b. A brief description of the circumstances requiring admission;
 - c. The date and time of the admission;

Residential Family Style Care

- d. A brief description of the child's history (if known) including behavioral history;
 - e. Any known medical history and known current health conditions;
 - f. All medications currently prescribed for the child (if known and available);
 - g. The child's current behavior or known emotional condition.
12. Intake information shall be completed on each child in care within ten (10) working days after admission.
 13. The intake shall include:
 - a. Demographic information on the child and parent(s), including name, address, birth date, gender, race, and religious preference;
 - b. A factual description of the circumstances requiring placement;
 - c. A brief social history of the family;
 - d. The child's current legal status/custody;
 - e. Any history of previous placements outside the family.
 14. The facility shall obtain copies of legal documents within thirty (30) days of admission, or shall document their attempts to obtain the documents. The legal documents shall include, but not be limited to, birth certificates, social security cards and court orders.
 15. A dependent juvenile child of a parent who is in the custody of DCFS shall be subject to all regulations regarding space, ratio, health and safety.
 16. Facilities that have an adult program shall provide sleeping and living arrangements to ensure separation of adults from children.

502 Assessment & Case Planning

1. The agency shall assign a caseworker to each child who is responsible for doing assessments, case planning, and casework services.
2. A plan of safe care shall be developed for all children with physical limitations, medical conditions, or behaviors that are indicative of harm to self or others; to include, but not limited to: arson, physical/sexual aggression, and/or suicidal or other self-harming tendencies. This plan shall identify the behavior/problem, and shall specify the safeguards that are to be implemented. The agency shall document that the child caring staff are informed of the provisions of the plan and place a copy of the plan in the child's record.
3. An assessment of services needed to ensure the health and welfare of the child, including medical history and psychological history shall be completed for each child and included in the case plan.
4. A case plan shall be developed for each resident received for care.

Residential Family Style Care

5. The case plan shall be developed within thirty days after placement.
6. The child's case plan shall contain, at the minimum:
 - a. Specific needs of the child;
 - b. Plan for meeting child's needs;
 - c. Special treatment issues (e.g., psychotropic medications, sexual misconduct, and neurological disorders) shall be identified, with a statement of how the special needs shall be met;
 - d. A plan to ensure that the child's educational needs are met according to applicable state law;
 - e. Date of next review of the case plan.
7. A copy of the case plan shall be made available to the parent(s), guardian(s), court, or other agencies involved in case plan services delivery.
8. The case plan shall be reviewed at least semi-annually, and shall be updated to reflect the child's progress.

503**Children's Records**

1. The agency shall keep a confidential case record for each child that includes the following:
 - a. Demographic information;
 - b. Plan of safe care, if applicable;
 - c. A complete intake;
 - d. Consents, including consent for medical care and authority to place the child;
 - e. Interstate Compact information, if applicable;
 - f. Case plans and case plan reviews;
 - g. Copies of legal documents (e.g., birth certificate, social security card, court orders), or documentation of their attempts to obtain the documents;
 - h. Physical exams and immunization records, or documentation of their attempts to obtain the documents;
 - i. Psychological reports, if applicable;
 - j. Educational reports, if applicable;
 - k. Disciplinary and incident reports, if applicable;
 - l. Documentation of casework services and child contact;
 - m. Discharge statement.

2. Records for each child shall be kept for five (5) years from the date of discharge, unless otherwise specified by Arkansas law.

504 Behavior Management

1. The agency shall have a written discipline policy that is consistently followed.
2. Discipline shall be directed toward teaching the child acceptable behavior and self-control.
3. Discipline shall be appropriate to the child's age, development, and history.
4. The following actions shall not be used, including as discipline:
 - a. Denial of meals, sleep, shelter, essential clothing, or case plan activities;
 - b. Denial of parental visits or regular phone/mail contact with family. Non-disciplinary case planning issues are accepted;
 - c. Lewd or obscene language;
 - d. Derogatory comments about the child, the child's family, race, or gender;
 - e. Restriction to a room for more than a short period of time without periodic observation;
 - f. Restriction to a dark room or area;
 - g. Locked isolation;
 - h. Physical injury or threat of bodily harm;
 - i. Humiliating or degrading action;
 - j. Extremely strenuous work or exercise;
 - k. Mechanical/chemical restraints.
5. Physical restraint shall be initiated only by trained staff, and only to prevent injury to the child, other people or property, and shall not be initiated solely as a form of discipline.
6. Physical restraints shall be performed using minimal force and time necessary. Physical restraint means the application of physical force without the use of any device, for the purposes of restraining the free movement of a resident's body. Briefly holding a child without undue force in order to calm or comfort, or holding a hand to safely escort a child from one area to another, is not considered a physical restraint.
7. Documentation of all restraints shall be maintained and include child's name, date, time, reason, staff involved, and measures taken prior to restraint.
8. A child shall not be allowed to administer discipline, except teen parents may discipline their own children under the supervision and guidance of staff.

Residential Family Style Care

9. Searches of a child or a child's personal property shall be for reasons limited to safety and security of children and staff, in cases of suspected theft, or suspicion of possession of items which are not permitted by agency policy.
10. Any searches requiring removal of clothing shall be done in privacy.

505**Ratio & Supervision**

1. The facility shall use a house parent staffing model.
2. The facility shall not exceed its total licensed capacity.
3. The facility shall have no more than eight (8) children in each unit, including the houseparent's children.
4. There shall be a staff/child ratio of at least 1:8 at all times. Staff members' children shall be counted in the ratio.
5. Child caring staff shall be responsible for providing the level of supervision, care, and treatment necessary to ensure the safety and well-being of each child at the facility, taking into account the child's age, individual differences and abilities, surrounding circumstances, hazards and risks.
6. The facility shall maintain a daily census report to include the child's name and room or building assignment.

506**Health & Medical Care**

1. Each child shall have a medical exam at least annually. Health exams need not be repeated during the year if a child moves from one facility or agency to another, provided the results of the exam are available to the receiving facility or agency.
2. All medications shall be administered to children by staff according to medical instructions.
3. The administering of all medications, including over-the-counter, shall be logged at the time the medication is given, by the person administering the medication.
4. The medication log shall include:
 - a. The child's name;
 - b. Time and date;
 - c. Medication dosage;
 - d. Initials of the person administering the medication.
5. All medications excluding Epi-pens, inhalers, and Glucagon kits shall be kept securely locked, and stored according to pharmaceutical recommendations. An age-appropriate and developmentally capable child may be provided, or have access to non-narcotic prescriptions with an approved safety plan. Examples include, but are not limited to, birth control, acne cream, topical creams.

Residential Family Style Care

6. Keys to medication storage areas shall be on the premises and readily accessible by staff at all times.
7. Currently prescribed medications belonging to children shall be returned to the parent or custodian upon discharge.

507**Program**

1. The facility shall ensure each child receives education in accordance with the Arkansas Department of Education.
2. The facility shall teach each child the daily living tasks required as a part of living in a group setting, and shall assign only light chores that are age-appropriate.
3. The agency shall have a policy regarding each child's money received and shall ensure that each child's funds are available to that child under staff supervision for personal use.
4. The facility shall not allow a child's outside employment, chores, or extracurricular activities to interfere with the child's time for school, sleep, family visits, or case plan activities.
5. The facility shall provide each child with adequate and nutritious food, routinely eaten in the home/cottage/unit.
6. The facility shall ensure that each child has sufficient sleep for his/her age and physical condition.
7. Each child shall be instructed in good grooming and personal hygiene habits.
8. The facility shall ensure each child is provided with his/her own clothing that is clean, well fitting, seasonal, and appropriate to age and gender, unless otherwise directed by a physician.
9. The facility shall ensure each child in care is provided with opportunities for regular recreational activities and exercise.
10. The facility shall provide activities and equipment that are age appropriate to the children in their care.
11. The use of television, videos, computer games and other screen time activities shall be monitored and time limited.
12. The agency shall have policy and procedure to ensure children in care are allowed to participate in age appropriate activities away from the facility.

508**Grounds**

1. The grounds of the facility shall be kept clean and free of safety hazards.
2. The facility shall provide sufficient outdoor recreation space for age appropriate physical activities.
3. Swimming pools shall be inspected and approved annually by the Arkansas Department of Health.

509 Buildings

1. The building shall be a single-style dwelling, such as a house or cottage, or duplex in which the facility occupies both units. Multiple units may be located on campus.
2. The building(s) shall house only children in Residential Family Style Care or Emergency Family Style Care.
3. No facility shall be located in a shopping center, strip mall, or other buildings used for commercial activity.
4. Unused or vacant portions of a facility shall not be rented, leased, loaned, or otherwise occupied by any commercial or other business entity, or private individuals, not associated with the facility or its management.
5. All buildings used by children or staff shall be inspected and approved annually for fire safety by fire department officials.
6. All buildings used by children or staff shall be inspected and approved annually for health and sanitation as required by the Arkansas Department of Health.
7. All buildings shall comply with local zoning ordinances and land use requirements where those exist.
8. All buildings and furnishings shall be safe, clean, and in good repair.
9. Licensing shall be notified of any changes to buildings that affect usage, size, capacity, or structural changes.
10. Building usage shall be approved by licensing prior to resident occupancy, and all required inspections, permits, and authorizations shall be provided.
11. Any modification to buildings used by children, or an increase in capacity shall require inspection and approval by the Fire and Health Department, if applicable.
12. All parts of buildings used as living, sleeping, or bath areas shall have a heating, ventilating and air conditioning source that keeps the temperature a minimum of sixty-five (65) degrees and a maximum of eighty-five (85) degrees.
13. The facility shall provide a living area that has at least thirty-five (35) square feet of floor space per child. The dining area and indoor recreation area may be included in this space.
14. The facility shall provide a dining area.
15. The facility shall have a kitchen.
16. Manufactured homes, used as residential facilities, shall be tied down and underpinned as required by the Arkansas Manufactured Home Commission. The home shall obtain an inspection and approval from the Arkansas Manufactured Home Commission prior to being licensed.

510 Bathrooms

1. The facility shall provide bathrooms for the children.

Residential Family Style Care

2. There shall be a separate toilet, bathtub or shower, and sink for each six (6) children.
3. There shall be an adequate supply of hot and cold running water.
4. The bathroom shall be clean and sanitary.
5. There shall be an adequate supply of soap, towels, and tissue.

511 Sleeping Arrangements

1. The facility shall provide bedrooms for the children.
2. There shall be no more than four (4) children per bedroom.
3. There shall be at least fifty (50) square feet of floor space per child in each bedroom.
4. No child age four (4) years or over shall share a bedroom with a child of the opposite gender, except teenaged parents who participate in the care of their own children.
5. Each child shall have a separate bed with a mattress, sheets, pillow, pillowcase, and adequate cover, all in good condition.
6. All cribs used for children shall have certification of compliance with CPSC standards.
7. Children twelve (12) months of age and below shall be placed flat on their backs to sleep, in accordance with American Academy of Pediatrics guidelines, to lessen the risk of suffocation and Sudden Infant Death Syndrome. (If a child rolls over on his/her own, the facility is not required to reposition the child.) If there is a medical reason a child cannot sleep on his/her back, a signed statement from the child's physician shall be in the file stating the reason, the sleep position indicated, and the time frame required.
8. Beds shall be positioned to ensure all children can easily exit the room in case of emergency.
9. No child under the age of six (6) shall occupy a top bunk.
10. Bedding shall be changed at least weekly, more often if needed.
11. Each child shall have an area to store personal belongings.
12. Staff sleeping quarters shall be separate from children's sleeping rooms.
13. Room arrangements shall be based on characteristics of each resident to ensure the safety of each child.

512 Safety

1. The facility shall have an operable telephone or comparable communication system.

Residential Family Style Care

2. The facility shall have a continuous supply of clean drinking water. If the water source is not a municipal system, the source shall be approved by the Arkansas Department of Health annually.
3. A private sewage/septic system shall be approved initially and upon any increase in capacity by the Arkansas Department of Health.
4. There shall be operational smoke detectors near the cooking area, heating units, and within ten (10) feet of each bedroom.
5. An operational chemical fire extinguisher or other fire suppression system approved by local fire inspection officials shall be in the cooking area of each building. Approval of the fire suppression system shall be documented.
6. There shall be an emergency evacuation plan diagramed and posted in each building used by children.
7. Fire drills shall be practiced with children each month.
8. Severe weather drills shall be practiced with children quarterly.
9. A record of drills shall be maintained, showing date and time of day of the drill, number of participants, and length of time required to reach safety.
10. Each child shall be instructed in emergency procedures at admission.
11. The facility shall have proof of current rabies vaccinations for all household pets as required by Arkansas law.
12. No child shall be allowed to operate dangerous machinery or equipment, including firearms without proper adult supervision and following manufacturers' guidelines for age, safety precautions, and safety gear.
13. The agency shall have policy and procedure for carrying, storage and use of all firearms located at the facility,
14. All firearms shall be maintained in a secure, locked location, or secured by a trigger lock.
15. All ammunition shall be secured and locked separately from firearms, with the exception of ammunition locked in a long gun safe (ex. rifle, shotgun, muzzle loaders).

513 Transportation

1. The facility shall have agency procured transportation available at all times.
2. The facility vehicle(s) shall not be used for personal use, unless other facility transportation is available.
3. Any vehicle used to transport children shall be in safe working condition and maintained in compliance with motor vehicle laws.
4. Any vehicle used to transport children shall be insured.

Residential Family Style Care

5. Children shall be transported only by an authorized person possessing a valid driver's license.
6. Children shall be transported according to Arkansas law, including, but not limited to, use of safety belts, child safety seats, and smoking restrictions.

514**Discharge**

1. The discharge shall be planned by agency staff.
2. The agency may discharge a child on an emergency basis if failure to do so could result in harm to the child, other persons, or significant property damage.
3. A child shall be discharged to the custody of the child's parent or a person with authorization from the parent, guardian or a person authorized by court order to assume custody of the child.
4. The agency shall complete a discharge statement on each child that includes a discharge date and reason for discharge and provide a copy of it to the child's custodian.
5. Documentation of the discharge shall be maintained in the child's record.

600 Independent Living

In addition to all standards in Sections 100, the following standards shall be met:

Agencies holding an Independent Living license provide residential care while preparing the residents, ages sixteen (16) and older, for living independently.

601 Agency Responsibilities

1. The agency shall have written policies and procedures specific to the program, which shall include:
 - a. Written rules of conduct;
 - b. A plan for reduced supervision/ratio;
 - c. Transportation for residents;
 - d. Outside employment for residents;
 - e. Medication management;
 - f. Social Activities off campus.

602 Admission

1. The agency shall establish written criteria for admitting/excluding children.
2. The facility shall not admit any child for whom the facility cannot provide adequate care.
3. Each child shall have a medical exam no more than one (1) year before admission, or a documented appointment date for an exam within one (1) week after admission.
4. Each child shall have proof of current immunizations, or a letter of exemption in accordance with the Arkansas Department of Health or a scheduled appointment within one (1) week after admission.
5. The facility shall obtain written verification of the placing agent's authority to place the child at the time of admission.
6. The facility shall obtain written authority for medical care for the child from the placing agent at the time of admission.
7. The agency shall comply with the Interstate Compact on the Placement of Children when admitting children from outside Arkansas, if applicable.
8. The facility shall establish that all persons referred for admission are between the ages of sixteen (16) and eighteen (18) years at the time of admission.
9. Residents may remain in the program after reaching age eighteen (18) years with the reason for continued placement documented. The resident shall be discharged no later than his/her twenty-first (21) birthday.

Independent Living

10. At the time of an admission, the following information shall be documented in the child's record:
 - a. Name, signature and role or relationship of the person who relinquished the child into care;
 - b. A brief description of the circumstances requiring admission;
 - c. The date and time of the admission;
 - d. A brief description of the child's history (if known) including behavioral history;
 - e. Any known medical history and known current health conditions;
 - f. All medications currently prescribed for the child (if known and available);
 - g. The child's current behavior or known emotional condition.
11. Intake information shall be completed on each child in care within ten (10) working days after admission.
12. The intake shall include:
 - a. Demographic information on the child and parent(s), including name, address, birth date, gender, race, and religious preference;
 - b. A factual description of the circumstances requiring placement;
 - c. A brief social history of the family;
 - d. The child's current legal status/custody;
 - e. Any history of previous placements outside the family.
13. The facility shall obtain copies of legal documents within thirty (30) days of admission, or shall document their attempts to obtain the documents. The legal documents shall include, but not be limited to, birth certificates, social security cards and court orders.
14. A dependent juvenile child of a parent who is in the custody of DCFS shall be subject to all regulations regarding space, ratio, health and safety.
15. Facilities that have an adult program shall provide sleeping and living arrangements to ensure separation of adults from children.

603 Eligibility Requirements

1. For a child to be eligible for placement into the Independent Living program, the agency shall document:
 - a. An evaluation by the caseworker to determine that placement in the Independent Living program does not present a health or safety risk to the children;
 - b. The resident is at least sixteen (16) years of age;

Independent Living

- c. The resident is working towards mastering basic life-skills, including, but not limited to:
 - i. money management;
 - ii. food management;
 - iii. personal appearance;
 - iv. personal hygiene/health/birth control;
 - v. housekeeping;
 - vi. transportation;
 - vii. emergency and safety skills;
 - viii. knowledge of community resources;
 - ix. interpersonal skills;
 - x. legal skills;
 - xi. housing;
 - xii. educational planning;
 - xiii. job-seeking and job maintenance skills.
- d. The resident is actively engaged in an educational program such as high school, GED, vocational training, or post-secondary education including college. If the child has completed all educational requirements according to state law, he/she shall be employed or actively involved in a supervised job search program.

604**Assessment & Case Planning**

1. The agency shall assign a caseworker to each child who is responsible for doing assessments, case planning, and casework services.
2. A plan of safe care shall be developed for all children with physical limitations, medical conditions, or behaviors that are indicative of harm to self or others; to include, but not limited to: arson, physical/sexual aggression, and/or suicidal or other self-harming tendencies. This plan shall identify the behavior/problem, and shall specify the safeguards that are to be implemented. The agency shall document that the child caring staff are informed of the provisions of the plan and place a copy of the plan in the child's record.
3. An assessment of services needed to ensure the health and welfare of the child, including medical history and psychological history shall be completed and included in the case plan.
4. A case plan shall be developed for each child within thirty (30) days after placement.
5. A case plan shall be completed and entered into the child's record showing a goal of independence and indicating all persons responsible for services to be provided.
6. The case plan shall contain, at the minimum:
 - a. Specific needs;
 - b. Plan for meeting needs;

Independent Living

- c. Special treatment issues (e.g., psychotropic medications, sexual misconduct, and neurological disorders) shall be identified, with a statement of how the special needs shall be met;
 - d. A plan to ensure the educational needs are met according to applicable state law;
 - e. Date of next review of the case plan.
7. A copy of the case plan shall be made available to the parent(s), guardian(s), court, or other agencies involved in case plan services delivery.
 8. The case plan shall be reviewed at least semi-annually, and shall be updated to reflect progress.

605**Children's Records**

1. The agency shall keep a confidential case record for each child that includes the following:
 - a. Demographic information;
 - b. Plan of safe care, if applicable;
 - c. A complete intake;
 - d. Consents, including consent for medical care and authority to place the child;
 - e. Interstate Compact information, if applicable;
 - f. Case plans and case plan reviews;
 - g. Copies of legal documents (e.g., birth certificate, social security card, court orders), or documentation of their attempts to obtain the documents;
 - h. Physical exams and immunization records, or documentation of their attempts to obtain the documents;
 - i. Psychological reports, if applicable;
 - j. Educational reports, if applicable;
 - k. Disciplinary and incident reports, if applicable;
 - l. Documentation of casework services and child contact;
 - m. Discharge statement.
2. Records shall be kept for five (5) years from the date of discharge, unless otherwise specified by Arkansas law.

606**Behavior Management**

1. The agency shall have a written discipline policy that is consistently followed.

Independent Living

2. Discipline shall be directed toward teaching the child acceptable behavior and self-control.
3. Discipline shall be appropriate to the child's age, development, and history.
4. The following actions shall not be used, including as discipline:
 - a. Denial of meals, sleep, shelter, essential clothing, or case plan activities;
 - b. Denial of parental visits or regular phone/mail contact with family. Non-disciplinary case planning issues are accepted;
 - c. Lewd or obscene language;
 - d. Derogatory comments about the child, the child's family, race, or gender;
 - e. Restriction to a room for more than a short period of time without periodic observation;
 - f. Restriction to a dark room or area;
 - g. Locked isolation;
 - h. Physical injury or threat of bodily harm;
 - i. Humiliating or degrading action;
 - j. Extremely strenuous work or exercise;
 - k. Mechanical/chemical restraints.
5. Physical restraint shall be initiated only by trained staff, and only to prevent injury to the child, other people or property, and shall not be initiated solely as a form of discipline.
6. Physical restraints shall be performed using minimal force and time necessary. Physical restraint means the application of physical force without the use of any device, for the purposes of restraining the free movement of a resident's body. Briefly holding a child without undue force in order to calm or comfort, or holding a hand to safely escort a child from one area to another, is not considered a physical restraint.
7. Documentation of all restraints shall be maintained and include child's name, date, time, reason, staff involved, and measures taken prior to restraint.
8. A child shall not be allowed to administer discipline, except teen parents may discipline their own children under the supervision and guidance of staff.
9. Searches of a child or a child's personal property shall be for reasons limited to safety and security of children and staff, in cases of suspected theft, or suspicion of possession of items which are not permitted by agency policy.
10. Any searches requiring removal of clothing shall be done in privacy.

607 Ratio & Supervision

1. The facility shall not exceed its total licensed capacity.
2. There shall be a staff/child ratio of at least 1:9 during waking hours and at least 1:12 during sleeping hours. Staff members' children shall be counted in the ratio.
3. If any child is under age six (6) years, the ratio shall be at least 1:7 at all times.
4. Only staff who directly supervises children shall be counted in this ratio.
5. Child caring staff shall be responsible for providing the level of supervision, care, and treatment necessary to ensure the safety and well-being of each child at the facility, taking into account the child's age, individual differences and abilities, surrounding circumstances, hazards and risks.
6. All child caring shift-staff, counted in the staff child ratio, shall remain awake at all times. House parents are excluded from this requirement.
7. The facility shall maintain a daily census report to include the child's name and room or building assignment.

608 Health & Medical Care

1. Each child shall have a medical exam at least annually. Health exams need not be repeated during the year if a child moves from one facility or agency to another, provided the results of the exam are available to the receiving facility or agency.
2. Staff shall supervise the administering of all medications.
3. The administering of all medications, including over-the-counter, shall be logged at the time the medication is given, by the person administering the medication.
4. The medication log shall include:
 - a. The child's name;
 - b. Time and date;
 - c. Medication dosage;
 - d. Initials of the person administering the medication.
5. All medications excluding Epi-pens, inhalers, and Glucagon kits shall be kept securely locked, and stored according to pharmaceutical recommendations. An age-appropriate and developmentally capable child may be provided, or have access to non-narcotic prescriptions with an approved safety plan. Examples include, but are not limited to, birth control, acne cream, topical creams.
6. Keys to medication storage areas shall be on the premises and readily accessible by staff at all times.
7. Currently prescribed medications belonging to children shall be returned to the parent or custodian upon discharge.

609 Program

1. The facility shall ensure each child receives education in accordance with the Arkansas Department of Education.
2. The facility shall teach each child the daily living tasks required as a part of living in a group setting, and shall assign only light chores that are age-appropriate.
3. The agency shall have a policy regarding each child's money received and shall ensure that each child's funds are available to that child under staff supervision for personal use.
4. The facility shall not allow a child's outside employment, chores, or extracurricular activities to interfere with the child's time for school, sleep, family visits, or case plan activities.
5. The facility shall provide each child with adequate and nutritious food.
6. The facility shall ensure that each child has sufficient sleep for his/her age and physical condition
7. Each child shall be instructed in good grooming and personal hygiene habits.
8. The facility shall ensure each child is provided with his/her own clothing that is clean, well fitting, seasonal, and appropriate to age and gender, unless otherwise directed by a physician.
9. The facility shall ensure each child in care is provided with opportunities for regular recreational activities and exercise.
10. The facility shall provide activities and equipment that are age appropriate to the children in their care.
11. The use of television, videos, computer games and other screen time activities shall be monitored and time limited.

610 Grounds

1. The grounds of the facility shall be kept clean and free of safety hazards.
2. The facility shall provide sufficient outdoor recreation space for age appropriate physical activities.
3. Swimming pools shall be inspected and approved annually by the Arkansas Department of Health.

611 Buildings

1. No facility shall be located in a shopping center, strip mall, or other buildings used for commercial activity.
2. Unused or vacant portions of a facility shall not be rented, leased, loaned, or otherwise occupied by any commercial or other business entity, or private individuals, not associated with the facility or its management.

Independent Living

3. All buildings used by children or staff shall be inspected and approved annually for fire safety by fire department officials.
4. All buildings used by children or staff shall be inspected and approved annually for health and sanitation as required by the Arkansas Department of Health.
5. All buildings shall comply with local zoning ordinances and land use requirements where those exist.
6. All buildings and furnishings shall be safe, clean, and in good repair.
7. There shall be no more than twelve (12) children in a sleeping unit. A sleeping unit is considered to be a group of bedrooms.
8. Sleeping units sharing the same building shall be separated into different corridors, wings, floors, etc. Sleeping units modified or newly constructed after (date) shall comply with this standard.
9. Licensing shall be notified of any changes to buildings that affect usage, size, capacity, or structural changes.
10. Building usage shall be approved by licensing prior to resident occupancy, and all required inspections, permits, and authorizations shall be provided.
11. Any modification to buildings used by children, or an increase in capacity shall require inspection and approval by the Fire and Health Department, if applicable.
12. All parts of buildings used as living, sleeping, or bath areas shall have a heating, ventilating and air conditioning source that keeps the temperature a minimum of sixty-five (65) degrees and a maximum of eighty-five (85) degrees.
13. The facility shall provide a living area that has at least thirty-five (35) square feet of floor space per child. The dining area and indoor recreation area may be included in this space.
14. The facility shall provide a dining room.
15. The facility shall have a kitchen.
16. Manufactured homes, used as residential facilities, shall be tied down and underpinned as required by the Arkansas Manufactured Home Commission. The home shall obtain an inspection and approval from the Arkansas Manufactured Home Commission prior to being licensed.

612**Bathrooms**

1. The facility shall provide bathrooms for the children.
2. There shall be a separate toilet, bathtub or shower, and sink for each six (6) children.
3. There shall be an adequate supply of hot and cold running water.
4. The bathroom shall be clean and sanitary.
5. There shall be separate bath and toilet facilities for males and females.

Independent Living

6. There shall be an adequate supply of soap, towels, and tissue.

613 Sleeping Arrangements

1. The facility shall provide bedrooms for the children.
2. There shall be no more than four (4) children per bedroom.
3. There shall be at least fifty (50) square feet of floor space per child in each bedroom.
4. No child shall share a bedroom with a child of the opposite gender.
5. Each child shall have a separate bed with a mattress, sheets, pillow, pillowcase, and adequate cover, all in good condition.
6. Beds shall be positioned to ensure all children can easily exit the room in case of emergency.
7. Bedding shall be changed at least weekly, more often if needed.
8. Each child shall have an area to store personal belongings.
9. Staff sleeping quarters shall be separate from children's sleeping rooms.
10. Room arrangements shall be based on characteristics of the each resident to ensure the safety of each child.

614 Safety

1. The facility shall have an operable telephone or comparable communication system.
2. The facility shall have a continuous supply of clean drinking water. If the water source is not a municipal system, the source shall be approved by the Arkansas Department of Health annually.
3. A private sewage/septic system shall be approved initially and upon any increase in capacity by the Arkansas Department of Health.
4. There shall be operational smoke detectors near the cooking area, heating units, and within ten (10) feet of each bedroom.
5. An operational chemical fire extinguisher or other fire suppression system approved by local fire inspection officials shall be in the cooking area of each building. Approval of the fire suppression system shall be documented.
6. There shall be an emergency evacuation plan diagramed and posted in each building used by children.
7. Fire drills shall be practiced with children each month.
8. Severe weather drills shall be practiced with children quarterly.
9. A record of drills shall be maintained, showing date and time of day of the drill, number of participants, and length of time required to reach safety.

Independent Living

10. Each child shall be instructed in emergency procedures at admission.
11. The facility shall have proof of current rabies vaccinations for all household pets as required by Arkansas law.
12. No child shall be allowed to operate dangerous machinery or equipment, including firearms without proper adult supervision and following manufacturers' guidelines for age, safety precautions, and safety gear.
13. The agency shall have policy and procedure for carrying, storage and use of all firearms located at the facility.
14. All firearms shall be maintained in a secure, locked location, or secured by a trigger lock.
15. All ammunition shall be secured and locked separately from firearms, with the exception of ammunition locked in a long gun safe (ex. rifle, shotgun, muzzle loaders).

615 Transportation

1. The facility shall have agency procured transportation available at all times.
2. The facility vehicle(s) shall not be used for personal use, unless other facility transportation is available.
3. Any vehicle used to transport children shall be in safe working condition and maintained in compliance with motor vehicle laws.
4. Any vehicle used to transport children shall be insured.
5. Children shall be transported only by an authorized person possessing a valid driver's license.
6. Children shall be transported according to Arkansas law, including, but not limited to, use of safety belts, child safety seats, and smoking restrictions.

616 Discharge

1. The discharge shall be planned by agency staff.
2. The agency may discharge a child on an emergency basis if failure to do so could result in harm to the child, other persons, or significant property damage.
3. A child shall be discharged to the custody of the child's parent or a person with authorization from the parent, guardian or a person authorized by court order to assume custody of the child.
4. The agency shall complete a discharge statement on each child that includes a discharge date and reason for discharge and provide a copy of it to the child's custodian.
5. Documentation of the discharge shall be maintained in the child's record.

700 Independent Living Family Style Care

In addition to all standards in Sections 100, the following standards shall be met:

Agencies holding an Independent Living Family Style Care license provide residential care, in a home like setting, while preparing the residents, ages sixteen (16) and older, for living independently.

701 Agency Responsibilities

1. The agency shall have written policies and procedures specific to the program, which shall include:
 - a. Written rules of conduct;
 - b. A plan for reduced supervision;
 - c. Transportation for residents;
 - d. Outside employment for residents;
 - e. Medication management;
 - f. Social Activities off campus.

702 Admission

1. The agency shall establish written criteria for admitting/excluding children.
2. The facility shall not admit any child for whom the facility cannot provide adequate care.
3. Each child shall have a medical exam no more than one (1) year before admission, or a documented appointment date for an exam within one (1) week after admission.
4. Each child shall have proof of current immunizations, or a letter of exemption in accordance with the Arkansas Department of Health or a scheduled appointment within one (1) week after admission.
5. The facility shall obtain written verification of the placing agent's authority to place the child at the time of admission.
6. The facility shall obtain written authority for medical care for the child from the placing agent at the time of admission.
7. The agency shall comply with the Interstate Compact on the Placement of Children when admitting children from outside Arkansas, if applicable.
8. The facility shall establish that all persons referred for admission are between the ages of sixteen (16) and eighteen (18) years at the time of admission.

Independent Living Family Style Care

9. Residents may remain in the program after reaching age eighteen (18) years with the reason for continued placement documented. The resident shall be discharged no later than his/her twenty-first (21) birthday.
10. At the time of an admission, the following information shall be documented in the child's record:
 - a. Name, signature and role or relationship of the person who relinquished the child into care;
 - b. A brief description of the circumstances requiring admission;
 - c. The date and time of the admission;
 - d. A brief description of the child's history (if known) including behavioral history;
 - e. Any known medical history and known current health conditions;
 - f. All medications currently prescribed for the child (if known and available);
 - g. The child's current behavior or known emotional condition.
11. Intake information shall be completed on each child in care within ten (10) working days after admission.
12. The intake shall include:
 - a. Demographic information on the child and parent(s), including name, address, birth date, gender, race, and religious preference;
 - b. A factual description of the circumstances requiring placement;
 - c. A brief social history of the family;
 - d. The child's current legal status/custody;
 - e. Any history of previous placements outside the family.
13. The facility shall obtain copies of legal documents within thirty (30) days of admission, or shall document their attempts to obtain the documents. The legal documents shall include, but not be limited to, birth certificates, social security cards and court orders.
14. A dependent juvenile child of a parent who is in the custody of DCFS shall be subject to all regulations regarding space, ratio, health and safety.
15. Facilities that have an adult program shall provide sleeping and living arrangements to ensure separation of adults from children.

703 Eligibility Requirements

1. For a child to be eligible for placement into the Independent Living program, the agency shall document:

Independent Living Family Style Care

- a. An evaluation by the caseworker to determine that placement in the Independent Living program does not present a health or safety risk to the children;
- b. The resident is at least sixteen (16) years of age;
- c. The resident is working towards mastering basic life-skills, including, but not limited to:
 - i. money management;
 - ii. food management;
 - iii. personal appearance;
 - iv. personal hygiene/health/birth control;
 - v. housekeeping;
 - vi. transportation;
 - vii. emergency and safety skills;
 - viii. knowledge of community resources;
 - ix. interpersonal skills;
 - x. legal skills;
 - xi. housing;
 - xii. educational planning;
 - xiii. job-seeking and job maintenance skills.
- d. The resident is actively engaged in an educational program such as high school, GED, vocational training, or post-secondary education including college. If the child has completed all educational requirements according to state law, he/she shall be employed or actively involved in a supervised job search program.

Assessment & Case Planning

1. The agency shall assign a caseworker to each child who is responsible for doing assessments, case planning, and casework services.
2. A plan of safe care shall be developed for all children with physical limitations, medical conditions, or behaviors that are indicative of harm to self or others; to include, but not limited to: arson, physical/sexual aggression, and/or suicidal or other self-harming tendencies. This plan shall identify the behavior/problem, and shall specify the safeguards that are to be implemented. The agency shall document that the child caring staff are informed of the provisions of the plan and place a copy of the plan in the child's record.
3. An assessment of services needed to ensure the health and welfare of the child, including medical history and psychological history shall be completed and included in the case plan.
4. A case plan shall be developed for each child within thirty (30) days after placement.
5. A case plan shall be completed and entered into the child's record showing a goal of independence and indicating all persons responsible for services to be provided.

Independent Living Family Style Care

6. The case plan shall contain, at the minimum:
 - a. Specific needs;
 - b. Plan for meeting needs;
 - c. Special treatment issues (e.g., psychotropic medications, sexual misconduct, and neurological disorders) shall be identified, with a statement of how the special needs shall be met;
 - d. A plan to ensure the educational needs are met according to applicable state law;
 - e. Date of next review of the case plan.
7. A copy of the case plan shall be made available to the parent(s), guardian(s), court, or other agencies involved in case plan services delivery.
8. The case plan shall be reviewed at least semi-annually, and shall be updated to reflect progress.

705**Children's Records**

1. The agency shall keep a confidential case record for each child that includes the following:
 - a. Demographic information;
 - b. Plan of safe care, if applicable;
 - c. A complete intake;
 - d. Consents, including consent for medical care and authority to place the child;
 - e. Interstate Compact information, if applicable;
 - f. Case plans and case plan reviews;
 - g. Copies of legal documents (e.g., birth certificate, social security card, court orders), or documentation of their attempts to obtain the documents;
 - h. Physical exams and immunization records, or documentation of their attempts to obtain the documents;
 - i. Psychological reports, if applicable;
 - j. Educational reports, if applicable;
 - k. Disciplinary and incident reports, if applicable;
 - l. Documentation of casework services and child contact;
 - m. Discharge statement.
2. Records shall be kept for five (5) years from the date of discharge, unless otherwise specified by Arkansas law.

706 Behavior Management

1. The agency shall have a written discipline policy that is consistently followed.
2. Discipline shall be directed toward teaching the child acceptable behavior and self-control.
3. Discipline shall be appropriate to the child's age, development, and history.
4. The following actions shall not be used, including as discipline:
 - a. Denial of meals, sleep, shelter, essential clothing, or case plan activities;
 - b. Denial of parental visits or regular phone/mail contact with family. Non-disciplinary case planning issues are accepted;
 - c. Lewd or obscene language;
 - d. Derogatory comments about the child, the child's family, race, or gender;
 - e. Restriction to a room for more than a short period of time without periodic observation;
 - f. Restriction to a dark room or area;
 - g. Locked isolation;
 - h. Physical injury or threat of bodily harm;
 - i. Humiliating or degrading action;
 - j. Extremely strenuous work or exercise;
 - k. Mechanical/chemical restraints.
5. Physical restraint shall be initiated only by trained staff, and only to prevent injury to the child, other people or property, and shall not be initiated solely as a form of discipline.
6. Physical restraints shall be performed using minimal force and time necessary. Physical restraint means the application of physical force without the use of any device, for the purposes of restraining the free movement of a resident's body. Briefly holding a child without undue force in order to calm or comfort, or holding a hand to safely escort a child from one area to another, is not considered a physical restraint.
7. Documentation of all restraints shall be maintained and include child's name, date, time, reason, staff involved, and measures taken prior to restraint.
8. A child shall not be allowed to administer discipline, except teen parents may discipline their own children under the supervision and guidance.
9. Searches of a child or a child's personal property shall be for reasons limited to safety and security of children and staff, in cases of suspected theft, or suspicion of possession of items which are not permitted by agency policy.

10. Any searches requiring removal of clothing shall be done in privacy.

707**Ratio & Supervision**

1. The facility shall use a house parent staffing model.
2. The facility shall not exceed its total licensed capacity.
3. The facility shall have no more than eight (8) children in each unit, including the houseparent's children.
4. There shall be a staff/child ratio of at least 1:8 at all times. Staff members' children shall be counted in the ratio.
5. Child caring staff shall be responsible for providing the level of supervision, care, and treatment necessary to ensure the safety and well-being of each child at the facility, taking into account the child's age, individual differences and abilities, surrounding circumstances, hazards and risks.
6. The facility shall maintain a daily census report to include the child's name and room or building assignment.

708**Health & Medical Care**

1. Each child shall have a medical exam at least annually. Health exams need not be repeated during the year if a child moves from one facility or agency to another, provided the results of the exam are available to the receiving facility or agency.
2. Staff shall supervise the administering of all medications.
3. The administering of all medications, including over-the-counter, shall be logged at the time the medication is given, by the person administering the medication.
4. The medication log shall include:
 - a. The child's name;
 - b. Time and date;
 - c. Medication dosage;
 - d. Initials of the person administering the medication.
5. All medications excluding Epi-pens, inhalers, and Glucagon kits shall be kept securely locked, and stored according to pharmaceutical recommendations. An age-appropriate and developmentally capable child may be provided, or have access to non-narcotic prescriptions with an approved safety plan. Examples include, but are not limited to, birth control, acne cream, topical creams.
6. Keys to medication storage areas shall be on the premises and readily accessible by staff at all times.
7. Currently prescribed medications belonging to children shall be returned to the parent or custodian upon discharge.

709**Program**

1. The facility shall ensure each child receives education in accordance with the Arkansas Department of Education.
2. The facility shall teach each child the daily living tasks required as a part of living in a group setting, and shall assign only light chores that are age-appropriate.
3. The agency shall have a policy regarding each child's money received and shall ensure that each child's funds are available to that child under staff supervision for personal use.
4. The facility shall not allow a child's outside employment, chores, or extracurricular activities to interfere with the child's time for school, sleep, family visits, or case plan activities.
5. The facility shall provide each child with adequate and nutritious food.
6. The facility shall ensure that each child has sufficient sleep for his/her age and physical condition
7. Each child shall be instructed in good grooming and personal hygiene habits.
8. The facility shall ensure each child is provided with his/her own clothing that is clean, well fitting, seasonal, and appropriate to age and gender, unless otherwise directed by a physician.
9. The facility shall ensure each child in care is provided with opportunities for regular recreational activities and exercise.
10. The facility shall provide activities and equipment that are age appropriate to the children in their care.
11. The use of television, videos, computer games and other screen time activities shall be monitored and time limited.

710**Grounds**

1. The grounds of the facility shall be kept clean and free of safety hazards.
2. The facility shall provide sufficient outdoor recreation space for age appropriate physical activities.
3. Swimming pools shall be inspected and approved annually by the Arkansas Department of Health.

711**Buildings**

1. The building shall be a single-style dwelling, such as a house or cottage, or duplex in which the facility occupies both units. Multiple units may be located on campus.
2. The building shall house only the Independent Transitional Living Family Style Care license type.

Independent Living Family Style Care

3. No facility shall be located in a shopping center, strip mall, or other buildings used for commercial activity.
4. Unused or vacant portions of a facility shall not be rented, leased, loaned, or otherwise occupied by any commercial or other business entity, or private individuals, not associated with the facility or its management.
5. All buildings used by children or staff shall be inspected and approved annually for fire safety by fire department officials.
6. All buildings used by children or staff shall be inspected and approved annually for health and sanitation as required by the Arkansas Department of Health.
7. All buildings shall comply with local zoning ordinances and land use requirements where those exist.
8. All buildings and furnishings shall be safe, clean, and in good repair.
9. Licensing shall be notified of any changes to buildings that affect usage, size, capacity, or structural changes.
10. Building usage shall be approved by licensing prior to resident occupancy, and all required inspections, permits, and authorizations shall be provided.
11. Any modification to buildings used by children, or an increase in capacity shall require inspection and approval by the Fire and Health Department, if applicable.
12. All parts of buildings used as living, sleeping, or bath areas shall have a heating, ventilating and air conditioning source that keeps the temperature a minimum of sixty-five (65) degrees and a maximum of eighty-five (85) degrees.
13. The facility shall provide a living area that has at least thirty-five (35) square feet of floor space per child. The dining area and indoor recreation area may be included in this space.
14. The facility shall provide a dining area.
15. The facility shall have a kitchen.
16. Manufactured homes, used as residential facilities, shall be tied down and underpinned as required by the Arkansas Manufactured Home Commission. The home shall obtain an inspection and approval from the Arkansas Manufactured Home Commission prior to being licensed.

712**Bathrooms**

1. The facility shall provide bathrooms for the children.
2. There shall be a separate toilet, bathtub or shower, and sink for each six (6) children.
3. There shall be an adequate supply of hot and cold running water.
4. The bathroom shall be clean and sanitary.
5. There shall be an adequate supply of soap, towels, and tissue.

713 Sleeping Arrangements

1. The facility shall provide bedrooms for the children.
2. There shall be no more than four (4) children per bedroom.
3. There shall be at least fifty (50) square feet of floor space per child in each bedroom.
4. No child shall share a bedroom with a child of the opposite gender.
5. Each child shall have a separate bed with a mattress, sheets, pillow, pillowcase, and adequate cover, all in good condition.
6. Bedding shall be changed at least weekly, more often if needed.
7. Each child shall have an area to store personal belongings.
8. Staff sleeping quarters shall be separate from children's sleeping rooms.
9. Room arrangements shall be based on characteristics of each resident to ensure the safety of each child.

714 Safety

1. The facility shall have an operable telephone or comparable communication system.
2. The facility shall have a continuous supply of clean drinking water. If the water source is not a municipal system, the source shall be approved by the Arkansas Department of Health annually.
3. A private sewage/septic system shall be approved initially and upon any increase in capacity by the Arkansas Department of Health.
4. There shall be operational smoke detectors near the cooking area, heating units, and within ten (10) feet of each bedroom.
5. An operational chemical fire extinguisher or other fire suppression system approved by local fire inspection officials shall be in the cooking area of each building. Approval of the fire suppression system shall be documented.
6. There shall be an emergency evacuation plan diagramed and posted in each building used by children.
7. Fire drills shall be practiced with children each month.
8. Severe weather drills shall be practiced with children quarterly.
9. A record of drills shall be maintained, showing date and time of day of the drill, number of participants, and length of time required to reach safety.
10. Each child shall be instructed in emergency procedures at admission.
11. The facility shall have proof of current rabies vaccinations for all household pets as required by Arkansas law.

Independent Living Family Style Care

12. No child shall be allowed to operate dangerous machinery or equipment, including firearms without proper adult supervision and following manufacturers' guidelines for age, safety precautions, and safety gear.
13. The agency shall have policy and procedure for carrying, storage and use of all firearms located at the facility.
14. All firearms shall be maintained in a secure, locked location, or secured by a trigger lock.
15. All ammunition shall be secured and locked separately from firearms, with the exception of ammunition locked in a long gun safe (ex. rifle, shotgun, muzzle loaders).

715 Transportation

1. The facility shall have agency procured transportation available at all times.
2. The facility vehicle(s) shall not be used for personal use, unless other facility transportation is available.
3. Any vehicle used to transport children shall be in safe working condition and maintained in compliance with motor vehicle laws.
4. Any vehicle used to transport children shall be insured.
5. Children shall be transported only by an authorized person possessing a valid driver's license.
6. Children shall be transported according to Arkansas law, including, but not limited to, use of safety belts, child safety seats, and smoking restrictions.

716 Discharge

1. The discharge shall be planned by agency staff.
2. The agency may discharge a child on an emergency basis if failure to do so could result in harm to the child, other persons, or significant property damage.
3. A child shall be discharged to the custody of the child's parent or a person with authorization from the parent, guardian or a person authorized by court order to assume custody of the child.
4. The agency shall complete a discharge statement on each child that includes a discharge date and reason for discharge and provide a copy of it to the child's custodian.
5. Documentation of the discharge shall be maintained in the child's record.

800 Transitional Living

In addition to all standards in Sections 100, the following standards shall be met:

Agencies holding a Transitional Living license will provide a continuum of care for youths that have turned eighteen (18) while in the agency's residential program.

801 Agency Responsibilities

1. The agency shall have a residential license in good standing.
2. The agency shall have written policies and procedures specific to the Independent Living program, which shall include:
 - a. Written rules of conduct and potential consequences for rule violations;
 - b. Transportation for residents;
 - c. Medication management.
3. The agency shall assign a specific caseworker to each youth in the Independent Living program who will be responsible for casework services according to the case plan.
4. The case plan shall be updated to reflect current goals.
5. The case plan shall show a complete budget for the youth. This budget shall be developed jointly by the youth and the caseworker.
6. The case plan, shall include written rules of conduct for the youth and shall include, but not limited to an agreement to abide by all federal, state and local laws including curfew ordinances.
7. Written policies shall include emergency and crisis intervention procedures, including the youth's twenty-four 24-hour ability to contact the agency.
8. The assigned caseworker shall visit the youth in the youth's residence not less than once per month. This visit and observations shall be documented in the case record.

802 Eligibility Requirements

1. For a child to be eligible for placement into the Transitional Living program, the agency shall document:
 - a. An evaluation by the caseworker or administrative staff to determine that placement in the Transitional Living program does not present a health or safety risk to the youth or the community;
 - b. The resident is at least eighteen (18) years of age and is being transferred directly from the residential program into the independent

Transitional Living

living program without a break in the care given by the same agency. This applies to residents transferred after (date).

- c. The resident is knowledgeable in basic life-skills, including, but not limited to:
 - i. money management;
 - ii. food management;
 - iii. personal appearance;
 - iv. personal hygiene/health/birth control;
 - v. housekeeping;
 - vi. transportation;
 - vii. emergency and safety skills;
 - viii. knowledge of community resources;
 - ix. interpersonal skills;
 - x. legal skills;
 - xi. housing;
 - xii. educational planning;
 - xiii. job-seeking and job maintenance skills.
- d. The resident is actively engaged in an educational program such as high school, GED, vocational training, post-secondary education including college. If the youth has completed all educational requirements according to state law, he/she shall be employed or actively involved in a supervised job search program.

803**Living Unit/Health/Safety**

1. Each living unit shall have a bathroom, a kitchen, and other standard features for independent living. Any exceptions (e.g. laundry arrangements) shall be noted in the case plan or accompanying documentation.
2. The living unit shall be accessible to community resources, including public transportation, if necessary.
3. Living units shall not be shared by different license types.
4. There shall be no more than four (4) residents in a living unit. Facilities licensed before (date) shall come into compliance through attrition.
5. The living unit shall be clean, safe, and in good repair.
6. There shall be operational smoke alarms within ten (10) feet of the kitchen and each bedroom.
7. There shall be a 2A rated fire extinguisher readily accessible near the cooking area of the living unit and the youth shall be instructed in its use.
8. The living unit shall have an operable telephone or the youth shall be provided with an alternative means of emergency communication (e.g. cell phone).
9. Any pets shall be approved by the caseworker and shall have rabies vaccinations as required by law.

Transitional Living

10. No firearms, dangerous weapons, or illegal substances shall be permitted in any living unit.
11. If the participating youth is the parent of a child living in his/her care, the parent shall have current CPR/First Aid certification and an approved child care plan.
12. Each living unit shall be occupied by members of the same gender.
13. Overnight guests shall have prior approval of the caseworker and cannot include unrelated members of the opposite gender.

900 Psychiatric Residential Treatment Facilities

In addition to all standards in Sections 100, the following standards shall be met:

Agencies holding a Psychiatric Residential Treatment Facilities license provide treatment in a non-hospital setting to children not requiring acute care.

901 Licensing Approval & Monitoring

1. The agency shall have a written program description that is available to residents and parents or guardians. The following information shall be included:
 - a. Program philosophy and mission;
 - b. Services and treatment modalities;
 - c. Treatment planning procedures;
 - d. Behavior management program and expectations of each child;
 - e. Levels and privileges (if applicable);
 - f. Admission, exclusion, and discharge criteria;
 - g. Aftercare services.
2. The agency shall have written policies and procedures for family therapy, family visitation, and therapeutic passes subject to progress, treatment and physician's orders.
3. The agency shall establish and post a written list of children's rights.
4. The agency shall establish a procedure for hearing children's grievances.
5. At the discretion of the Licensing Unit a multi-disciplinary team may be asked to assist the Licensing Specialist in the initial study, or during an investigation of a licensing complaint. This team may include a licensed mental health professional (as recognized by Arkansas Medicaid), or a person with professional expertise in the appropriate field.
6. At the discretion of the Licensing Unit, a multi-disciplinary team may be asked to assist the Licensing Specialist during inspections for advisory purposes.
7. All applicants for a Psychiatric Residential Treatment Facility licensed after March 1st, 2003, shall obtain a Permit of Approval (POA) from the Arkansas Health Services Agency prior to submitting an application or change of status request to the Child Welfare Agency Review Board.

902 Admission

1. The facility shall not admit any child for whom the facility cannot provide adequate care.

Psychiatric Residential Treatment Facilities

2. Each child shall have a medical exam no more than one (1) year before admission, or a documented appointment date for an exam within one (1) week after admission.
3. Each child shall have proof of current immunizations; a letter of exemption in accordance with the Arkansas Department of Health or a scheduled appointment within one (1) week after admission.
4. The facility shall obtain written verification of the placing agent's authority to place the child at the time of admission.
5. The facility shall obtain written authority for medical care for the child from the placing agent at the time of admission.
6. The agency shall comply with the Interstate Compact on the Placement of Children when admitting children from outside Arkansas, if applicable.
7. The facility shall establish that all persons referred for admission are under the age of eighteen (18) years at the time of admission.
8. Residents may remain in the program after reaching age eighteen (18) years with the reason for continued placement documented. The resident shall be discharged no later than his/her twenty-first (21) birthday.
9. The facility shall not admit a child under age five (5) years.
10. At the time of admission, the following information shall be documented in the child's record:
 - a. Name, signature and role or relationship of the person who relinquished the child into care;
 - b. A brief description of the circumstances requiring admission;
 - c. The date and time of the admission;
 - d. A brief description of the child's history (if known) including behavioral history;
 - e. Any known medical history and known current health conditions;
 - f. All medications currently prescribed for the child (if known and available);
 - g. The child's current behavior or known emotional condition.
11. Intake information shall be completed on each child in care within ten (10) working days after admission.
12. The intake shall include:
 - a. Demographic information on the child and parent(s), including name, address, birth date, gender, race, and religious preference;
 - b. A factual description of the circumstances requiring placement;
 - c. A brief social history of the family;

Psychiatric Residential Treatment Facilities

- d. The child's current legal status/custody;
 - e. Any history of previous placements outside the family.
13. The facility shall obtain copies of legal documents within thirty (30) days of admission, or shall document their attempts to obtain the documents. The legal documents shall include, but not be limited to, birth certificates, social security cards and court orders.
 14. Facilities that have an adult program shall provide sleeping and living arrangements to ensure separation of adults from children.

903**Assessment & Treatment Planning**

1. An assessment of services needed to ensure the health and welfare of each child, including medical history and psychological history shall be completed for each child and be included in the treatment plan.
2. A plan of safe care shall be developed for all children with physical limitations, medical conditions, or behaviors that are indicative of harm to self or others; to include, but not limited to: arson, physical/sexual aggression, and/or suicidal or other self-harming tendencies. This plan shall identify the behavior/problem, and shall specify the safeguards that are to be implemented. The agency shall document that the child caring staff are informed of the provisions of the plan and place a copy of the plan in the child's record.
3. A treatment plan shall be developed for each resident received for care.
4. The treatment plan shall be developed within thirty days after placement.
5. The child's treatment plan shall contain, at the minimum:
 - a. Specific needs of the child;
 - b. Plan for meeting child's needs;
 - c. Special treatment issues (e.g., psychotropic medications, sexual misconduct, and neurological disorders) shall be identified, with a statement of how the special needs shall be met;
 - d. A plan to ensure that the child's educational needs are met according to applicable state law;
 - e. Date of next review of the treatment plan.
6. A copy of the treatment plan shall be made available to the parent(s), guardian(s), court, or other agencies involved in treatment plan services delivery.
7. The child's treatment plan shall be reviewed monthly, and shall be updated to reflect the child's progress.
8. The agency therapist shall visit the child monthly to monitor the progress of the plan.

904 Children's Records

1. The agency shall keep a confidential case record for each child that includes the following:
 - a. Demographic information;
 - b. Plan of safe care, if applicable;
 - c. A complete intake;
 - d. Assessments;
 - e. Consents, including consent for medical care and authority to place the child;
 - f. Interstate Compact information, if applicable;
 - g. Treatment plans and treatment plan reviews;
 - h. Copies of legal documents (e.g., birth certificate, social security card, court orders), or documentation of their attempts to obtain the documents;
 - i. Physical exams and immunization records or documentation of their attempts to obtain the documents;
 - j. Psychological reports, if applicable;
 - k. Educational reports, if applicable;
 - l. Disciplinary and incident reports, if applicable;
 - m. Daily behavioral observations;
 - n. Nightly visual observations;
 - o. Medication and physician's orders;
 - p. Therapy progress notes;
 - q. Physician notes;
 - r. Documentation of casework services and child contact;
 - s. Discharge statement.
2. Records for each child shall be kept for five (5) years from the date of discharge, unless otherwise specified by Arkansas law.
3. The agency shall establish safeguards to limit access to records by authorized individuals only.

905 Behavior Management

1. The agency shall have a written discipline policy that is consistently followed.
2. Discipline shall be directed toward teaching the child acceptable behavior and self-control.

Psychiatric Residential Treatment Facilities

3. Discipline shall be appropriate to the child's age, development, and history.
4. The following actions shall not be used, including as discipline:
 - a. Denial of meals, sleep, shelter, essential clothing, or treatment plan activities;
 - b. Denial of parental visits or regular phone/mail contact with family. Non-disciplinary treatment planning issues are accepted;
 - c. Lewd or obscene language;
 - d. Derogatory comments about the child, the child's family, race, or gender;
 - e. Restriction to a room for more than a short period of time without periodic observation;
 - f. Restriction to a dark room or area;
 - g. Physical injury or threat of bodily harm;
 - h. Humiliating or degrading action;
 - i. Extremely strenuous work or exercise.
5. A child shall not be allowed to administer discipline
6. Searches of a child or a child's personal property shall be for reasons limited to safety and security of children and staff, in cases of suspected theft, or suspicion of possession of items which are not permitted by agency policy.
7. Any searches requiring removal of clothing shall be done in privacy and shall be witnessed by two (2) staff of the same gender as the child.
8. The agency shall have a written policy governing the use of behavior control measures with children, including physical, mechanical, or chemical restraints and seclusion rooms.
9. Physical restraints shall be performed using minimal force and time necessary. Physical restraint means the application of physical force without the use of any device, for the purposes of restraining the free movement of a resident's body. Briefly holding a child without undue force in order to calm or comfort, or holding a hand to safely escort a child from one area to another, is not considered a physical restraint.
10. Physical restraint shall be initiated only by staff trained by a certified instructor in a nationally recognized curriculum, and only to prevent injury to the child, other people or property, and shall not be initiated solely as a form of discipline. The agency shall maintain documentation that staff is deemed competent in physical restraint.
11. Chemical restraints shall be used only if ordered by a physician. A chemical restraint is an emergency behavioral intervention that uses pharmaceuticals by topical application, oral administration, injection, or other means to modify a

Psychiatric Residential Treatment Facilities

child's behavior. Prescribed treatment medications that have a secondary effect on the child's behavior are not considered chemical restraint.

12. Seclusion, mechanical, or physical restraints shall be used only if ordered by a physician.
13. Each written order for a physical restraint or seclusion is limited to two (2) hours for children ages nine (9) through seventeen (17) years, or one (1) hour for children under age nine (9) years. A physician, clinically qualified registered nurse or other authorized licensed independent practitioner shall conduct a face-to-face assessment of the child within one (1) hour after the initiation of the ordered intervention.
14. The original order may only be renewed in accordance with these limits for up to a total of twenty-four (24) hours. After the original order expires, a physician, clinically qualified registered nurse or other authorized licensed independent practitioner shall see and assess the child before issuing a new order.
15. Staff shall search each child before placement in seclusion, and all potentially hazardous items shall be removed.
16. Staff shall continually monitor each child in seclusion or restraints and shall document.
17. Documentation of all restraints shall be maintained and include child's name, date, time, reason, staff involved, and measures taken prior to restraint.

906

Personnel

1. The agency shall have:
 - a. A physician currently licensed by the Arkansas State Medical Board who has experience in the practice of psychiatry;
 - b. Director of Nursing/Nurse Manager currently licensed in Arkansas as a Registered Nurse;
 - c. A Clinical Director who has at least a master's degree in a human services field and is currently licensed in Arkansas as a mental health professional (as recognized by Arkansas Medicaid);
 - d. One or more therapists having at least a master's degree in a human services field and is currently licensed as mental health professionals (as recognized by Arkansas Medicaid);
 - e. A therapist assigned to each child who is responsible for assessments, treatment planning, and casework services.

907

Ratio & Supervision

1. The facility shall not exceed its total licensed capacity.
2. Child caring staff shall be responsible for providing the level of supervision, care, and treatment necessary to ensure the safety and well-being of each child at the

Psychiatric Residential Treatment Facilities

facility, taking into account the child's age, individual differences and abilities, surrounding circumstances, hazards and risks.

3. Staff/child ratio shall be at least 1:6 during waking hours and 1:8 during sleeping hours.
4. If any child is under age six (6) years, the ratio shall be at least 1:7 at all times.
5. Only staff who directly supervises children shall be counted in this ratio.
6. All child caring shift-staff, counted in the staff child ratio shall remain awake at all times.
7. Supervision during sleeping hours shall include a visual check on each child at least every thirty (30) minutes.
8. The visual checks shall be documented.
9. The facility shall maintain a daily census report to include the child's name and room or building assignment.

Health & Medical Care

1. The agency shall have a written policy for conducting health and related exams and assessments upon admission.
2. Each child shall have a medical exam at least annually. Health exams need not be repeated during the year if a child moves from one facility or agency to another, provided the results of the exam are available to the receiving facility or agency.
3. The agency shall have a written plan for prescribing, receipt, storage, administering and accounting for all medications, including medications in the child's possession at the time of admission.
4. All medications shall be kept securely locked, and stored according to pharmaceutical recommendations.
5. Keys to medication storage areas shall be on the premises and readily accessible by staff at all times.
6. All controlled substances shall be kept under double lock.
7. Medication shall be administered in accordance with state and federal laws.
8. The administering of all medications, including over-the-counter, shall be logged at the time the medication is given, by the person administering the medication.
9. The medication log shall include:
 - a. The child's name;
 - b. Time and date;
 - c. Medication dosage;
 - d. Initials of the person administering the medication.

Psychiatric Residential Treatment Facilities

10. Disposal of unused medications and contaminated medical supplies shall follow established medical procedures.
11. Any stimulant or psychotropic medicine requiring intra-muscular injection shall be administered only by a physician, registered nurse, or LPN.
12. The agency shall require medical representation at major treatment staffing on each child.
13. When psychotropic medications are prescribed by a physician, they shall be used in conjunction with other treatment interventions.

909**Program**

1. The facility shall ensure each child receives education in accordance with applicable state law.
2. The facility shall teach each child the daily living tasks required as a part of living in a group setting, and shall assign only light chores that are age-appropriate.
3. The agency shall have a policy regarding each child's money received and shall ensure that each child's funds are available to that child under staff supervision for personal use.
4. The facility shall provide each child with adequate and nutritious food.
5. The facility shall ensure that each child has sufficient sleep for his/her age and physical condition
6. Each child shall be instructed in good grooming and personal hygiene habits.
7. The facility shall ensure each child is provided with his/her own clothing that is clean, well fitting, seasonal, and appropriate to age and gender, unless otherwise directed by a physician.
8. The facility shall ensure each child in care is provided with opportunities for regular recreational activities and exercise.
9. The facility shall provide activities and equipment that are age appropriate to the children in their care.
10. The use of television, videos, computer games and other screen time activities shall be monitored and time limited.

910**Grounds**

1. The grounds of the facility shall be kept clean and free of safety hazards.
2. The facility shall provide sufficient outdoor recreation space for age appropriate physical activities
3. Swimming pools shall be inspected and approved annually by the Arkansas Department of Health.

911 Buildings

1. No facility shall be located in a shopping center, strip mall, or other buildings used for commercial activity.
2. Unused or vacant portions of a facility shall not be rented, leased, loaned, or otherwise occupied by any commercial or other business entity, or private individuals, not associated with the facility or its management.
3. All buildings used by children or staff shall be inspected and approved annually for fire safety by fire department officials.
4. All buildings used by children or staff shall be inspected and approved annually for health and sanitation as required by the Arkansas Department of Health.
5. All buildings shall comply with local zoning ordinances and land use requirements where those exist.
6. All buildings and furnishings shall be safe, clean, and in good repair.
7. Licensing shall be notified of any changes to buildings that affect usage, size, capacity, or structural changes.
8. Building usage shall be approved by licensing prior to resident occupancy, and all required inspections, permits, and authorizations shall be provided.
9. Any modification to buildings used by children, or an increase in capacity shall require inspection and approval by the Fire and Health Department, if applicable.
10. All parts of buildings used as living, sleeping, or bath areas shall have a heating, ventilating and air conditioning source that keeps the temperature a minimum of sixty-five (65) degrees and a maximum of eighty-five (85) degrees.
11. The facility shall provide a living area that has at least thirty-five (35) square feet of floor space per child. The dining area and indoor recreation area may be included in this space.
12. The facility shall provide a dining room.
13. The facility shall have a kitchen.
14. Seclusion rooms shall meet the following criteria:
 - a. At least thirty-five (35) square feet of floor space;
 - b. Sufficient lighting, with a shatterproof, recessed light fixture beyond reach of the child;
 - c. A door able to be opened from the outside at all times without use of a key or a removable locking device;
 - d. A door with a shatterproof observation window;
 - e. Located reasonably near to the staff work area.
15. Areas used by children shall be designed, constructed, and furnished to reduce risk of suicide and assault including, but not limited to:

Psychiatric Residential Treatment Facilities

- a. Light fixtures that are recessed or abut to the ceiling;
 - b. No wooden or wire hangers;
 - c. Non-breakable windows and mirrors;
 - d. No loose wires, cords, chains, or ropes;
 - e. Sturdy, well-constructed furniture that cannot be broken for use as a weapon or means of self-inflicted injuries;
 - f. Children's personal items that contain cords, pull-ties, strings, or other parts that could be used to inflict self-injury shall not be left in the child's room unless the dangerous component has been removed.
16. Manufactured homes, used as residential facilities, shall be tied down and underpinned as required by the Arkansas Manufactured Home Commission. The home shall obtain an inspection and approval from the Arkansas Manufactured Home Commission prior to being licensed.

912 Bathrooms

1. The facility shall provide bathrooms for the children.
2. There shall be a separate toilet, bathtub or shower, and sink for each six (6) children.
3. There shall be an adequate supply of hot and cold running water.
4. The bathroom shall be clean and sanitary.
5. There shall be separate bath and toilet facilities for males and females.
6. There shall be an adequate supply of soap, towels, and tissue.

913 Sleeping Arrangements

1. The facility shall provide bedrooms for the children
2. There shall be no more than four (4) children per bedroom.
3. There shall be at least fifty (50) square feet of floor space per child in each bedroom.
4. No child shall share a bedroom with a child of the opposite gender.
5. Each child shall have a separate bed with a mattress, sheets, pillow, pillowcase, and adequate cover, all in good condition.
6. No child under the age of six (6) shall occupy a top bunk.
7. Bedding shall be changed at least weekly, more often if needed.
8. Each child shall have an area to store personal belongings.
9. Room arrangements shall be based on characteristics of each resident to ensure the safety of each child.

Psychiatric Residential Treatment Facilities

10. Beds shall be positioned to ensure all children can easily exit the room in case of emergency.
11. Beds shall be positioned to minimize opportunity for physical contact between children.

914 Safety

1. The facility shall have an operable telephone or comparable communication system.
2. The facility shall have a continuous supply of clean drinking water. If the water source is not a municipal system, the source shall be approved by the Arkansas Department of Health annually.
3. A private sewage/septic system shall be approved initially and upon any increase in capacity by the Arkansas Department of Health.
4. There shall be operational smoke detectors near the cooking area, heating units, and within ten (10) feet of each bedroom.
5. An operational chemical fire extinguisher or other fire suppression system approved by local fire inspection officials shall be in the cooking area of each building. Approval of the fire suppression system shall be documented.
6. There shall be an emergency evacuation plan diagramed and posted in each building used by children.
7. Fire drills shall be practiced with children each month.
8. Severe weather drills shall be practiced with children quarterly.
9. A record of drills shall be maintained, showing date and time of day of the drill, number of participants, and length of time required to reach safety.
10. Each child shall be instructed in emergency procedures at admission.
11. The facility shall have proof of current rabies vaccinations for all household pets as required by Arkansas law.
12. No child shall be allowed to operate dangerous machinery or equipment, including firearms without proper adult supervision and following manufacturers' guidelines for age, safety precautions, and safety gear.
13. The agency shall have policy and procedure for carrying, storage and use of all firearms located at the facility,
16. All firearms shall be maintained in a secure, locked location, or secured by a trigger lock.
17. All ammunition shall be secured and locked separately from firearms, with the exception of ammunition locked in a long gun safe (ex. rifle, shotgun, muzzle loaders).

915 Transportation

1. The facility shall have agency procured transportation available at all times.
2. The facility vehicle(s) shall not be used for personal use, unless other facility transportation is available.
3. Any vehicle used to transport children shall be in safe working condition and maintained in compliance with motor vehicle laws.
4. Any vehicle used to transport children shall be insured.
5. Children shall be transported only by an authorized person possessing a valid driver's license.
6. Children shall be transported according to Arkansas law, including, but not limited to, use of safety belts, child safety seats, and smoking restrictions.

916 Discharge

1. The discharge shall be planned by agency staff.
2. The agency may discharge a child on an emergency basis if failure to do so could result in harm to the child, other persons, or significant property damage.
3. A child shall be discharged to the custody of the child's parent or a person with authorization from the parent, guardian or a person authorized by court order to assume custody of the child.
4. The agency shall complete a discharge statement on each child that includes a discharge date and reason for discharge and provide a copy of it to the child's custodian.
5. Documentation of the discharge shall be maintained in the child's record.

1000 Sexual Rehabilitative Programs

In addition to all standards in Section 100, the following standards shall be met:

1001 Licensing Approval & Monitoring

1. At the discretion of the Licensing Unit a multi-disciplinary team may be asked to assist the Licensing Specialist in the initial study, or during an investigation of a licensing complaint. This team may include a licensed mental health professional (as recognized by Arkansas Medicaid), or a person with professional expertise in the appropriate field.
2. At the discretion of the Licensing Unit, a multi-disciplinary team may be asked to assist the Licensing Specialist during inspections for advisory purposes.

1002 Admission

1. The agency shall have written policies regarding description of the target population, admission/exclusion criteria, and discharge criteria.
2. The facility shall not admit any child for whom the facility cannot provide adequate care.
3. In order to be admitted to the program, one of the following shall be met:
 - a. The child has committed a sexual offense that has been found true or exempt by an official investigation by the Department of Human Services or the Arkansas State Police;
 - b. The child has committed an offense involving the use of power, control, threat, coercion, or intimidation;
 - c. The child has committed an offense in which there was at least a three (3) year age difference between the offender and the victim;
 - d. The child has a documented pattern of deviant sexualized behavior, sexual misconduct, or sexually maladaptive behaviors as indicated by the psychosexual assessment.
4. Children admitted to the program shall have the cognitive ability to benefit from the treatment program.
5. Each child shall have a medical exam no more than one (1) year before admission, or a documented appointment date for an exam within one (1) week after admission.
6. Each child shall have proof of current immunizations, or a letter of exemption in accordance with the Arkansas Department of Health, or a scheduled appointment within one (1) week after admission.
7. The facility shall obtain written verification of the placing agent's authority to place the child at the time of admission.

Sexual Rehabilitative Programs

8. The facility shall obtain written authority for medical care for the child from the placing agent at the time of admission.
9. The agency shall comply with the Interstate Compact on the Placement of Children when admitting children from outside Arkansas, if applicable.
10. The facility shall establish that all persons referred for admission are under the age of eighteen (18) years at the time of admission.
11. Residents may remain in the program after reaching age eighteen (18) years with the reason for continued placement documented. The resident shall be discharged no later than his/her twenty-first (21) birthday.
12. The facility shall not admit a child under age five (5) years.
13. At the time of admission, the following information shall be documented in the child's record:
 - a. Name, signature and role or relationship of the person who relinquished the child into care;
 - b. A brief description of the circumstances requiring admission;
 - c. The date and time of the admission;
 - d. A brief description of the child's history (if known) including behavioral history;
 - e. Any known medical history and known current health conditions;
 - f. All medications currently prescribed for the child (if known and available);
 - g. The child's current behavior or known emotional condition.
14. The agency shall obtain copies of legal documents within thirty (30) days of admission. The legal documents shall include, but not be limited to, birth certificates, social security cards and court orders.
15. Facilities that have an adult program shall provide sleeping and living arrangements to ensure separation of adults from children.

1003**Assessment & Treatment Planning**

1. A plan of safe care shall be developed for all children with physical limitations, medical conditions, or behaviors that are indicative of harm to self or others; to include, but not limited to: arson, physical/sexual aggression, and/or suicidal or other self-harming tendencies. This plan shall identify the behavior/problem, and shall specify the safeguards that are to be implemented. The agency shall document that the child caring staff are informed of the provisions of the plan and place a copy of the plan in the child's record.
2. The agency shall have a written policy describing children with sexually maladaptive behaviors' risk levels it will accept for admission, and therapeutic interventions it will utilize for each risk level.

Sexual Rehabilitative Programs

3. The agency shall assign a caseworker to each child who is responsible for doing assessments, treatment planning, and casework services.
4. Intake information shall be completed on each child in care within ten (10) working days after admission.
5. The intake shall include:
 - a. Demographic information on the child and parent(s), including name, address, birth date, gender, race, and religious preference;
 - b. A factual description of the circumstances requiring placement;
 - c. A brief social history of the family;
 - d. The child's current legal status/custody;
 - e. Any history of previous placements outside the family;
 - f. Description of the offense or sexually maladaptive behavior, including police reports and victim statements (if available);
 - g. Psychosexual assessment (if available);
 - h. Discharge summary from previous sexual rehabilitative -specific treatment (if applicable and available).
6. A psychosexual evaluation shall be conducted by a licensed mental health professional (as recognized by Arkansas Medicaid) that is a member of the Association for the Treatment of Sexual Abusers or has forty (40) hours of sexual rehabilitative treatment training. The evaluation shall be completed within the past twelve (12) months, or within seven (7) days following admission of the child.
7. Each child shall be evaluated for learning disabilities, and/or language disorders within the past eighteen (18) months. If a child is admitted without an evaluation, the evaluation shall be completed within thirty (30) days of admission.
8. An assessment of services needed to ensure the health and welfare of the child, including medical history and psychological history shall be completed for each child and included in the treatment plan.
9. The agency shall develop a treatment plan for each child that includes tasks appropriate to the needs of the child as identified in the intake, psychosexual assessment and (if applicable) the psychological evaluation.
10. The treatment plan shall be developed within thirty days after placement.
11. The child's treatment plan shall contain, at the minimum:
 - a. A diagnosis related to their sexually maladaptive behavior;
 - b. Specific needs of the child;
 - c. Plan for meeting child's needs;

Sexual Rehabilitative Programs

- d. Special treatment issues (e.g., psychotropic medications, sexual misconduct, and neurological disorders) shall be identified, with a statement of how the special needs shall be met;
 - e. A plan to ensure that the child's educational needs are met according to applicable state law;
 - f. Date of next review of the treatment plan.
12. If treatment services are contracted, there shall be evidence of participation by the contracted therapist in treatment planning reviews and individualized program implementation.
 13. The child's treatment plan shall be reviewed quarterly, and shall be updated to reflect the child's progress.
 14. A copy of the treatment plan shall be made available to the parent(s), guardian(s), court, or other agencies involved in treatment plan services delivery.
 15. An agency caseworker shall visit the child monthly to monitor the progress of the treatment plan.

1004**Children's Records**

1. The agency shall keep a confidential case record for each child that includes the following:
 - a. Demographic information;
 - b. Plan of safe care, if applicable;
 - c. A complete intake;
 - d. Consents, including consent for medical care and authority to place the child;
 - e. Interstate Compact information, if applicable;
 - f. Treatment plans and treatment plan reviews;
 - g. Copies of legal documents (e.g., birth certificate, social security card, court orders), or documentation of their attempts to obtain the documents;
 - h. Physical exams and immunization records, or documentation of their attempts to obtain the documents;
 - i. Psychological reports, if applicable;
 - j. Educational reports, if applicable;
 - k. Disciplinary and incident reports, if applicable;
 - l. Documentation of casework services and child contact;
 - m. Discharge statement.

1000 Sexual Rehabilitative Programs

2. Records for each child shall be kept for five (5) years from the date of discharge, unless otherwise specified by Arkansas law.

1005 Behavior Management

1. The agency shall have a written discipline policy that is consistently followed.
2. Discipline shall be directed toward teaching the child acceptable behavior and self-control.
3. Discipline shall be appropriate to the child's age, development, and history.
4. The following actions shall not be used, including as discipline:
 - a. Denial of meals, sleep, shelter, essential clothing, or treatment plan activities;
 - b. Denial of parental visits or regular phone/mail contact with family. Non-disciplinary treatment planning issues are accepted;
 - c. Lewd or obscene language;
 - d. Derogatory comments about the child, the child's family, race, or gender;
 - e. Restriction to a room for more than a short period of time without periodic observation;
 - f. Restriction to a dark room or area;
 - g. Locked isolation;
 - h. Physical injury or threat of bodily harm;
 - i. Humiliating or degrading action;
 - j. Extremely strenuous work or exercise;
 - k. Mechanical/chemical restraints.
5. Physical restraint shall be initiated only by trained staff, and only to prevent injury to the child, other people or property, and shall not be initiated solely as a form of discipline.
6. Physical restraints shall be performed using minimal force and time necessary. Physical restraint means the application of physical force without the use of any device, for the purposes of restraining the free movement of a resident's body. Briefly holding a child without undue force in order to calm or comfort, or holding a hand to safely escort a child from one area to another, is not considered a physical restraint.
7. Documentation of all restraints shall be maintained and include child's name, date, time, reason, staff involved, and measures taken prior to restraint.
8. A child shall not be allowed to administer discipline.

1000 Sexual Rehabilitative Programs

9. Searches of a child or a child's personal property shall be for reasons limited to safety and security of children and staff, in cases of suspected theft, or suspicion of possession of items which are not permitted by agency policy.
10. Any searches requiring removal of clothing shall be done in privacy and shall be witnessed by two (2) staff of the same gender as the child.

1006 Personnel

1. The agency shall have:
 - a. A Clinical Director who has:
 - i. At least a master's degree in a human services field;
 - ii. Be currently licensed in Arkansas as a mental health professional (as recognized by Arkansas Medicaid);
 - iii. Not less than forty (40) hours of sexual rehabilitative treatment training;
 - iv. A minimum of two (2) years of sexual rehabilitative treatment experience. Certification as a sexual rehabilitative treatment trainer may be substituted for the required experience.
2. A Therapist who is a licensed mental health professional (as recognized by Arkansas Medicaid) and has at least one (1) of the following:
 - a. At least two (2) years of experience in a sexual rehabilitative treatment program and at least forty (40) hours of sexual rehabilitative treatment training;
 - b. At least three (3) years of experience in sexual rehabilitative specific treatment;
 - c. Maintains current membership in or is actively working toward fulfilling the requirements for membership from the Association for the Treatment of Sexual Abusers.

1007 Ratio & Supervision

1. The facility shall not exceed its total licensed capacity.
2. Child caring staff shall be responsible for providing the level of supervision, care, and treatment necessary to ensure the safety and well-being of each child at the facility, taking into account the child's age, individual differences and abilities, surrounding circumstances, hazards and risks.
3. The agency shall have a written plan providing for appropriate supervision of children during activities away from the facility.
4. The staff/child ratio shall be at least 1:6 during waking hours and at least 1:8 during sleeping hours.

1000**Sexual Rehabilitative Programs**

5. Twenty-four (24) hour awake supervision is required.
6. Only staff who directly supervises children shall be counted in this ratio.
7. The facility shall maintain a daily census report to include the child's name and room or building assignment.
8. The agency shall have written policies governing the supervision and monitoring of children in the buildings, on the grounds, and in the community, including direct visual or auditory monitoring of moderate or high risk children (based on 1003.2). Policy shall include appropriate grouping of children according to chronological age and/or cognitive development.
9. If cameras, heat sensors, or motion detectors are used as part of the safety plan, they shall be operational and placed for effective monitoring according to the plan.
10. The agency shall have a written safety plan to protect children in the program and to ensure public safety.

1008**Health & Medical Care**

1. Each child shall have a medical exam at least annually. Health exams need not be repeated during the year if a child moves from one facility or agency to another, provided the results of the exam are available to the receiving facility or agency.
2. All medications shall be administered to children by staff according to medical instructions.
3. The administering of all medications, including over-the-counter, shall be logged at the time the medication is given, by the person administering the medication.
4. The medication log shall include:
 - a. The child's name;
 - b. Time and date;
 - c. Medication dosage;
 - d. Initials of the person administering the medication.
5. All medications excluding Epi-pens, inhalers, and Glucagon kits shall be kept securely locked, and stored according to pharmaceutical recommendations. An age-appropriate and developmentally capable child may be provided, or have access to non-narcotic prescriptions with an approved safety plan. Examples include, but are not limited to, birth control, acne cream, topical creams.
6. Keys to medication storage areas shall be on the premises and readily accessible by staff at all times.
7. Currently prescribed medications belonging to children shall be returned to the parent or custodian upon discharge.

1000 Sexual Rehabilitative Programs

1009 Program

1. The facility shall ensure each child receives education in accordance with the Arkansas Department of Education.
2. The facility shall teach each child the daily living tasks required as a part of living in a group setting, and shall assign only light chores that are age-appropriate.
3. The agency shall have a policy regarding each child's money received and shall ensure that each child's funds are available to that child under staff supervision for personal use.
4. The facility shall not allow a child's outside employment, chores, or extracurricular activities to interfere with the child's time for school, sleep, family visits, or treatment plan activities.
5. The facility shall provide each child with adequate and nutritious food.
6. The facility shall ensure that each child has sufficient sleep for his/her age and physical condition.
7. Each child shall be instructed in good grooming and personal hygiene habits.
8. The facility shall ensure each child is provided with his/her own clothing that is clean, well fitting, seasonal, and appropriate to age and gender, unless otherwise directed by a physician.
9. The facility shall ensure each child in care is provided with opportunities for regular recreational activities and exercise.
10. The facility shall provide activities and equipment that are age appropriate to the children in their care.
11. The use of television, videos, computer games and other screen time activities shall be monitored and time limited.

1010 Grounds

1. The grounds of the facility shall be kept clean and free of safety hazards.
2. The facility shall provide sufficient outdoor recreation space for age appropriate physical activities.
3. Swimming pools shall be inspected and approved annually by the Arkansas Department of Health.

1011 Buildings

1. A sexual rehabilitative program shall not be located within one thousand (1000) feet of an elementary school, child care center, or child care family home.
2. No facility shall be located in a shopping center, strip mall, or other buildings used for commercial activity.

Sexual Rehabilitative Programs

3. Unused or vacant portions of a facility shall not be rented, leased, loaned, or otherwise occupied by any commercial or other business entity, or private individuals, not associated with the facility or its management.
4. All buildings used by children or staff shall be inspected and approved annually for fire safety by fire department officials.
5. All buildings used by children or staff shall be inspected and approved annually for health and sanitation as required by the Arkansas Department of Health.
6. All buildings shall comply with local zoning ordinances and land use requirements where those exist.
7. All buildings and furnishings shall be safe, clean, and in good repair.
8. There shall be no more than twelve (12) children in a sleeping unit. A sleeping unit is considered to be a group of bedrooms.
9. Sleeping units sharing the same building shall be separated into different corridors, wings, floors, etc. Sleeping units modified or newly constructed after (date) shall comply with this standard.
10. Licensing shall be notified of any changes to buildings that affect usage, size, capacity, or structural changes.
11. Building usage shall be approved by licensing prior to resident occupancy, and all required inspections, permits, and authorizations shall be provided.
12. Any modification to buildings used by children, or an increase in capacity shall require inspection and approval by the Fire and Health Department, if applicable.
13. All parts of buildings used as living, sleeping, or bath areas shall have a heating, ventilating and air conditioning source that keeps the temperature a minimum of sixty-five (65) degrees and a maximum of eighty-five (85) degrees.
14. The facility shall provide a living area that has at least thirty-five (35) square feet of floor space per child. The dining area and indoor recreation area may be included in this space.
15. The facility shall provide a dining room.
16. The facility shall have a kitchen.
17. Manufactured homes, used as residential facilities, shall be tied down and underpinned as required by the Arkansas Manufactured Home Commission. The home shall obtain an inspection and approval from the Arkansas Manufactured Home Commission prior to being licensed.

1012**Bathrooms**

1. The facility shall provide bathrooms for the children.
2. There shall be a separate toilet, bathtub or shower, and sink for each six (6) children.
3. There shall be an adequate supply of hot and cold running water.

1000 Sexual Rehabilitative Programs

4. The bathroom shall be clean and sanitary.
5. There shall be separate bath and toilet facilities for males and females.
6. There shall be an adequate supply of soap, towels, and tissue.

1013 Sleeping Arrangements

1. The facility shall provide bedrooms for the children.
2. Children shall be placed in individual bedrooms unless each child's treatment plan specifically approves sharing a bedroom. If children are approved to share a bedroom there shall be three (3) or four (4) children in the room so as to limit the ability to keep secret any improper physical contact. When three (3) or four (4) children share a bedroom the agency shall have a clearly defined supervision plan to ensure the safety of each child.
3. There shall be no more than four (4) children per bedroom.
4. There shall be at least fifty (50) square feet of floor space per child in each bedroom.
5. Males and females shall not share a bedroom
6. Each child shall have a separate bed with a mattress, sheets, pillow, pillowcase, and adequate cover, all in good condition.
7. No child under the age of six (6) shall occupy a top bunk.
8. Bedding shall be changed at least weekly, more often if needed.
9. Each child shall have an area to store personal belongings.
10. Room arrangements shall be based on characteristics of each resident to ensure the safety of each child.
11. Beds shall be positioned to minimize opportunity for physical contact between children.
12. Beds shall be positioned to ensure all children can easily exit the room in case of emergency.
13. Males and females shall not share an unsupervised sleeping unit.

1014 Safety

1. The facility shall have an operable telephone or comparable communication system.
2. The facility shall have a continuous supply of clean drinking water. If the water source is not a municipal system, the source shall be approved by the Arkansas Department of Health annually.
3. A private sewage/septic system shall be approved initially and upon any increase in capacity by the Arkansas Department of Health.

1000**Sexual Rehabilitative Programs**

4. There shall be operational smoke detectors near the cooking area, heating units, and within ten (10) feet of each bedroom.
5. An operational chemical fire extinguisher or other fire suppression system approved by local fire inspection officials shall be in the cooking area of each building. Approval of the fire suppression system shall be documented.
6. There shall be an emergency evacuation plan diagramed and posted in each building used by children.
7. Fire drills shall be practiced with children each month.
8. Severe weather drills shall be practiced with children quarterly.
9. A record of drills shall be maintained, showing date and time of day of the drill, number of participants, and length of time required to reach safety.
10. Each child shall be instructed in emergency procedures at admission.
11. The facility shall have proof of current rabies vaccinations for all household pets as required by Arkansas law.
12. No child shall be allowed to operate dangerous machinery or equipment, including firearms without proper adult supervision and following manufacturers' guidelines for age, safety precautions, and safety gear.
13. The agency shall have policy and procedure for carrying, storage and use of all firearms located at the facility,
14. All firearms shall be maintained in a secure, locked location, or secured by a trigger lock.
15. All ammunition shall be secured and locked separately from firearms, with the exception of ammunition locked in a long gun safe (ex. rifle, shotgun, muzzle loaders).

1015 Transportation

1. The facility shall have agency procured transportation available at all times.
2. The facility vehicle(s) shall not be used for personal use, unless other facility transportation is available.
3. Any vehicle used to transport children shall be in safe working condition and maintained in compliance with motor vehicle laws.
4. Any vehicle used to transport children shall be insured.
5. Children shall be transported only by an authorized person possessing a valid driver's license.
6. Children shall be transported according to Arkansas law, including, but not limited to, use of safety belts, child safety seats, and smoking restrictions.

1016 Discharge

1. The discharge shall be planned by agency staff.
2. The agency may discharge a child on an emergency basis if failure to do so could result in harm to the child, other persons, or significant property damage.
3. A child shall be discharged to the custody of the child's parent or a person with authorization from the parent, guardian or a person authorized by court order to assume custody of the child.
4. The agency shall complete a discharge statement on each child that includes a discharge date and reason for discharge and provide a copy of it to the child's custodian.
5. Documentation of the discharge shall be maintained in the child's record.

Appendix A: Definitions

1. "**Adoption agency**" means a child placement agency which places, plans for or assists in the placement of an unrelated minor in a household of one (1) or more persons which has been approved to accept a child for adoption.
2. "**Adoptive home**" means a household of one (1) or more persons that has been approved by a licensed child placement agency to accept a child for adoption;
3. "**Adverse action**" means any petition by the Department of Human Services before the Child Welfare Agency Review Board to take any of the following actions against a licensee or applicant for a license:
 - a. Revocation of license;
 - b. Suspension of license;
 - c. Conversion of license from regular or provisional status to probationary status;
 - d. Imposition of a civil penalty;
 - e. Denial of application; or
 - f. Reduction of licensed capacity;
4. "**Alternative compliance**" means approval from the Child Welfare Agency Review Board to allow a licensee to deviate from the letter of a regulation, provided that the licensee has demonstrated how an alternate plan of compliance will meet or exceed the intent of the regulation;
5. "**Board**" means the Child Welfare Agency Review Board;
6. "**Boarding school**" means an institution that is operated solely for educational purposes and that meets each of the following criteria:
 - a. The institution is in operation for a period of time not to exceed the minimum number of weeks of classroom instruction required of schools accredited by the Department of Education;
 - b. The children in residence must customarily return to their family homes or legal guardians during school breaks and must not be in residence year round, except that this provision does not apply to students from foreign countries; and
 - c. The parents of children placed in the institution retain custody and planning and financial responsibility for the children;
7. "**Child**" means a person who is:
 - a. From birth to eighteen (18) years of age; or

- b. Adjudicated dependent-neglected, dependent, or a member of a family in need of services before eighteen (18) years of age and for whom the juvenile division of a circuit court retains jurisdiction under the Arkansas Juvenile Code of 1989, § 9-27-301 et seq.;
8. **"Child placement agency"** means a child welfare agency, not including any person licensed to practice medicine or law in the State of Arkansas that engages in any of the following activities:
- a. Places a child in a foster home, adoptive home, or any type of facility licensed or exempted by this subchapter;
 - b. Plans for the placement of a child into a foster home, adoptive home, or any type of facility licensed or exempted by this subchapter; or
 - c. Assists the placement of a child in a foster home, adoptive home, or any type of facility licensed or exempted by this subchapter; or
 - d. Places, plans or assists in the placement of a child victim of human trafficking in a home or any type of shelter or facility.
9. **"Child welfare agency"** means any person, corporation, partnership, voluntary association, or other entity or identifiable group of entities having a coordinated ownership of controlling interest, whether established for profit or otherwise, that engages in any of the following activities:
- a. Receives a total number of six (6) or more unrelated minors for care on a twenty-four-hour basis for the purpose of ensuring the minors receive care, training, education, custody, or supervision, whether or not there are six (6) or more children cared for at any single physical location;
 - b. Places any unrelated minor for care on a twenty-four-hour basis with persons other than themselves; or
 - c. Plans for or assists in the placements described in subdivision (8)(B) of this section; or
 - d. Places, plans or assists in the placement of a child victim of human trafficking in a home or any type of shelter or facility:
10. **"Church-related exemption"** means:
- a. Any church or group of churches exempt from the state income tax levied by § 26-51-101 et seq. when operating a child welfare agency shall be exempt from obtaining a license to operate the facility by the receipt by the Child Welfare Agency Review Board of written request therefore, together with the written verifications.
 - b. A written request shall be made by those churches desiring exemption to the board, which is mandated under the authority of this subchapter to license all child welfare agencies.

- c. In order to maintain an exempt status, the child welfare agency shall state every two (2) years in written form signed by the persons in charge that the agency has met the fire, safety, and health inspections and is in substantial compliance with published standards that similar nonexempt child welfare agencies are required to meet.
 - d. Visits to review and advise exempt agencies shall be made as deemed necessary by the board to verify and maintain substantial compliance with all published standards for nonexempt agencies.
11. **"Emergency child care"** means any residential child care facility that provides care to children on a time-limited basis, not to exceed ninety (90) days;
 12. **"Emergency Family Style Care"** means any child welfare agency that provides twenty-four (24) hour custodial care, in a home like setting, for six (6) or more unrelated children or a child victim of human trafficking on an emergency basis, not to exceed ninety (90) days.
 13. **"Emergency Residential Child Care Facility"** means any child welfare agency that provides twenty-four (24) hour custodial care for six (6) or more unrelated children or a child victim of human trafficking on an emergency basis, not to exceed ninety (90) days. Any child admitted as an emergency placement shall be designated as such and shall be discharged within ninety (90) days.
 14. **"Exempt child welfare agency"** means any person, corporation, partnership, voluntary association or other entity, whether established for profit or otherwise, that otherwise fits the definition of a child welfare agency but that is specifically exempt from the requirement of obtaining a license under this subchapter. Those agencies specifically exempt from the license requirement are:
 - a. A facility or program owned or operated by an agency of the United States Government;
 - b. Any agency of the State of Arkansas that is statutorily authorized to administer or supervise child welfare activities. In order to maintain exempt status, the state child welfare agency shall state every two (2) years in written form signed by the persons in charge that their agency is in substantial compliance with published state agency child welfare standards. Visits to review and advise exempt state agencies shall be made as deemed necessary by the Child Welfare Agency Review Board to verify and maintain substantial compliance with the standards;
 - c. A facility or program owned or operated by or under contract with the Department of Correction;
 - d. A hospital providing acute care licensed pursuant to § 20-9-201 et seq.;
 - e. Any facility governed by the Department of Human Services State institutional System Board or its successor;

- f. Human development centers regulated by the Board of Developmental Disabilities Services pursuant to § 20-48-201 et seq.;
 - g. Any facility licensed as a family home pursuant to § 20-48-601 et seq.;
 - h. Any boarding school as defined in this section;
 - i. Any temporary camp as defined in this section;
 - j. Any state-operated facility to house juvenile delinquents or any serious offender program facility operated by a state designee to house juvenile delinquents. Those facilities shall be subject to program requirements modeled on nationally recognized correctional facility standards that shall be developed, administered, and monitored by the Division of Youth Services of the Department of Human Services;
 - k. Any child welfare agency operated solely by a religious organization that elects to be exempt from licensing and that complies within the conditions of the exemption for church-operated agencies as set forth in this subchapter;
 - l. The Division of Developmental Disabilities Services of the Department of Human Services; and
 - m. Any developmental disabilities services waiver provider licensed under § 2048-208 or § 20-48-601 et seq.;
15. **"Foster Care Placement Agency"** means a child placement agency which places plans for or assists in the placement of an unrelated minor in a private residence of one (1) or more family members for care and supervision on a twenty-four (24) hour basis; or places, plans or assists in the placement of a child victim of human trafficking in a home.
16. **"Foster home"** means a private residence of one (1) or more family members that receives from a child placement agency any child who is unattended by a parent or guardian in order to provide care, training, education, or supervision on a twenty-four-hour basis, not to include adoptive homes. **"Foster home"** does not include a home suspended or closed by a child placement agency;
17. **"Transitional Living"** means any child welfare agency that provides specialized services in adult living preparation in a structured setting for persons eighteen (18) years of age or older who have been admitted into the agencies residential program prior to the age of 18.
18. **"Independent Living"** means a child welfare agency that provides specialized services in adult living preparation in an experiential home like setting for persons sixteen (16) years of age or older.
19. **"Independent Living Family Style Care"** means a child welfare agency that provides specialized services in adult living preparation in an experiential home like setting for persons sixteen (16) years of age or older.

20. **"Minimum standards"** means those rules and regulations as established by the Child Welfare Agency Review Board that set forth the minimum acceptable level of practice for the care of children by a child welfare agency;
21. **"Placement Residential"** means a child placement agency which places, plans for, or assists in the placement of an unrelated minor into a residential child care facility or a child victim of human trafficking in any type of shelter or facility. The agency may be licensed for any or all types of licenses, depending on the types of services it provides.
22. **"Provisional foster home"** means a foster home opened for no more than six (6) months by the Division of Children and Family Services of the Department of Human Services for a relative or fictive kin of a child in the custody of the Division of Children and Family Services of the Department of Human Services after it:
 - a. Conducts a health and safety check, including a central registry check and a criminal background check or a check with local law enforcement, of the relative's home; and
 - b. Performs a visual inspection of the home of the relative to verify that the relative and the home will meet the standards for opening a regular foster home;
23. **"Probationary"** means a type of license issued to an agency that has not maintained compliance with minimum licensing standards, but the Board believes that compliance can be restored and subsequently maintained. This license may be issued for up to one (1) year, at the discretion of the Board.
24. **"Psychiatric residential treatment facility"** means a residential child care facility in a nonhospital setting that provides a structured, systematic, therapeutic program of treatment under the supervision of a psychiatrist, for children who are emotionally disturbed and in need of daily nursing services, psychiatrist's supervision, and residential care but who are not in an acute phase of illness requiring the services of an inpatient psychiatric hospital;
25. **"Relative"** means a person within the fifth degree of kinship by virtue of blood or adoption;
26. **"Religious organization"** means a church, synagogue, or mosque or association of same whose purpose is to support and serve the propagation of truly held religious beliefs;
27. **"Residential child care facility"** means any child welfare agency that provides care, training, education, custody, or supervision on a twenty-four-hour basis for six (6) or more unrelated children, excluding foster homes that have six (6) or more children who are all related to each other but who are not related to the foster parents; or receives a child victim of human trafficking in any type of shelter or facility.

28. **"Residential Family Style Care"** means any child welfare agency that provides care, training, education, custody or supervision, in a home like setting, on a twenty-four (24) hour basis for six (6) or more unrelated minors or receives a child victim of human trafficking in any type of shelter or facility.
29. **"Sexual Rehabilitative Program"** means a treatment program that offers a specific and specialized therapeutic program for children with sexually maladaptive behaviors. A licensed sexual rehabilitative program may be in a residential childcare facility, a therapeutic foster care home, or a psychiatric residential treatment facility.
30. **"Special consideration"** means approval from the Child Welfare Agency Review Board to allow a licensee to deviate from the letter of a rule if the licensee has demonstrated that the deviation is in the best interest of the children and does not pose a risk to persons served by the licensee;
31. **"Substantial compliance"** means compliance with all essential standards necessary to protect the health, safety, and welfare of the children in the care of the child welfare agency.
Essential standards include, but are not limited to, those relating to issues involving fire, health, safety, nutrition, discipline, staff-to-child ratio, and space;
32. **"Temporary camp"** means any facility or program providing twenty-four-hour care or supervision to children that meets the following criteria:
- a. The facility or program is operated for recreational, educational, or religious purposes only;
 - b. No child attends the program more than forty (40) days in a calendar year; and
 - c. The parents of children placed in the program retain custody and planning and financial responsibility for the children during placement;
33. **"Therapeutic Foster Care"** means any child placement agency that places plans for or assists in the placement of an unrelated minor or a child victim of human trafficking in a therapeutic foster home. Therapeutic foster care is intensive therapeutic care for children provided in specially trained family homes supported by licensed mental health professionals (as recognized by Arkansas Medicaid). A therapeutic foster care program is a family-based services delivery approach providing individualized treatment for children, youth, and their families. Treatment is delivered through an integrated set of services with key interventions and supports provided by therapeutic foster parents who are trained, supervised, and supported by qualified program staff. Therapeutic foster care services shall be provided in a separately identified program of a larger agency or be provided by an independent agency.

34. **"Therapeutic Foster Care - Sexual Rehabilitative Program"** means a treatment program that offers a specific and specialized therapeutic program for children with sexually maladaptive behaviors. A licensed sexual rehabilitative program may be in a residential childcare facility, a therapeutic foster care home, or a psychiatric residential treatment facility.
35. **"Unrelated minor"** means a child who is not related by blood, marriage, or adoption to the owner or operator of the child welfare agency and who is not a ward of the owner or operator of the child welfare agency pursuant to a guardianship order issued by a court of competent jurisdiction.

Appendix B: Prohibited Offences

1. A person who is required to have a criminal records check under the Child Welfare Agency Licensing Act shall be absolutely and permanently prohibited from having direct and unsupervised contact with a child in the care of a child welfare agency if that person has pleaded guilty or nolo contendere to or been found guilty of any of the following offenses by any court in the State of Arkansas, of a similar offense in a court of another state, or of a similar offense by a federal court, unless the conviction is vacated or reversed:

01. Abuse of an endangered or impaired person, if felony,	§ 5-28-103;
02. Arson,	§ 5-28-103;
03. Capital Murder,	§ 5-10-101;
04. Endangering the welfare of an incompetent person in the first degree,	§ 5-27-201;
05. Kidnapping,	§ 5-11-102;
06. Murder in the first degree,	§ 5-10-102;
07. Murder in the second degree,	§ 5-10-103;
08. Rape,	§ 5-14-103;
09. Sexual assault in the first degree,	§ 5-14-124;
10. Sexual assault in the second degree,	§ 5-14-125;

2. A person who is required to have a criminal records check under the Child Welfare Agency Licensing Act shall not be eligible to have direct and unsupervised contact with a child in the care of a child welfare agency if that person has pleaded guilty or nolo contendere to or been found guilty of any of the following offenses by a court in the State of Arkansas, of a similar offense in a court of another state, or of a similar offense by a federal court, unless the conviction is vacated or reversed:

01. Criminal attempt to commit any offenses;	§ 5-3-201;
02. Criminal complicity to commit any offenses;	§ 5-3-202;
03. Criminal conspiracy to commit any offenses ;	§ 5-3-401;
04. Criminal solicitation, to commit any offenses;	§ 5-3-301;
05. Assault in the first, second, or third degree;	§ 5-13-205/207;
06. Aggravated assault;	§ 5-13-204;
07. Aggravated assault on a family or household member,	§ 5-26-306;
08. Battery in the first, second, or third degree,	§ 5-13-201/203;
09. Breaking or entering,	§ 5-39-202;
10. Burglary,	§ 5-39-201;
11. Coercion,	§ 5-13-208;
12. Computer crimes against minors,	§ 5-27-601 et seq;
13. Contributing to the delinquency of a juvenile,	§ 5-27-220;
14. Contributing to the delinquency of a minor,	§ 5-27-209;

15. Criminal impersonation,	§ 5-37-208;
16. Criminal use of a prohibited weapon,	§ 5-73-104;
17. Communicating a death threat concerning a school employee or students:	§ 5-17-101;
18. Domestic battery in the first, second, or third degree,	§5-26-303/305;
19. Employing or consenting to the use of a child in a sexual performance,	§5-27-401;
20. Endangering the welfare of a minor in the first or second degree,	§5-27-205/206
21. Endangering the welfare of an incompetent person in the second degree,	§5-27-202;
22. Engaging children in sexually explicit conduct for use in visual or print media,	§ 5-27-303;
23. False imprisonment in the first or second degree,	§ 5-11-103/104;
24. Felony abuse of an endangered or impaired person,	§ 5-28-103;
25. Felony interference with a law enforcement officer,	§ 5-54-104;
26. Felony violation of the Uniform Controlled Substance Act,	§ 5-64-101 et seq. §5-64-501 et seq.;
27. Financial identity fraud,	§ 5-37-227;
28. Forgery,	§ 5-37-201;
29. Incest,	§ 5-26-202;
30. Interference with court ordered custody,	§ 5-26-502;
31. Interference with visitation,	§ 5-26-501;
32. Introduction of controlled substance into the body of another person,	§ 5-13-210;
33. Manslaughter,	§ 5-10-104;
34. Negligent homicide,	§ 5-10-105;
35. Obscene performance at a live public show,	§ 5-68-305;
36. Offense of cruelty to animals,	§ 5-62-103;
37. Offense of aggravated cruelty to dog, cat, or horse,	§ 5-62-104;
38. Pandering or possessing visual or print medium depicting sexually explicit conduct involving a child,	§ 5-27-304;
39. Sexual solicitation,	§ 5-70-103;
40. Permanent detention or restraint,	§ 5-11-106;
41. Permitting abuse of a minor,	§ 5-27-221;
42. Producing, directing, or promoting a sexual performance by a child,	§ 5-27-403;
43. Promoting obscene materials,	§ 5-68-303;
44. Promoting obscene performance,	§ 5-68-304;
45. Promoting prostitution in the first, second, or third degree,	§ 5-70-104- § 5-70-106;
46. Prostitution,	§ 5-70-102;
47. Public display of obscenity,	§ 5-68-205;
48. Resisting arrest,	§ 5-54-103;
49. Robbery,	§ 5-12-102;

50. Aggravated robbery,	§ 5-12-103;
51. Sexual offenses,	§ 5-14-101 et seq.
52. Simultaneous possession of drugs and firearms,	§ 5-74-106;
53. Soliciting money or property from incompetents,	§ 5-27-229;
54. Stalking,	§ 5-71-229;
55. Terroristic act,	§ 5-13-310;
56. Terroristic threatening,	§ 5-13-301;
57. Theft of public benefits,	§ 5-36-202;
58. Theft by receiving,	§ 5-36-106;
59. Theft of property,	§ 5-36-103;
60. Theft of services,	§ 5-36-104;
61. Transportation of minors for prohibited sexual conduct,	§ 5-27-305;
62. Unlawful discharge of a firearm from a vehicle,	§ 5-74-107; and
63. Voyeurism,	§ 5-16-102.

3. A former or future law of this or any other state or of the federal government that is substantially equivalent to one (1) of the offenses listed in the Child Welfare Licensing Act shall be considered as prohibiting.
4. A person who is required to have a criminal records check under the Child Welfare Agency Licensing Act who has pleaded guilty or nolo contendere to or been found guilty of any of the offenses listed shall be absolutely disqualified from being an owner, operator, volunteer, foster parent, adoptive parent, member of a child welfare agency's board of directors, or employee in a child welfare agency during the period of the person's confinement, probation, or parole supervision unless the conviction is vacated or reversed.
5. Except as provided under the Child Welfare Agency Licensing Act, a person who has pleaded guilty or nolo contendere to or been found guilty of one (1) of the offenses listed shall not work in a child welfare agency unless:
 - (a) The date of a plea of guilty or nolo contendere, or the finding of guilt for a misdemeanor offense is at least five (5) years from the date of the record check; and
 - (b) There have been no criminal convictions or pleas of guilty or nolo contendere of any type or nature during the five-year period preceding the background check request.
6. Except as provided under the Child Welfare Licensing Act:
 - (a) a person who is required to have a criminal records check, who has pleaded guilty or nolo contendere to or been found guilty of any of the offenses listed shall be presumed to be disqualified to be an owner, operator, volunteer, foster parent, adoptive parent, member of a child welfare agency's board of directors, or employee in a child welfare agency after the completion of his or her term of confinement, probation, or parole supervision unless the conviction is vacated or reversed.

(b) An owner, operator, volunteer, foster parent, adoptive parent, household member of a foster parent or adoptive parent, member of any child welfare agency's board of directors, or an employee in a child welfare agency shall not petition the Child Welfare Agency Review Board unless the agency supports the petition, which can be rebutted in the following manner:

- (i) The applicant shall petition the Child Welfare Agency Review Board to make a determination that the applicant does not pose a risk of harm to any person;
- (ii) The applicant shall bear the burden of making such a showing; and
- (iii) The Child Welfare Agency Review Board may permit an applicant to be an owner, operator, volunteer, foster parent, adoptive parent, member of an agency's board of directors, or an employee in a child welfare agency notwithstanding having pleaded guilty or nolo contendere to or been found guilty of an offense listed in this section upon making a determination that the applicant does not pose a risk of harm to any person served by the facility.

7. The Child Welfare Agency Review Board's decision to disqualify a person from being an owner, operator, volunteer, foster parent, adoptive parent, member of a child welfare agency's board of directors, or an employee in a child welfare agency under this section shall constitute the final administrative agency action of the Child Welfare Agency Review Board and is not subject to review.

**Minimum Licensing Standards
for
Child Welfare Agencies**



Child Welfare Agency Review Board
&

Arkansas Department of Human Services

Division of Child Care and Early Childhood Education

Placement and Residential Licensing Unit



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Table of Contents

Table of Contents

Introduction.....	6
Child Welfare Agency Review Board	6
Child Placement Agencies Requiring Licensing-Licensure	7
Placement Types of Licenses	8
Foster Care	8
Therapeutic Foster Care	8
Therapeutic Foster Care - Sexual Rehabilitative Program	8
Adoption	8
Placement Residential.....	9
License Status	9
Provisional	9
Probationary.....	9
Regular.....	9
Suspended	9
Closed	9
Revoked	10
Status Change	10
How To Apply The Standards.....	11
Special Consideration	11
Alternative Compliance	11
100 General Requirements.....	13
101 Applications & Licensing Procedure	13
102 Organization & Administration.....	14
103 Central Registry & Criminal Record Checks	15
104 General Personnel Requirements.....	18
105 Qualifications & Training	19
106 Volunteers & Student Interns.....	19
107 Exploitation of Children	20

Table of Contents

108	Ethical Standards	20
109	Unprofessional Conduct	21
110	Inspections, Investigations & Corrective Action.....	21
200	Child Placement Agencies: Foster Care	24
201	Admission.....	24
202	Intake & Assessment	24
203	Case Planning.....	25
204	Children's Records	26
205	Behavior Management	26
206	Foster Parent Qualifications	27
207	Content of the Home Study.....	28
208	Physical Requirements of the Home	29
209	Sleeping Arrangements	30
210	Approval of Foster Homes	31
211	Selection of Foster Home	32
212	Continued Training of Foster Parents.....	33
213	Responsibilities of Foster Parents Responsibilities	33
214	Medications	34
215	Transportation	35
216	Visitation	35
217	Agency Responsibilities	35
218	Monitoring & Re-evaluation	38
219	Discharge	38
300	Child Placement Agencies: Therapeutic Foster Care.....	40
301	Admission.....	40
302	Intake & Assessment	40
303	Case Treatment Planning.....	41
304	Children's Records	42
305	Behavior Management	43
306	Foster Parent Qualifications	43

Table of Contents

307	Content of the Home Study.....	44
308	Physical Requirements of the Home	45
309	Sleeping Arrangements	46
310	Approval of Foster Homes	47
311	Selection of Foster Home	48
312	Continued Training of Foster Parents.....	49
313	Therapeutic Foster Parent Responsibilities.....	50
314	Medications	51
315	Transportation	52
316	Visitation.....	52
317	Staffing Requirements, Staff Training & Support	53
318	Agency Responsibilities	53
319	Monitoring & Re-evaluation	56
320	Discharge	57
400	Child Placement Agencies: Therapeutic Foster Care - Sexual Rehabilitative Programs.....	58
401	Licensing Approval & Monitoring.....	58
402	Admission.....	58
403	Intake & Assessment	59
404	Case Treatment Planning.....	60
405	Children's Records	61
406	Behavior Management	62
407	Foster Parent Qualifications	63
408	Content of the Home Study.....	64
409	Physical Requirements of the Home	65
410	Sleeping Arrangements	66
411	Approval of Foster Homes	67
412	Selection of Foster Home	68
413	Continued Training of Foster Parents.....	70
414	Foster Parent Responsibilities	70
415	Medications	72

Table of Contents

416	Transportation	73
417	Visitation	73
418	Staffing Requirements, Staff Training & Support	73
419	Agency Responsibilities	75
420	Monitoring & Re-evaluation	78
421	Discharge	79
500	Child Placement Agencies: Adoptions	80
501	Selection of Adoptive Home	80
502	Approval Process of Prospective Homes	80
503	Contents of the Home Study	81
504	Services to the Adoptive Parents.....	82
505	Services to Birth Parents.....	83
506	Birth Parent Records.....	83
507	Agency Responsibilities	84
508	Adoptive Family Records	84
509	Record Maintenance	84
600	Child Placement Agencies: Residential.....	86
Appendix A:	Definitions	87
Appendix B:	Prohibited Offences	95

~~Appendix: The Child Welfare Agency Licensing Act.....~~

Introduction

“The Child Welfare Licensing Act,” Ark. Code Ann. **9-28-401** et. seq., (the Act) is the legal authority under which the Child Welfare Agency Review Board ~~prescribes~~ establishes minimum licensing standards for child welfare agencies, as defined under the statute.

Child Welfare Agency Review Board

The Child Welfare Agency Review Board (Board) shall promulgate and publish rules and regulations setting minimum standards governing the granting, revocation, refusal, conversion, and suspension of licenses for a child welfare agency and the operation of a child welfare agency.

The Board may consult with such other agencies, organizations, or individuals as it shall deem proper.

The Board shall take any action necessary to prohibit any person, partnership, group, corporation, organization, or association not licensed or exempted from licensure pursuant to this chapter from advertising, placing, planning for, or assisting in the placement of any unrelated minor for purposes of adoption or for care in a foster home. The prohibition against advertising shall not apply to persons who are seeking to add to their own family by adoption.

The Board may amend the rules and regulations promulgated pursuant to this section from time to time, in accordance with the rule promulgation procedures in the Arkansas Administrative Procedure Act, § **25-15-201** et seq.

The Board shall promulgate rules and regulations that:

1. Promote the health, safety, and welfare of children in the care of a child welfare agency;
2. Promote safe and healthy physical facilities;
3. Ensure adequate supervision of the children by capable, qualified, and healthy individuals;
4. Ensure appropriate educational programs and activities for children in the care of a child welfare agency;
5. Ensure adequate and healthy food service;
6. Include procedures for the receipt, recordation, and disposition of complaints regarding allegations of violations of this subchapter, of the rules promulgated under the Child Welfare Agency Licensing Act, or of child maltreatment laws;
7. Include procedures for the assessment of child and family needs and for the delivery of services designed to enable each child to grow and develop in a permanent family setting;
8. Ensure that criminal record checks and central registry checks are completed on owners, operators, employees, volunteers, foster parents, adoptive parents, and other persons in the homes as set forth in this subchapter;

9. Require the compilation of reports and making those reports available to the division when the board determines it is necessary for compliance determination or data compilation;
10. Ensure that a child placement agency:
 - a. Treats clients seeking or receiving services in a professional manner, as defined by regulations promulgated pursuant to this act; and
 - b. Provides clients seeking or receiving services from a child placement agency that provides adoption services with the phone number and address of the Child Welfare Agency Licensing Unit of the Department of Human Services where complaints can be lodged.
11. Require that all child ~~welfare~~ placement agencies that provide adoption services fully apprise in writing all clients involved in the process of adopting a child of the agency's adoption program or services, including all possible costs associated with the adoption program;
12. Establish rules governing retention of licensing records maintained by the division.

A licensed child ~~welfare~~ placement agency may adopt and apply internal operating procedures that meet or exceed the minimum standards required by the board. The Arkansas Administrative Procedure Act, Ark. Code Ann. **25-15-201** et seq., shall apply to all proceedings brought to the Board under this subchapter, except that the following provisions shall control during adverse action hearings to the extent that they conflict with the Arkansas Administrative Procedure Act:

1. All parties to an adverse action shall be entitled to engage in and use formal discovery as provided for in Rules 26, 28, 29, 30, 31, 32, 33, 34, and 36 of the Arkansas Rules of Civil Procedure including:
 - a. Requests for admission;
 - b. Request for production of documents and things;
 - c. Written interrogatories;
 - d. Oral and written depositions.
2. All evidentiary rulings in an adverse action hearing shall be governed by the Arkansas Rules of Evidence with respect to the following types of evidence:
 - a. The requirements of personal knowledge of a witness as required by Rule 602;
 - b. The admissibility of character evidence as set forth by Rules 608 and 609;
 - c. The admissibility of character evidence as set forth by Rules 701-703;
 - d. The admissibility of hearsay evidence as set forth by Rules 801-806.

Child Placement Agencies Requiring ~~Licensing~~ Licensure

Any person, organization, corporation, partnership, voluntary association, or other entity which places, plans for or assists in the placement of any unrelated minor for care in a foster home, adoptive home, residential facility, or a child victim of human trafficking in a home or any type of shelter or facility,

and is not otherwise exempt by the Act, requires a license.

The Child Care Facility Review Board (Board) shall take any action necessary to prohibit any person, partnership, group, corporation, organization or association not licensed or exempted from licensure from advertising, placing, planning for, or assisting in the placement of any unrelated minor for the purposes of adoption or for care in a foster home. The prohibition against advertising shall not apply to persons who are seeking to add to their own family by adoption.

The Board may impose a civil penalty upon any person, partnership, group, corporation, organization or association not licensed or exempt from licensure as a child welfare agency in the State of Arkansas that advertises, places, plans for or assists in the placement of any unrelated minor for purposes of adoption or for care in a foster home. The prohibition against advertising does not apply to persons who are seeking to add to their own family by adoption.

Placement Types of Licenses

Foster Care

A child welfare placement agency which places plans for or assists in the placement of an unrelated minor or a child victim of human trafficking in a home or in a private residence of one (1) or more family members for care and supervision on a twenty-four (24) hour basis.

Therapeutic Foster Care

Any child welfare placement agency that places plans for or assists in the placement of an unrelated minor or a child victim of human trafficking in a therapeutic foster home. Therapeutic foster care is intensive therapeutic care for children provided in specially trained family homes supported by licensed mental health professionals (as recognized by Arkansas Medicaid). A therapeutic foster care program is a family-based services delivery approach providing individualized treatment for children, youth, and their families. Treatment is delivered through an integrated constellation set of services with key interventions and supports provided by therapeutic foster parents who are trained, supervised, and supported by qualified program staff. Therapeutic foster care services shall be provided in a separately identified program of a larger agency or be provided by an independent agency.

Therapeutic Foster Care - Sexual Rehabilitative Program

A treatment program that offers a specific and specialized therapeutic program for children with sexually maladaptive behaviors. A licensed sexual rehabilitative program may be in a residential childcare facility, a therapeutic foster care home, or a psychiatric residential treatment facility.

Adoption

A child welfare placement agency which places plans for or assists in the placement of an unrelated minor in a household of one (1) or more persons which has been approved to accept a child for adoption.

Placement Residential

A child welfare placement agency which places, plans for, or assists in the placement of an unrelated minor into a residential child care facility or a child victim of human trafficking in any type of shelter or facility. The agency may be licensed for any or all types of licenses, depending on the types of services it provides.

License Status

The Board shall issue all licenses to child welfare placement agencies upon majority vote of members present during each properly called board meeting at which a quorum is present. ~~when the meeting is called to order.~~ The Board shall have the power to deny an application to operate a child welfare agency or to revoke or suspend a previously issued license to operate a child welfare agency. The Board may also issue letters of reprimand or caution to a child welfare agency. Any denial of application or revocation or suspension of a license shall be effective when made.

Provisional

Issued to a newly licensed agency for a one (1) year period, to give the agency time to demonstrate substantial compliance with minimum licensing standards. At the discretion of the Board, a provisional license may be issued up to an additional year.

Probationary

Issued to an agency that has not maintained compliance with minimum licensing standards, but the Board believes that compliance can be restored and subsequently maintained. This license may be issued for up to one (1) year, at the discretion of the Board.

Regular

Issued either to a previously licensed agency that continues to meet all minimum licensing standards, or issued to an agency that meets all essential standards and has a favorable compliance history, which predicts full compliance with all standards within a reasonable time. A regular license shall remain open and effective until closed at the request of the agency or Board action.

Suspended

Board action taken when an agency has failed to maintain compliance with minimum licensing standards, but the violations do not warrant revocation. A license may not be suspended for longer than one (1) year at a time. The Board may issue a ~~provisional~~ probationary or regular license when compliance is restored.

Closed

Action taken when the agency requests that the license be closed.

Revoked

Board action taken when an agency has failed to maintain compliance with minimum licensing standards. The agency may not apply for a new license for at least one (1) year from the date of revocation.

Status Change

After a Board action an amended license shall be issued any time there is a change in the agency's program that affects the license type, status, capacity, ages of children served ~~or~~ a name change or address change.

A license to operate a child ~~welfare~~ placement agency shall apply only to the address and location stated on the application and license issued, and it shall be transferable from one holder of the license to another or from one place to another.

Whenever ownership of a controlling interest in the operation of a child ~~welfare~~ placement agency is sold, the following procedures ~~must~~ shall be followed:

1. The seller shall notify the division of the sale at least thirty days prior to the completed sale;
2. The seller shall remain responsible for the operation of the ~~child welfare~~ agency until such time as the agency is closed or a license is issued to the buyer;
3. The seller shall remain liable for all penalties assessed against the ~~child welfare~~ agency which are imposed for violations or deficiencies occurring before the transfer of a license to the buyer;
4. The buyer shall be subject to any corrective action notices to which the seller was subject; and
5. The provisions of subsection (a) of this section, including those provisions regarding obtaining licenses or permits from the Office of Long-Term Care of the Division of Medical Services of the Department of Human Services and regarding obtaining any permits from the Health Services Permit Agency or the Health Services Permit Commission shall apply in their entirety to the new owner of the Child Welfare Agency.

The Child Placement Agency shall inform current and potential clients if their license has been suspended or revoked, or if they have voluntarily surrendered their license.

~~Informing Clients Of License Status Changes~~ Child Placement Agencies

How To Apply The Standards

Section 100 of the *Minimum Licensing Standards for Child Welfare Agencies* applies to all agencies that engage in residential care or placement of children into residential facilities, foster homes, or adoptive homes. Subsequent sections apply to specific types of residential facilities or child placement agencies. Not all sections of the *Minimum Licensing Standards for Child Welfare Agencies* apply to a specific license. Each Agency must shall meet the license requirements of for its each agency category license type held.

Special Consideration

The Board may approve an agency's request for special consideration to allow a licensee to deviate from the letter of a rule if the licensee has demonstrated that the deviation is in the best interest of the children and does not pose a risk to persons served by the licensee.

If the Board grants a request for special consideration, the ~~child welfare~~ agency's practice as described in the request shall be the compliance terms under which the child welfare agency will be held responsible and violations of those terms shall constitute a rule violation.

The Board has authorized the Managers and Supervisors of the Licensing Unit to make temporary rulings regarding special consideration requests when the best interests of a child requires an immediate decision, subject to final approval at the next regularly scheduled meeting of the Board.

Alternative Compliance

The Board may grant an agency's request for alternative compliance upon a finding that the ~~child welfare~~ agency does not meet the letter of a regulation promulgated under the Child Welfare Agency Licensing Act, but that the ~~child welfare~~ agency meets or exceeds the intent of that rule through alternative means.

If the Board grants a request for alternative compliance, the ~~child welfare~~ agency's practice as described in the request for alternative compliance shall be the compliance terms under which the ~~child welfare~~ agency will be held responsible and violations of those terms shall constitute a rule violation.

The ~~Child Welfare Agency Review~~ Board has authorized the Managers and Supervisors of the Licensing Unit to make temporary rulings regarding Alternative Compliance requests when the best interests of a child requires an immediate decision, subject to final approval at the next regularly scheduled meeting of the Board.

Alternative Compliance requests granted, ~~after this rule goes into effect~~, in the areas listed below must shall be time limited and shall not exceed two (2) years in length. These alternative compliances shall be monitored on an ongoing basis for compliance and shall be reviewed by the ~~CWARB~~ Board every two (2) years.

1. ~~_____~~ Floor space
1. Staff to Child ratio
2. Capacity

3. Sleeping arrangements
4. Bathrooms

100 General Requirements

The standards in Section 100 apply to all agencies unless otherwise indicated.

101 Applications & Licensing Procedure

1. The owner or board shall prepare and furnish an application packet for a license that contains the following ~~minimum licensing standards~~:
 - a. A completed application form;
 - b. A letter from the agency's board or owner (as applicable) authorizing a person to sign the application;
 - c. A copy of the Articles of Incorporation, bylaws, and current board roster, if applicable, including names, ~~and~~ addresses, and contact information of officers. Out of state agencies shall have legal authorization from the Arkansas Secretary of State to do business in Arkansas;
 - d. A personnel list with verifications of qualifications and experience;
 - e. Substantiation of the agency's financial soundness. This shall ~~including~~ include but is not limited to: a budget showing sufficient resources to operate for a period of six (6) months either with resources on hand or with projected revenue from verifiable sources, verifiable letters of financial support and/or monthly bank account statements may be included to project income;
 - f. ~~All agencies licensed in Arkansas shall maintain~~ Proof of general and professional liability insurance (does not apply to State agencies);
 - g. A written description of the agency's program of care, including intake policies, types of services offered, and a written plan for providing health care services to children in care;
 - h. ~~The agency or facility shall furnish the Licensing Specialist with~~ Any additional information ~~reasonably needed~~ requested by the Licensing Specialist to verify compliance with these standards and to make a recommendation regarding the granting of a license.

2. Once a completed application packet has been received, the Division shall complete a licensing study and recommendation within ninety days. If a recommendation is not made within ninety (90) days, the applicant may appear before the ~~CWARB~~ Board to request a license.

3. Any Child Placement Agency licensed in Arkansas shall provide the following information to the Licensing Unit prior to opening a branch office:
 - a. The address, telephone numbers (if available), and office hours for the branch office;
 - b. The name(s), qualifications, and contact information of the person(s) responsible for the day-to-day operation of the branch office and the child-placement activities at the branch;

- c. The name and contact information of the person responsible for providing services in case of emergencies or child-placement crises.

102 Organization & Administration

1. The child placement agency shall obtain a license before placing, or planning for the placement of, children in a foster home, adoptive home, or ~~institution~~ residential facility. ~~The residential facility shall obtain a license before receiving six (6) or more children who are unrelated to the caregiver for care on a twenty-four hour basis.~~
2. The purpose and mission of the agency, including treatment philosophy, services provided, and characteristics of children it is designed to serve, shall be stated in writing.
3. The following policies of the agency shall be current and available to all employees of the agency and the Licensing Specialist:
 - a. Personnel policies;
 - b. Volunteer policy;
 - c. Student intern policy;
 - d. Admission policy;
 - e. Intake policy;
 - f. Behavior Management policy;
 - g. Crisis Management policy;
 - h. Child Maltreatment/Mandated Reporter policy; according to Arkansas law, including, procedures to ensure that alleged, suspected, or witnessed incidents of maltreatment are reported to the Child Maltreatment Hotline, and documented as required by these or other applicable regulations or laws;
 - i. Child Exploitation policy;
 - j. Visitation policy;
 - k. Public Safety policy (Sexual Rehabilitative Programs ~~policy~~ only);
 - l. Target Population, Admission/Exclusion Criteria, and Discharge Criteria policy (Sexual Rehabilitative Programs only);
 - m. Emergency, Respite Care, and Disruption policy (Placement Agencies only).
4. The agency shall be legally authorized to conduct business in Arkansas by state law and local ordinance.
5. The agency shall meet all federal, state, and local laws and ordinances that apply to child welfare agencies and to the proper care of children in such facilities.
6. The agency shall provide copies of all programmatic licenses, certifications, and accreditations held by the agency.

General Requirement

7. The Owner and/or Board of Directors shall be responsible for operating the facility and shall have final responsibility to ensure that the facility meets licensing requirements. Names and addresses of Board members shall be provided to the Licensing Specialist annually.
8. ~~All agencies~~ The agency shall maintain a current organizational chart showing the administrative structure of the organization.
9. The agency shall notify the Licensing Unit within five (5) days of any change of Administrator, ~~or~~ Social Service Director, or Clinical Director.
10. The agency shall establish and follow written policies and procedures that meet or exceed the Minimum Licensing Standards for Child Welfare Agencies.
11. All agencies applying for an Arkansas license shall provide proof that they are licensed in good standing in their home state, if applicable, and are in good standing in all other states where they are licensed. If an agency is being disciplined or sanctioned in another jurisdiction, the Board shall be notified.
12. All agencies licensed in Arkansas after January 18, 2002 shall have an office in Arkansas.
13. All agencies licensed in Arkansas shall maintain all required files for licensing review as needed. They may choose to:
 - a. Maintain these files in their office in Arkansas; or
 - b. Arrange to provide the required files to the licensing staff.
14. All agencies licensed in Arkansas shall have a qualified person on call to supervise emergency services. [Pursuant to 104106-108]
15. If electronic records are kept, these records ~~must~~ shall be made available to the Licensing Specialist for purposes of monitoring and investigation.
16. Any disciplinary action taken against the agency by another ~~licensing~~ jurisdiction shall be reported to the Licensing Unit.
17. If an agency is inactive for one (1) year the license shall be closed in good standing, unless the agency requests annually in writing that the license remains open. This request shall be approved by the ~~CWAR~~ Board.
18. The agency shall not permit, aid, or abet an unlicensed person to perform activities requiring a license.
19. The agency shall not misrepresent the type or status of education, training, expertise, licensure, or professional affiliations.

Central Registry & Criminal Record Checks

1. The agency shall conduct background checks as required by the Child Welfare Agency Licensing Act (§ 9-28-409) using forms approved by the Licensing Unit. Background

General Requirement

- checks conducted by or for other licensing authorities (e.g., Office of Long Term Care, Division of Developmental Services, et.al) do not meet the requirement of this standard.
2. The following persons in a child ~~welfare~~ placement agency shall be checked with the Child Maltreatment Central Registry in his state of residence, if available, and any state of residence in which the person has lived and in the person's state of employment, if different, for reports of child maltreatment for the past ~~six~~ five (5) years:
 3. ~~Employees having direct and unsupervised contact with children:~~
 - a. Employees having direct and unsupervised contact with children;
 - b. Volunteers, mentors, sponsors and student interns/~~visiting resources~~ having direct and unsupervised contact with children;
 - c. Foster parents, ~~house parents~~, and each member of the household age ~~ten~~ fourteen (14) years and older, excluding children in foster care. These checks ~~must~~ shall be made prior to approval and shall be repeated every two years thereafter;
 - d. Adoptive parents, and each member of the household age ~~ten~~ fourteen (14) years and older, residing in Arkansas, excluding children in foster care. Adoptive parents and each member of the household age ~~ten~~ fourteen (14) years and older, excluding children in foster care, residing out of state shall provide Child Maltreatment Central Registry Checks from their state of residence, if available. These checks ~~must~~ shall be made prior to approval and shall be repeated ~~annually thereafter~~ every two (2) years until the adoption decree has been issued;
 - e. Owners having direct and unsupervised contact with children;
 - f. Members of the agency's board of directors having direct and unsupervised contact with children.
 3. Persons required to have the Child Maltreatment Central Registry Check shall repeat the check every two (2) years, ~~except that adoptive parents, and each member of the household age ten fourteen (14) years and older, shall repeat the check, if available, every year until the adoption decree has been issued.~~
 4. Any person found to have a record of child maltreatment shall be reviewed by the owner or administrator of the agency, in consultation with the ~~Child Welfare Agency Review~~ Board or its designee, to determine corrective action. Corrective action may include, but is not limited to, counseling, training, probationary employment, non-selection for employment, or termination.
 5. The following persons in a Child ~~Welfare~~ Placement Agency shall be checked with the Identification Bureau of the Arkansas State Police for convictions of offenses listed in Arkansas Code Annotated **9-28-409**:
 - a. Employees having direct and unsupervised contact with children;

General Requirement

- b. Volunteers, mentors, sponsors, and student interns/~~visiting resources~~ having direct and unsupervised contact with children;
 - c. Foster parents, ~~house parents~~, and each member of the household age eighteen (18) years and older, excluding children in foster care. The foster parents shall certify in writing annually ~~that~~ whether or not household members age ~~14~~ fourteen (14) thru seventeen (17) ~~do not~~ have criminal records;
 - d. Adoptive parents and each member of the household age eighteen (18) years and older residing in Arkansas. Adoptive parents and each member of the household age eighteen (18) years and older residing out of state shall provide State Police Criminal Record Checks from their state of residence, if available. The out of state adoptive families do not need to do an Arkansas State Police Check if they have never resided in Arkansas;
 - e. Owners having direct and unsupervised contact with children;
 - f. Members of the agency's board of directors having direct and unsupervised contact with children.
6. If any person (listed in #5 above) has not resided in Arkansas continuously for the past ~~six~~ five (5) years, a record check with the Federal Bureau of Investigation shall be completed. (These record checks are not required for international adoptions as background checks are already part of United States Citizenship and Immigration Services (USCIS) requirements for adoption.) Adoptive parents residing outside of Arkansas who have lived in their state of residence continuously for the past ~~six (6)~~ five (5) years do not need to do the FBI checks.
 7. A child in the custody of the Department of Human Services shall not be placed in an approved home of any foster parent or adoptive parent unless all household members eighteen and one half (18 1/2) years of age and older, excluding children in foster care, have had a fingerprint-based criminal background check performed by the Federal Bureau of Investigation. The check shall be initiated within thirty (30) days of the household member's eighteenth birthday.
 8. All persons required to be checked with the Department of Arkansas State Police under this subsection shall repeat the check at a minimum of every five (5) years, except that adoptive parents who reside in Arkansas shall repeat the check every year pending court issuance of a final decree of adoption, at which point repeat checks shall no longer be required.
 9. A child in the custody of the Department of Human Services shall not be placed in an approved home of any foster parent or adoptive parent unless all household members eighteen and one half (18 1/2) years and of age and older, excluding children in foster care, have been checked with the Identification Bureau of the Department of Arkansas State Police at a minimum of every two (2) years. The check shall be initiated within thirty (30) days of the household member's eighteenth birthday.
 10. Child Maltreatment Central Registry Checks and Arkansas State Police/FBI Criminal Record Checks shall be initiated within ten days of employment.

General Requirement

11. The agency shall maintain on file evidence that background checks have been initiated as required and results of the completed checks.
12. The agency shall provide a copy of the Federal Bureau of Investigation Criminal Record Check form and the Arkansas State Police Criminal Record Check form to the Licensing Office upon initiation.
13. No person guilty of an excluded criminal offense pursuant to ACA§9-28-409(e)(1) shall be permitted to have direct and unsupervised contact with children, except as provided in the statute.
14. A The child welfare placement agency shall immediately notify the Licensing Unit when a person(s) listed in #5 above is found to have a record of an excluded criminal offense.

104 General Personnel Requirements

All personnel employed on or after April 12, 1999 shall meet the following requirements:

1. ~~Each~~ The agency shall have an administrator who shall be responsible for the general management of the agency, ~~The administrator shall~~ possessing at least one of the following qualifications:
 - a. A doctorate degree;
 - b. A master's degree in a human services field (child development, psychology, sociology, social work, guidance and counseling, divinity, education), ~~or in~~ administration, business, or a related field;
 - c. A bachelor's degree in a human services field, ~~or in~~ administration, business, or a related field, and at least two (2) years of work experience in a human services agency.
2. The agency shall have a Social Services Director who shall supervise child placement activities and/or casework services by the agency, ~~The Social Services Director shall~~ possessing at least one of the following qualifications (*Therapeutic foster care see section 320.2 and Sexual Rehabilitative Program see 422.2*):
 - a. A master's degree or higher in a human services field (child development, psychology, sociology, social work, counseling and guidance, divinity, education);
 - b. A bachelor's degree in a human services field and two (2) years of work experience in a child welfare agency;
 - c. Anyone permitted to supervise child placement or casework services shall meet the qualifications for Social Services Director.
3. Each agency shall have ~~assign~~ a caseworker to ~~each child~~ who is responsible for doing assessments, case planning, and casework services, possessing at least one of the following (*Therapeutic foster care see section 320.3 and Sexual Rehabilitative Program see 422.3*):
 - a. ~~Caseworkers shall have~~ A bachelor's degree in a human services field; ~~or~~

General Requirement

- b. A bachelor's degree and two (2) years' work experience in a human services field.
4. If casework services are contracted, the agency shall maintain all required personnel information on the contracted caseworkers.

105 Qualifications & Training

1. The Administrator, Social Services Director, and each caseworker of a child welfare agency shall have twenty-four (24) hours of job-related continuing education each year.
2. All owners/operators, employees, foster parents, or volunteers in a child welfare agency shall be responsible for ensuring the proper care, treatment, safety, and supervision of the children they supervise.
3. All owners/operators, employees, foster parents, or volunteers in a child welfare agency shall not engage in behavior that could be viewed as sexual, dangerous, exploitative, or physically harmful to children.
4. Documentation verifying annual training shall be ~~a certificate, letter, or signed statement of completion that is dated and indicates~~ indicating the number of hours, the name of the source, and topic/title.
5. The agency shall maintain a personnel file for each employee, which shall include:
 - a. A resume or application;
 - b. Date of hire;
 - c. Verifications of qualifications;
 - d. Documentation of required annual training;
 - e. Criminal Record Check and Child Maltreatment Central Registry Check information as required by law;
 - f. Documentation that applicable employees are informed that they are mandated reporters of suspected child maltreatment, according to A.C.A § 12-18-402, and are provided the information needed to make a report;
 - g. A functional job description;
 - h. At least three (3) positive personal references from non-relatives.

106 Volunteers & Student Interns

1. ~~Each~~The agency shall have a policy clearly defining the qualifications, duties, and supervision of volunteers and student interns.
2. Volunteers and student interns shall be supervised by an appropriate and designated staff person.

General Requirement

3. A volunteer or student intern who works unsupervised and substitutes as staff shall meet the qualifications required for a paid employee in that position.

107 Exploitation of Children

1. The agency shall not require a child to acknowledge dependency, destitution, or neglect or to make public statements about his/her background.
2. The agency shall not use or allow to be used, any reports, pictures, or any other information from which a child can be identified, except under the following conditions:
 - a. The child and the parent/guardian sign a consent form that describes the purposes for which the identification is being made;
 - b. The signed consent shall say in which publication or broadcast the identification will appear;
 - c. The parent/guardian and child shall be informed that the consent may be withdrawn.
3. All information regarding children and their families shall be kept strictly confidential and may only be released with the consent of ~~the child or~~ parent/guardian, except to authorized persons or agencies.
4. The agency shall document that the foster parents have been made aware of the need to protect the confidentiality of foster children in the use of social media.

108 Ethical Standards

1. ~~The Arkansas Child Welfare Agency Review Board sets forth this section as a Code of Ethics/Standards for Practice for all child welfare agencies within the State of Arkansas that place children in adoptive or foster homes pursuant to A.C.A. 9-28-401. Violations of the following shall be grounds for disciplinary action:~~
 - a. Confidentiality: In providing services, a child ~~placement~~ welfare agency ~~must~~ shall safeguard information given by clients. A child ~~placement~~ welfare agency ~~must~~ shall obtain the client's informed written consent before releasing confidential information, except when consent to disclose is permitted by law or required by judicial order. If the client is a minor, then the written consent shall be made with the minor and their legal representative or guardian.
 - b. Responsibility: A child ~~welfare~~ placement agency ~~must~~ shall provide a clear, written description ~~on~~ of what the client may expect in the way of services, reports, risks, fees, billing, estimated schedules and grievance procedures.
 - c. Misrepresentation: A child welfare agency ~~must~~ shall not misrepresent its program services or experience.
 - d. Client Relationships: Relationships with clients ~~must~~ shall not be exploited by the child placement welfare staff for personal gain.

109 Unprofessional Conduct

- ~~1. Violations of the Child Welfare Agency Licensing Act or the Regulations published by the Child Welfare Agency Review Board.~~
1. Unprofessional conduct in the practice of child welfare activities shall include, but not limited to the following:
 - a. Permitting, aiding, or abetting an unlicensed person to perform activities requiring a professional license.
 - b. Misrepresenting type or status of education, training, expertise, licensure, or professional affiliations.
 - c. Failing to maintain confidentiality, except as otherwise required or permitted by law, of all information that has been received from a client in confidence during the course of services.
 - d. Violating the ethical standards adopted by the Board.
 - e. Failing to report to the Board Licensing Unit any disciplinary action taken against the child welfare agency by another licensing jurisdiction, domestic or international, or failing to report to the board Licensing Unit the surrender of a license or loss of authorization to practice child placement welfare activities in another jurisdiction.
 - f. Failing to comply with any stipulation or agreement with the Board involving probation or a settlement of any disciplinary matters.
 - g. ~~All Owner/operators, employees, or volunteers in a child welfare agency shall~~ Engaging in behavior that could be viewed as sexual, dangerous, exploitative, or physically harmful to children.
- ~~8. Engaging in sexual behavior with a client~~

110 Inspections, Investigations & Corrective Action

1. The Licensing Specialist shall conduct inspections to ensure continued compliance with licensing standards.
2. The Licensing Specialist shall investigate complaints of alleged violation of licensing standards against all placement agencies, and may participate in investigations of alleged child maltreatment.
3. The agency shall cooperate with the Licensing Unit in conducting inspections and investigations, and shall provide information required to verify compliance with rules.
4. Inspections and investigations may be scheduled or unscheduled, at the discretion of the Licensing Specialist, and may be conducted outside regular working hours.
5. The frequency of inspections shall be at the discretion of the Licensing Unit, and may be based on the agency's compliance history.

General Requirement

6. At the discretion of the Licensing Unit, a multi-disciplinary team may be asked to advise the Licensing Specialist during initial approval or during inspections. This team may include a professional in the appropriate field.
7. Upon finding any violations of licensing standards, the Licensing Specialist shall issue to the agency a corrective action notice, which shall state:
 - a. A factual description of the conditions that constitute a violation of the standard;
 - b. The specific law or standard violated;
 - c. A reasonable time frame within which the violation ~~must~~ shall be corrected.
8. The agency shall provide a written corrective action plan, when requested to do so, by the Licensing Specialist in a corrective action notice.
9. Any owner/operator, employee, foster parent, or volunteer in a child welfare agency shall immediately notify the Child Abuse Hotline if he or she has reasonable cause to suspect that a child has been subjected to child maltreatment, died as a result of child maltreatment or if they observe a child being subjected to conditions or circumstances that would reasonably result in child maltreatment.
10. If a complaint of child maltreatment is filed against any owner/operator, employee, foster parent, volunteer, or other person in a child welfare agency, the agency administration shall evaluate the risk to children and determine the suitability of the person(s) to supervise, be left alone with children, have disciplinary control over children, or remain in the child ~~welfare~~ placement agency until the allegations are determined to be true or unsubstantiated. Any interim corrective action measures shall be approved by the Licensing Unit.
11. The agency shall maintain a log or file of all calls to the child abuse hotline.
12. The agency shall notify the Licensing Unit by the next business day ~~and log, or maintain in a single file,~~ whenever a report of child maltreatment is ~~made~~ accepted by the child abuse hotline against the owner/operator, employee, foster parent, volunteer, child, or other person in a child welfare agency.
13. The agency and all staff shall cooperate fully with investigators during a child maltreatment investigation.
14. The agency shall take steps to prevent harm or retaliation against the child while an allegation of child maltreatment is being investigated.
15. Any person with a true finding of child maltreatment shall be reviewed by the owner or administrator of the agency, in consultation with the Child Welfare Agency Review Board or its designee, to determine corrective action. Corrective action may include, but is not limited to, counseling, training, probationary employment, non-selection for employment, or termination.

General Requirement

16. Any employee who has been sanctioned by any licensing or certifying entity for any reason pertaining to child safety shall be reviewed by the owner or administrator of the agency, in consultation with the Child Welfare Agency Review Board or its designee, to determine corrective action. Corrective action may include, but is not limited to, counseling, training, probationary employment, non-selection for employment, or termination.
17. The agency shall notify the Licensing Unit by the next business day of serious injuries requiring emergency medical treatment, agency vehicle accidents, arrests, elopements, suicide attempts, or deaths, and ~~log or~~ maintain documentation of the incident and notification ~~these incidents in a single file.~~
18. The agency shall maintain reports on all incidences that cause injury, property damage, or disruption to routine operation or services.

200 Child Placement Agencies: Foster Care

In addition to all standards in Section 100, the following standards shall be met:

201 Admission

1. Each ~~child-welfare~~ agency shall establish written criteria for admitting/excluding children.
2. The agency shall not admit any child for whom the agency cannot provide adequate care.
3. Each child shall have a medical examination ~~no more than sixty days~~ within one (1) year before admission, or ~~scheduled within~~ an appointment scheduled within one (1) week of after admission.
4. Each child shall have proof of current immunizations, a letter of exemption in accordance with the Arkansas Department of Health, ~~Age-appropriate immunizations shall be current~~ or an appointment scheduled within one (1) week of after admission.
5. The ~~child-placement~~ agency shall obtain written authority from the parent(s), guardian(s), or court before placement, or within seventy-two (72) hours if an emergency placement.
6. The agency shall obtain written authority for medical care for the child from the parent(s), guardian(s), or court at the time of placement, or within seventy-two (72) hours in an emergency placement.
7. The agency shall comply with the Interstate Compact on the Placement of Children when placing/admitting children from outside Arkansas.
8. A dependent juvenile of a parent who is in the custody of DCFS shall be subject to all regulations regarding space, ratio, health and safety.

202 Intake & Assessment

1. ~~An~~ Intake ~~study~~ information shall be completed on each child in care within ten (10) working days after admission.
2. The intake ~~study~~ information shall include ~~the following information from the parent, guardian, custodian, previous placement, or from the child when no other sources of information are available:~~
 - a. Demographic information on the child and parent(s), including name, address, birth date, ~~sex~~ gender, race, and religious preference;
 - b. A factual description of the circumstances requiring placement;
 - c. A brief social history of the family;
 - d. The child's current legal status/custody;
 - e. Any history of previous placements outside the family, if applicable;

Child Placement Agencies: Foster Care

- f. An assessment of services needed to ensure the health and welfare of the child, including medical history and psychological history.
3. The agency shall obtain copies of legal documents within thirty (30) days of admission, or shall document their attempts to obtain the documents. The legal documents shall include, but not be limited to, birth certificates, social security cards and court orders.
4. A plan of safe care/~~protection~~ shall be ~~documented~~ developed for all children with physical limitations, medical conditions, or behaviors that are indicative of harm to self or others; to include, but not limited to: arson, physical aggression /sexual aggression, and/or suicidal or other self-harming tendencies. This plan shall identify the behavior/problem, and shall specify the safeguards that are to be implemented. A copy of the plan shall be provided to the direct caregiver(s), as well as a copy placed in the child's ~~case file~~ record.

203**Case Planning**

1. A case plan shall be developed for each child placed into a foster home by a child placement agency. The plan shall address the child's needs as identified in the intake ~~study~~-information.
2. When a placement agency places a child with another placement agency the receiving agency shall develop a case plan for each child received for care.
3. The case plan shall be developed within thirty days after placement.
- ~~4. The case plan shall be developed after a staffing. If applicable, the parents, foster parents, facility staff, caseworker, social worker or probation officer, and the child shall be invited to the staffing.~~
4. The child's case plan shall contain, at the minimum:
 - a. Specific needs of the child;
 - b. Plan for meeting child's needs;
 - c. Special treatment issues (e.g., psychotropic medications, sexual misconduct, and neurological disorders) shall be identified, with a statement of how the special needs shall be met;
 - d. A plan to ensure that the child's educational needs are met according to applicable state law;
 - e. Visitation plan, if applicable;
 - f. Date of next review of the case plan, ~~if applicable~~.
5. If independence is a goal, the case plan shall include training in independent living skills.
6. Foster parents shall be included in case planning for each child. ~~and shall be provided a copy of the current case plan and visitation plan.~~

Child Placement Agencies: Foster Care

7. A copy of the case plan shall be made available to the parent(s), guardian(s), court, or other agencies involved in case plan services delivery, if applicable.
8. The case plan shall be reviewed at least semi-annually and shall be updated to reflect the child's progress.

204**Children's Records**

1. The agency shall keep a confidential case record for each child that includes the following:
 - a. Demographic information;
 - b. Plan of safe care/~~protection~~, if applicable;
 - c. A complete intake ~~study~~;
 - d. Consents, including consent for medical care and authority to place the child;
 - e. Interstate Compact information, if applicable;
 - f. Case plans and case plan reviews;
 - g. Copies of legal documents (e.g., birth certificate, social security card, court orders), or ~~shall~~ documentation of their attempts to obtain the documents;
 - h. Physical exams and immunization records, or ~~shall~~ documentation of their attempts to obtain the documents;
 - i. Psychological reports, if applicable;
 - j. Educational reports, if applicable;
 - k. Disciplinary and incident reports, if applicable;
 - ~~l. Progress reports;~~
 - l. Records of visitation and family contacts, if applicable;
 - m. Documentation of casework services and ~~client~~ child contact, ~~current to within one (1) month of occurrence;~~
 - n. Discharge ~~summary~~ statement.
2. Records for each child shall be kept for five (5) years from the date of discharge, unless otherwise specified by Arkansas law.

205**Behavior Management**

1. The agency shall have a written discipline policy that is consistently followed.
2. Discipline shall be directed toward teaching the child acceptable behavior and self-control.
3. Discipline shall be appropriate to the child's age, development, and history, including trauma history.

Child Placement Agencies: Foster Care

4. The following actions ~~forms of discipline~~ shall not be used, including as discipline:
 - a. Denial of meals, sleep, shelter, essential clothing, or case plan activities;
 - b. Denial of parental visits or regular phone/mail contact with family. Non-disciplinary case planning issues are accepted;
 - c. Lewd or obscene language;
 - d. Derogatory comments about the child, the child's family, race, or gender;
 - e. Restriction to a room for more than a short period of time without periodic observation;
 - f. Restriction to a dark room or area;
 - g. Locked isolation (~~psychiatric facilities excepted~~);
 - h. Physical injury or threat of bodily harm;
 - i. Humiliating or degrading action;
 - j. Extremely strenuous work or exercise;
 - k. Mechanical/chemical restraints (~~psychiatric facilities excepted~~).
5. Physical restraint shall be initiated only by a trained staff person, and only to prevent injury to the child, other people or property, and shall not be initiated solely as a form of discipline.
6. A child shall not be allowed to administer discipline, except teen parents may discipline their own children under the supervision and guidance of the foster parent.
7. Searches of a child or a child's personal property shall be for reasons limited to safety and security of children and their foster family staff, or in cases of suspected theft.
8. Any searches requiring removal of clothing shall be done in privacy, ~~and except in foster homes, shall be witnessed by two (2) staff of the same sex as the child.~~

206 Foster Parent Qualifications

1. In a two-parent home, both shall be joint applicants, each sign the application, and participate in the approval process.
2. Foster parents shall be at least twenty-one (21) years of age.
3. The stability of the foster family shall be evaluated and determined to be appropriate.
4. Foster parents shall be physically, mentally, and emotionally capable of caring for children.
5. The foster family shall provide documentation of sufficient financial resources to meet their needs.

- ~~6. All members of the household older than twelve (12) years shall receive a skin test for tuberculosis in accordance with the guidelines set forth by the Arkansas State Health Department, as long as test results remain negative. A household member with a positive skin test must provide documentation from a physician every two years certifying that he/she is free from communicable tuberculosis.~~
6. All ~~children~~ family members under the age of eighteen (18) in the household shall have proof of current health immunizations, or an exemption in accordance with the Arkansas Department of Health.
7. When routine child care is needed, foster children shall attend licensed child care or have a caregiver approved by the agency.

207 **Content of the Home Study**

1. The agency shall complete a home study for each foster home ~~applicant~~.
2. The agency shall conduct at least two (2) visits in person with the foster parent applicants, including at least one (1) visit to the home.
3. The agency shall interview every age-appropriate member of the household.
4. The home study shall include the following information:
 - a. Motivation: The individual's motivation for becoming foster parents;
 - b. Household Composition: The full legal names of everyone residing in the home, birth dates, relationships to one another, and a brief physical description;
 - c. Housing: Address and location, type of structure, length of time at residence, upkeep and housekeeping standards, future residence plans, and sleeping arrangements;
 - d. Safety Hazards: An assessment of the safety of the home and grounds including water hazards, swimming pools, hot tubs, dangerous pets, and other hazardous items and areas;
 - e. Income and Expenses: Employment history for the last six years (duration, salary, duties, title, degree of job security, hours), other sources of income, monthly living expenses, outstanding debts, and insurance;
 - f. Health: Current health of each family member, prior illnesses or medical problems, disabilities, clinic or doctor utilized and frequency of use, counseling (when and purpose), and hospitalization for alcohol abuse, drug abuse, or mental illness;
 - g. Education: Parents' educational attainment, future educational plans, parenting classes attended;
 - h. Childcare Arrangements or Plans: Current arrangement or proposed arrangement as it relates to their working hours and income;

Child Placement Agencies: Foster Care

- i. Child Rearing Practices: Purpose of behavior management, behavior guidance practices, how they show affection, how they handle stress, allowance, chores, and homework;
- j. Daily Schedule;
- k. Social History: Highlights and verification regarding action of marriages, divorces, children, relationships' support system, future plans, any significant extended family members not living in the home, and any significant personal, developmental, personality or legal problems;
- l. Family Activities: Religious interests, social organizations, activities with children, and family roles;
- m. Impressions, Conclusions and Recommendations: Evaluate the family's situation and ability to provide for a child based on the information obtained during the home study;
- n. Approval: If the agency approves the foster parent(s), the agency shall specify recommend in the home study the number, age, sex gender, and other characteristics of children for whom the home is approved to provide care.

208 Physical Requirements of the Home

1. The foster home shall be accessible to community resources needed by foster children.
2. The foster home shall be clean and free of hazards.
3. The foster home shall have a continuous supply of sanitary drinking water. If the source is not a municipal water system, the water ~~must~~ shall be tested and approved by the Arkansas Department of Health annually. ~~This~~The approval shall be kept in the foster home case record.
4. The foster home shall have at least one (1) flush-toilet, one sink with running water, and one bathtub or shower with hot and cold running water.
5. There shall be operational smoke detectors within ten (10) feet of the kitchen and each bedroom.
6. There shall be an operational chemical fire extinguisher, readily accessible near, ~~in~~ the cooking area of the home.
7. The foster parents shall practice and document emergency evacuation drills with each new child entering the home, and at least quarterly thereafter.
8. All heating units with hot external areas shall be screened or otherwise shielded.
9. The home shall have at least ~~two (2)~~ one (1) exterior doors that exits directly to the outside ~~situated to provide safe exit~~, or the home shall have an alternate fire escape route ~~a written statement from the Fire Department that the alternative escape route is approved. This approval shall be kept in the foster home case record.~~

Child Placement Agencies: Foster Care

10. The home shall have an operational telephone. Working cell phones kept on the premises are acceptable. The phone shall be accessible for children.
11. Each child shall have adequate space for storing clothing and personal belongings.
12. All household pets shall have proof of current rabies vaccinations as required by Arkansas law.
13. All firearms shall be maintained in a secure, locked location or secured by a trigger lock.
14. All ammunition shall be secured and locked separately from firearms, with the exception of ammunition locked in a long gun safe (ex. Rifle, shotgun, muzzle loaders).
15. The foster home record shall contain an agency approved safety plan for any noted hazards. The safety plan shall be signed by all caregivers in the foster home and an agency representative.
16. A current floor plan of the home with room dimensions for all areas/rooms used for sleeping shall be in the foster home record.
17. Manufactured homes, used as foster homes, shall have an agency approved safety plan for tornado safety. The safety plan shall be signed by all caregivers in the foster home and an agency representative.

Sleeping Arrangements

1. ~~The home shall provide bedrooms for children that provide privacy. meet the following requirements:~~ Each household occupant shall have a bedroom that provides privacy.
2. Each bedroom shall have at least fifty (50) square feet of floor space per occupant.
3. Each bedroom used for foster children shall have a window to the outside which is capable of serving as an emergency escape.
4. Bars, grilles, grates, or other items that block access to the window are permitted only if they can be removed from the inside without the use of a key, tool, or force greater than that required for normal operation of the window. In this event, each such bedroom ~~must~~ shall have a working smoke detector in the bedroom.
5. No more than four (4) children shall share a bedroom.
6. Each ~~foster child~~ household occupant shall ~~be provided with a comfortable bed, in good condition~~ have a bed with a mattress, sheets, pillow, pillowcase, and adequate cover, all in good condition.
7. Children of the opposite sex shall not share the same bedroom if either child is four (4) years old or older, except for a ~~mother~~ parent in foster care with her child.
8. No children shall share a bed if either child is four (4) years old or older.
9. No child under age six (6) years shall occupy a top bunk.

Child Placement Agencies: Foster Care

10. Foster children, except infants under age two (2) years, shall not share a sleeping room with adults; this age would increase to through age four (4) ~~in case of~~ for a grandparent to the child and a teen ~~mother~~ parent in foster care with her child.
11. All cribs used for children shall have current certification of compliance with Consumer Product Safety Guidelines (CPSC) standards.
12. Children twelve (12) months of age and below shall be placed flat on their backs to sleep, in accordance with American Academy of Pediatrics guidelines, to lessen the risk of suffocation and Sudden Infant Death Syndrome. (If a child rolls over on his/her own, the facility is not required to reposition the child.) If there is a medical reason a child cannot sleep on his/her back, a signed statement from the child's physician shall be in the file stating the reason, the sleep position indicated, and the time frame required.
13. ~~Each foster child shall be provided with clean bedding, in good condition, that shall be laundered at least weekly, or as needed.~~ Bedding shall be changed at least weekly, more often if needed.

210 Approval of Foster Homes

1. A foster home ~~can~~ shall be approved only by one (1) agency.
2. At least three (3) ~~confidential~~ positive personal references ~~must~~ shall be obtained on the foster family from non-relatives.
3. Each member of the foster family shall have a physical exam within ~~six (6)~~ twelve (12) months before the initial approval.
4. The agency shall ensure that the foster parents receive at least 10 hours of pre-service training (excluding CPR and First Aid) before placing a child in the home.
5. ~~In addition to the required hours of pre-service training, the~~ Foster parent(s) shall have a current certificate of completion of First Aid and CPR before a child is placed in the home. ~~A foster home shall not have a child placed in their care until they have received the CPR and First Aid training.~~ The training shall require hands on skilled based instruction as well as practical testing. Training and certification that is provided solely on-line will not be accepted.
6. Foster parents shall provide documentation that they carry homeowner's or renter's insurance and general liability insurance.
7. Foster homes shall not also operate as Child Care Family Homes.
8. Foster homes shall not provide compensated care for any non-related adults in the foster home, unless providing transitional care for a person placed in care prior to age eighteen (18).
9. There shall be an annual approval letter from the approving agency in the foster home record.

10. A provisional foster home means a foster home opened for no more than six (6) months by the Division of Children and Family Services of the Department of Human Services ~~or any Licensed Agency~~, on a relative or fictive kin of a child in the custody of the division ~~or agency~~ after the division ~~or agency~~:
 - a. Conducts a health and safety check, including a central registry check and a criminal background check or check with local law enforcement on the relative's or fictive kin's home; and
 - b. Performs a visual inspection of the home of the relative or fictive kin to verify that the relative or fictive kin and the home will meet the standards for opening a regular foster home.
11. If a foster home moves from one placement agency to another all requirements for opening a new foster home shall be met.

211 Selection of Foster Home

1. The agency shall select the home that is in the best interest of the child, the least restrictive possible, and is matched to the child's physical and emotional needs. The placement decision shall be based on an individual assessment of the child's needs.
2. No children shall be placed in a foster home unless there is an approval letter in the record from the approving agency.
3. The agency shall place children only in approved foster homes.
4. When a placement agency places a child with another placement agency the receiving agency shall maintain a record for and provide casework services to the children placed into their foster homes.
5. Foster homes shall not have more than five (5) ~~unrelated~~ foster children in care. ~~The foster home may care for up to eight children if they are all related to each other.~~ A foster home shall not have more than eight (8) children in their home, including their own children. This includes placement or respite care.

For example:

~~0 children of the foster parent and 8 children that are related (to each other)~~

~~1 child of the foster parent and 7 children that are related (to each other)~~

~~2 children of the foster parent and 6 children that are related (to each other)~~

~~3 children of the foster parent and 5 children that are related (to each other) or unrelated~~

6. Foster homes shall not have more than two (2) children under the age of two (2) years, including the foster parent's own children.
7. No new placements of children shall occur with foster parents who have not satisfied the annual training requirements. Administrative-level staff, designated by the agency

director, may grant an exemption to this restriction for up to sixty (60) days. The administrator shall review the quality of care provided by the foster parents, and the reasons for failing to complete the training on time, in deciding whether to grant an exception.

212 Continued Training of Foster Parents

1. Each foster parent shall obtain at least fifteen (15) hours of training each year after the first year. This does not apply to foster parents for infants in short term foster care awaiting adoptive placement. Such foster parents shall obtain ten (10) hours of training for the primary care giver and five (5) hours of training for the secondary care giver each year.
2. Documentation verifying annual training shall be ~~a certificate, letter, or signed statement of completion that is dated and indicate~~ indicating the number of hours, the name of the ~~presenter~~ source, and topic and title.
3. Each foster parent shall maintain a current certificate of successful completion of hands-on, skill based CPR ~~certification~~ and First Aid ~~training~~. Training and certification that is provided solely on-line will not be accepted.

213 ~~Responsibilities of Foster Parents~~ Responsibilities

1. Foster Parents shall be responsible for providing the level of supervision, care, and treatment necessary to ensure the safety and well-being of each child placed into their home, taking into account the child's age, individual differences and abilities, surrounding circumstances, hazards and risks.
2. Foster parents shall provide each child with adequate and nutritious food.
3. Foster parents shall provide regular activities to promote the physical, social, intellectual, spiritual, and emotional development of the children in care.
4. Foster parents shall provide each child their own clothing that is clean, well-fitted, seasonal, appropriate to age and ~~sex~~ gender, and comparable to community standards.
5. Foster parents shall allow foster children to acquire and keep personal belongings.
6. Foster parents shall fully cooperate with the child placement agency's case plan for each foster child, including visitation.
7. Foster parents shall provide routine transportation for each child.
8. Foster parents shall participate in case planning and case plan reviews.
9. Foster parents shall attend school conferences concerning a foster child, and shall notify the placing agency of any situations that may affect the case plan or require agency involvement.

Child Placement Agencies: Foster Care

10. Foster parents shall notify the child placement agency promptly of serious illness, injury, or unusual circumstances affecting the health, safety, or welfare of the foster child.
11. Foster parents shall cooperate with the child placement agency and the Licensing Unit in conducting inspections and investigations, and shall provide information required to verify compliance with rules.
12. Foster parents shall maintain absolute confidentiality of private information about each foster child and the birth family.
13. The foster parents shall give advance notice to the agency of any major changes that affect the life and circumstances of the foster family, including a change of residence, whenever possible.
14. Foster parents shall keep periodic photographs, a record of the child's memberships, activities, and participation in extracurricular school or church activities, trophies, awards, ribbons, etc. for each foster child. These items shall be offered and or returned to the child upon change in placement.
15. The foster parents shall ensure that each child has sufficient sleep for his/her age and physical condition.
16. Each child shall be instructed in good grooming and personal hygiene habits.
17. The foster parents shall ensure each child is provided with opportunities for regular recreational activities and exercise.
18. The foster parents shall ensure each child shall be provided with age-appropriate activities and equipment.
19. The use of television, videos, computer games and other screen time activities shall be monitored and time limited.

214**Medications**

1. Foster parents shall administer medications only in accordance with directions on the label.
2. All over-the-counter medications shall be stored in an area not readily accessible to children, and all prescription medications excluding Epi-pens, inhalers, and Glucagon kits shall be locked. An age-appropriate and developmentally capable child may be provided, or have access to non-narcotic prescriptions with an approved safety plan. Examples include, but are not limited to, birth control, acne cream, topical creams.
3. Medication shall be stored in accordance with pharmaceutical recommendations.
4. Foster parents shall be aware of possible side effects of all medications administered to foster children.

Child Placement Agencies: Foster Care

5. All medication shall be logged by the foster parent at the time the medication is administered.
6. The medication logs shall include:
 - a. Child's name;
 - b. Time and date;
 - c. Medication and dosage;
 - d. Initials of the person administering the medication.
7. All currently prescribed medication shall be provided at placement.
- ~~7. It is permissible for an age appropriate child to be provided a daily supply of medication (over the counter or prescription) for use when the child is away from the foster home during times the dose is needed. Examples include pain relievers, fever reducers and anti-inflammatory and other related medications, or prescribed antibiotics or inhalers. These medications shall be logged at the time they are given to the child.~~

215 Transportation

1. Foster families shall have their own transportation available.
2. Any vehicle used to transport foster children shall be maintained in compliance with motor vehicle laws, and be insured.
3. Children shall be transported only by foster parents or approved persons possessing Foster parents and anyone else transporting foster children shall have a valid driver's license.
4. Children shall be transported according to Arkansas law, including but not limited to, use of safety belts, child safety seats and smoking restrictions.

216 Visitation

The standards in 218 do not apply to children in short term foster care awaiting adoptive placement.

1. The agency that has legal responsibility for the child shall develop a visitation plan that specifies when and how visits will occur between the child and the parents.
2. The child placement agency shall carry out the visitation plan to meet the terms of the plan.
3. Foster parents shall allow foster children and their families to communicate according to the child's case plan.

217 Agency Responsibilities

1. The agency shall provide the foster parents with the information necessary to provide adequate care to each foster child, ~~including the child's health, reason for entering care,~~

Child Placement Agencies: Foster Care

~~probable length of placement, and siblings. As additional information is obtained by the caseworker, it shall be promptly shared with the foster parents.~~

2. The agency shall provide foster parents with instructions for contacting agency personnel at any time.
3. The agency shall assign a caseworker to each child who is responsible for doing assessments, case planning, and casework services.
4. A caseworker shall not have more than twenty-five (25) children's cases at a time.
5. An agency caseworker shall visit the child in person at least monthly while the child is in foster care.
6. The agency shall ensure that each child in foster care has a medical exam at least annually. Medical exams need not be repeated during the year if a child moves from one facility or agency to another, provided the results of the exam are available to the receiving facility or agency.
7. The child placement agency shall remain legally responsible for the supervision and decision making regarding foster children. Foster parents have daily responsibility for the care of the children.
8. The child placement agency shall have a written plan that provides for timely reimbursements to foster parents for costs of care and fees for services.
9. The agency shall develop respite care and babysitting policies. ~~that address the following types of care:~~
 - a. ~~**Babysitting:** Foster parent identified, taking place in the foster home for no more than 6 continuous hours of occasional care. Transportation of the foster children is prohibited. Background checks on these individuals are not required;~~
 - b. ~~**Foster Family Support System:** Identified individuals that provide no more than 72 hours of continuous care, longer periods require approval from the agency. Documentation of Arkansas State Police Criminal Record Checks, Child Maltreatment Central Registry Checks and at least one (1) home visit for evaluation purposes are required. The agency shall be notified when child is with the foster family support system. This shall not be used in place of respite care or as a placement;~~
 - c. ~~**Alternative Caregiver/Respite:** An agency identified approved foster home that provides care for no more than 14 continuous days.~~
10. Respite care shall occur in an agency approved foster home and shall not exceed fourteen (14) consecutive days.
11. If the child placement agency receives a report of non-compliance with licensing standards, the agency shall investigate to learn if the foster home remains in compliance. A report of findings and any corrective action shall be maintained in the foster home

Child Placement Agencies: Foster Care

record. The investigation shall be completed within sixty (60) days of receiving the report of non-compliance, unless good cause is documented.

11. ~~The agency shall approve respite care and babysitting arrangements, and documentation shall be kept in the foster home record.~~
12. The agency shall maintain a record for each foster family that contains all information and documentation required by licensing standards. To include:
 - a. Complete and signed application;
 - b. Approval letter;
 - c. Home Study;
 - d. Minimum age verification;
 - e. Three (3) positive references;
 - ~~f. Marriage license, if applicable;~~
 - f. Initial physical exam;
 - g. Pre-service training verification;
 - h. Initial and current criminal, Child Maltreatment, and FBI checks, as required;
 - i. Initial and current CPR and First Aid certification;
 - j. Current health immunizations of children or exemption;
 - ~~k. Current T.B. test;~~
 - k. Current auto insurance;
 - l. Current homeowner's or renter's insurance and general liability insurance;
 - m. Current rabies vaccinations for household pets as required by law;
 - n. Documentation of annual training;
 - o. Safety plans;
 - p. Social media confidentiality documentation;
 - q. Surveillance documentation, if applicable;
 - r. Floor plan;
 - s. ~~Approved~~ Annual water system test results, if applicable;
 - t. Approved alternative fire escape route, if applicable;
 - u. Documentation of quarterly monitoring visits, including unannounced visits;
 - v. Documentation of annual re-evaluations;
 - w. Reports of non-compliance with licensing standards including findings, and any corrective actions;
 - x. Closing summary.

13. The agency shall prepare a closing summary, including reasons, if the home closes.
14. The agency shall promptly notify the Arkansas office of the Interstate Compact on the Placement of Children upon discharging a child from outside Arkansas.
15. The agency shall approve and document the use of all surveillance devices used in the home.

218 Monitoring & Re-evaluation

1. The agency shall monitor the foster home at least quarterly for continued compliance with licensing standards for foster homes. This does not apply to foster homes for infants in short term foster care awaiting adoptive placement. Before a child can be placed in such a foster home, a monitoring visit shall be done within the three (3) months prior to placement.
2. At least one unannounced quarterly visit shall be conducted annually and shall be documented as unannounced in the foster home record.
3. The child placement agency shall conduct an annual re-evaluation of the foster family home. Any foster home that does not substantially comply with the standards for approval shall not be approved for placement until compliance is achieved.
4. The agency shall keep documentation of quarterly monitoring visits and annual re-evaluations in the foster home record signed and dated by the person conducting the visit and the foster parent.
5. If the foster family experiences any major life changes (e.g., marriage, divorce, separation, health problems, death, change of residence, change of household composition), the child placement agency shall re-evaluate the home at that time.
6. If a home is inactive or closed for one (1) year or more, the agency shall:
 - a. Conduct a re-evaluation to ensure Licensing requirements are met;
 - b. Ensure new background checks are conducted;
 - c. Ensure CPR/First Aid is current;
 - d. Evaluate any major changes. i.e. (218.5).

219 Discharge

- ~~1. The agency shall discharge a child when the case planning team decides that the child is no longer in need of services or can no longer benefit from services provided by the agency.~~
1. ~~Except in the case of an emergency discharge, The discharge shall be planned by appropriate agency staff, parent(s), child, and any agency that will offer post-discharge services.~~

Child Placement Agencies: Foster Care

2. The agency may discharge a child on an emergency basis if failure to do so could result in harm to the child, other persons, or significant property damage.
3. A child shall be discharged to the custody of the child's parent or a person with authorization from the parent, guardian, or a person authorized by court order to assume custody of the child.
4. The agency shall complete a discharge summary statement on each child that includes a discharge date and reason for discharge and provide a copy of it to the child's custodian.
5. Documentation of the discharge shall be maintained in the child's record.

300 Child Placement Agencies: Therapeutic Foster Care

In addition to all standards in Section 100, the following standards shall be met in order to be licensed as a Therapeutic Foster Care Agency:

301 Admission

1. Each ~~child welfare~~ agency shall establish written criteria for admitting/excluding children.
2. The agency shall not admit any child for whom the agency cannot provide adequate care.
3. Each child shall have a medical exam ~~no more than sixty days~~ within one (1) year before admission, or ~~scheduled within~~ an appointment scheduled within one (1) week of after admission.
4. Each child shall have proof of current immunizations, a letter of exemption in accordance with the Arkansas Department of Health, ~~Age appropriate immunizations shall be current~~ or an appointment scheduled within one (1) week of after admission.
5. The ~~child placement~~ agency shall obtain written authority from the parent(s), guardian(s), or court before placement, or within seventy-two (72) hours if an emergency placement.
6. The agency shall obtain written authority for medical care for the child from the parent(s), guardian(s), or court at the time of placement, or within seventy-two (72) hours in an emergency placement.
7. The agency shall comply with the Interstate Compact on the Placement of Children when placing/admitting children from outside Arkansas.
8. A dependent juvenile of a parent who is in the custody of DCFS shall be subject to all regulations regarding space, ratio, health and safety.

302 Intake & Assessment

1. ~~An~~ intake study information shall be completed on each child in care within ten (10) working days after admission.
2. The intake study information shall include ~~the following information from the parent, guardian, custodian, previous placement, or from the child when no other sources of information are available:~~
 - a. Demographic information on the child and parent(s), including name, address, birth date, ~~sex~~ gender, race, and religious preference;
 - b. A factual description of the circumstances requiring placement;
 - c. A brief social history of the family;

300 Child Placement Agencies: Therapeutic Foster Care

- d. The child's current legal status/custody;
 - e. Any history of previous placements outside the family, if applicable;
 - f. An assessment of services needed to ensure the health and welfare of the child, including medical history and psychological history.
3. The agency shall obtain copies of legal documents within thirty (30) days of admission, or shall document their attempts to obtain the documents. The legal documents shall include, but not be limited to, birth certificates, social security cards and court orders.
 4. A plan of safe care/~~protection~~ shall be ~~documented~~ developed for all children with physical limitations, medical conditions, or behaviors that are indicative of harm to self or others; to include, but not limited to: arson, physical aggression, sexual aggression, ~~and/or~~ suicidal behaviors or other self-harming tendencies. This plan shall identify the behavior and/or problem, and shall specify the safeguards that are to be implemented. A copy of the plan shall be provided to the direct caregiver(s), as well as a copy placed in the child's case file.

303 Case Treatment Planning

1. A ~~case~~-treatment plan shall be developed for each child placed into a foster home by a child placement agency. The plan shall address the child's needs as identified in the intake study.
2. When a placement agency places a child with another placement agency the receiving agency shall develop a ~~case~~ treatment plan for each child received for care.
3. The ~~case~~ treatment plan shall be developed within thirty days after placement.
4. The ~~case~~ treatment plan shall be developed after a staffing. If applicable, the parents, foster parents, facility staff, caseworker, social worker or probation officer, and the child shall be invited to the staffing.
5. The child's ~~case~~ treatment plan shall contain, at the minimum:
 - a. Specific needs of the child;
 - b. Plan for meeting child's needs;
 - c. Special treatment issues (e.g., psychotropic medications, sexual misconduct, and neurological disorders) shall be identified, with a statement of how the special needs shall be met;
 - d. A plan to ensure that the child's educational needs are met according to applicable state law;
 - e. Visitation plan, if applicable;
 - f. Date of next review of the ~~case~~ treatment plan, if applicable.
6. If independence is a goal, the ~~case~~ treatment plan shall include training in independent living skills.

300 Child Placement Agencies: Therapeutic Foster Care

7. Foster parents shall be included in ~~ease~~ treatment planning for each child. ~~and shall be provided a copy of the current case plan and visitation plan.~~
8. Foster parents shall be provided a copy of the child's current treatment plan.
9. A copy of the ~~ease~~ treatment plan shall be made available to the parent(s), guardian(s), court, or other agencies involved in case plan services delivery, if applicable.
10. The ~~ease~~ treatment plan shall be reviewed at least semi-annually, and shall be updated to reflect the child's progress.
11. If treatment services are contracted, there shall be evidence of participation by the contracted therapist in treatment planning reviews and individualized program implementation.

304 Children's Records

1. The agency shall keep a confidential case record for each child that includes the following;
 - a. Demographic information;
 - b. Plan of safe care/~~protection~~, if applicable;
 - c. A complete intake ~~study~~;
 - d. Consents, including consent for medical care and authority to place the child;
 - e. Interstate Compact information, if applicable;
 - f. ~~Case~~ Treatment plans and ~~ease~~ treatment plan reviews;
 - g. Copies of legal documents (e.g., birth certificate, social security card, court orders), or ~~shall~~ documentation of their attempts to obtain the documents;
 - h. Physical exams and immunization records, or ~~shall~~ documentation of their attempts to obtain the documents;
 - i. Psychological reports, if applicable;
 - j. Educational reports, if applicable;
 - k. Disciplinary and incident reports, if applicable;
 - ~~l. Progress reports;~~
 - l. Records of visitation and family contacts, if applicable;
 - m. Documentation of casework services and ~~client~~ child contact, current to within one (1) month of occurrence;
 - n. Discharge ~~summary~~ statement.
2. Records for each child shall be kept for five (5) years from the date of discharge, unless otherwise specified by Arkansas law.

305 Behavior Management

1. The agency shall have a written discipline policy that is consistently followed.
2. Discipline shall be directed toward teaching the child acceptable behavior and self-control.
3. Discipline shall be appropriate to the child's age, development, and history, including trauma history.
4. The following forms of discipline shall not be used including as discipline:
 - a. Denial of meals, sleep, shelter, essential clothing, or case plan activities;
 - b. Denial of parental visits or regular phone/mail contact with family. Non-disciplinary case planning issues are accepted;
 - c. Lewd or obscene language;
 - d. Derogatory comments about the child, the child's family, race, or gender;
 - e. Restriction to a room for more than a short period of time without periodic observation;
 - f. Restriction to a dark room or area;
 - g. Locked isolation (~~psychiatric facilities excepted~~);
 - h. Physical injury or threat of bodily harm;
 - i. Humiliating or degrading action;
 - j. Extremely strenuous work or exercise;
 - k. Mechanical/chemical restraints (~~psychiatric facilities excepted~~).
5. Physical restraint shall be initiated only by a trained person ~~staff~~, and only to prevent injury to the child, other people or property, and shall not be initiated solely as a form of discipline.
6. A child shall not be allowed to administer discipline, except teen parents may discipline their own children under the supervision and guidance of the foster parent.
7. Searches of a child or a child's personal property shall be for reasons limited to safety and security of children and foster family ~~staff~~, or in cases of suspected theft.
8. Any searches requiring removal of clothing shall be done in privacy, ~~and except in foster homes, shall be witnessed by two (2) staff of the same sex as the child.~~

306 Foster Parent Qualifications

1. In a two-parent home, both shall be joint applicants, each sign the application, and participate in the approval process.
2. Foster parents shall be at least twenty-one (21) years of age.

300 Child Placement Agencies: Therapeutic Foster Care

3. The stability of the foster family shall be evaluated and determined to be appropriate.
4. Foster parents shall be physically, mentally, and emotionally capable of caring for children.
5. The physical health of the ~~therapeutic~~ foster parents shall be equal to the stress inherent in the care of special needs children, as evidenced by the physician's statement.
6. The foster family shall provide documentation of sufficient financial resources to meet their needs.
- ~~6. All members of the household older than twelve (12) years shall receive a skin test for tuberculosis in accordance with the guidelines set forth by the Arkansas State Health Department, as long as test results remain negative. A household member with a positive skin test must provide documentation from a physician every two years certifying that he/she is free from communicable tuberculosis.~~
7. All ~~children~~ family members under the age of eighteen (18) in the household shall have proof of current health immunizations, or an exemption in accordance with the Arkansas Department of Health.
8. When routine child care is needed, foster children shall attend licensed child care or have a caregiver approved by the agency.

307 Content of the Home Study

1. The agency shall complete a home study for each foster home ~~applicant~~.
2. The agency shall conduct at least two (2) visits in person with the foster parent applicants, including at least one (1) visit to the home.
3. The agency shall interview every age-appropriate member of the household.
4. The home study shall include the following information:
 - a. Motivation: The individual's motivation for becoming foster parents;
 - b. Household Composition: The full legal names of everyone residing in the home, birth dates, relationships to one another, and a brief physical description;
 - c. Housing: Address and location, type of structure, length of time at residence, upkeep and housekeeping standards, future residence plans, and sleeping arrangements;
 - d. Safety Hazards: An assessment of the safety of the home and grounds including water hazards, swimming pools, hot tubs, dangerous pets, and other hazardous items and areas;
 - e. Income and Expenses: Employment history for the last six years (duration, salary, duties, title, degree of job security, hours), other sources of income, monthly living expenses, outstanding debts, and insurance;

300 Child Placement Agencies: Therapeutic Foster Care

- f. Health: Current health of each family member, prior illnesses or medical problems, disabilities, clinic or doctor utilized and frequency of use, counseling (when and purpose), and hospitalization for alcohol abuse, drug abuse, or mental illness;
- g. Education: Parents' educational attainment, future educational plans, parenting classes attended;
- h. Childcare Arrangements or Plans: Current arrangement or proposed arrangement as it relates to their working hours and income;
- i. Child Rearing Practices: Purpose of behavior management, behavior guidance practices, how they show affection, how they handle stress, allowance, chores, and homework;
- j. Daily Schedule;
- k. Social History: Highlights and verification regarding action of marriages and divorces, children, relationships' support system, future plans, any significant extended family members not living in the home, and any significant personal, developmental, personality or legal problems;
- l. Family Activities: Religious interests, social organizations, activities with children, and family roles;
- m. Impressions, Conclusions and Recommendations: Evaluate the family's situation and ability to provide for a child based on the information obtained during the home study;
- n. Approval: If the agency approves the foster parent(s), the agency shall ~~specify~~ recommend in the home study the number, age, ~~sex~~ gender, and other characteristics of children for whom the home is approved to provide care.

308 Physical Requirements of the Home

1. The foster home shall be accessible to community resources needed by foster children.
2. The foster home shall be clean and free of hazards.
3. The foster home shall have a continuous supply of sanitary drinking water. If the source is not a municipal water system, the water ~~must~~ shall be tested and approved by the Arkansas Department of Health annually. This approval shall be kept in the foster home case record.
4. The foster home shall have at least one (1) flush toilet, one sink with running water, and one bathtub or shower with hot and cold running water.
5. There shall be operational smoke detectors within ten (10) feet of the kitchen and each bedroom.
6. There shall be an operational chemical fire extinguisher readily accessible near ~~in~~ the cooking area of the home.

300 Child Placement Agencies: Therapeutic Foster Care

7. The foster parents shall practice and document emergency evacuation drills with each new child entering the home, and at least quarterly thereafter.
8. All heating units with hot external areas shall be screened or otherwise shielded.
9. The home shall have at least ~~two (2)~~ one (1) exterior doors that exits directly to the outside ~~situated to provide safe exit~~, or the home shall have an alternate fire escape route ~~a written statement from the Fire Department that the alternative escape route is approved. This approval shall be kept in the foster home case record.~~
10. The home shall have an operational telephone. Working cell phones kept on the premises are acceptable. The phone shall be accessible for children.
11. Each child shall have adequate space for storing clothing and personal belongings.
12. All household pets shall have proof of current rabies vaccinations as required by Arkansas law.
13. All firearms shall be maintained in a secure, locked location or secured by a trigger lock.
14. All ammunition shall be secured and locked separately from firearms, with the exception of ammunition locked in a long gun safe (ex. Rifle, shotgun, muzzle loaders).
15. The foster home record shall contain an agency approved safety plan for any noted hazards. The safety plan shall be signed by all caregivers in the foster home and an agency representative.
16. A current floor plan of the home with room dimensions for all ~~areas~~/rooms used for sleeping shall be in the foster home record.
17. Manufactured homes, used as foster homes, shall have an agency approved safety plan for tornado safety. The safety plan shall be signed by all caregivers in the foster home and an agency representative.

309 Sleeping Arrangements

1. ~~The home shall provide bedrooms for children that provide privacy. meet the following requirements:~~ Each household occupant shall have a bedroom that provides privacy.
2. Each bedroom shall have at least fifty (50) square feet of floor space per occupant.
3. Each bedroom used for foster children shall have a window to the outside which is capable of serving as an emergency escape.
4. Bars, grilles, grates, or other items that block access to the window are permitted only if they can be removed from the inside without the use of a key, tool, or force greater than that required for normal operation of the window. In this event, each such bedroom ~~must~~ shall have a working smoke detector in the bedroom.
5. No more than four (4) children shall share a bedroom.

300 Child Placement Agencies: Therapeutic Foster Care

6. Each foster child household occupant shall be provided with a comfortable bed, in good condition have a bed with a mattress, sheets, pillow, pillowcase, and adequate cover, all in good condition.
7. Children of the opposite sex shall not share the same bedroom if either child is four (4) years old or older, except for a mother parent in foster care with her child.
8. No children shall share a bed if either child is four (4) years old or older.
9. No child under age six (6) years shall occupy a top bunk.
10. Foster children, except infants under age two (2) years, shall not share a sleeping room with adults; this age would increase to through age four (4) in case of for a grandparent to the child and a teen mother parent in foster care with her child.
11. All cribs used for children shall have current certification of compliance with Consumer Product Safety Commission (CPSC) standards.
12. Children twelve (12) months of age and below shall be placed flat on their backs to sleep, in accordance with American Academy of Pediatrics guidelines, to lessen the risk of suffocation and Sudden Infant Death Syndrome. (If a child rolls over on his/her own, the facility is not required to reposition the child.) If there is a medical reason a child cannot sleep on his/her back, a signed statement from the child's physician shall be in the file stating the reason, the sleep position indicated, and the time frame required.
13. Each foster child shall be provided with clean bedding, in good condition, that shall be laundered at least weekly, or as needed. Bedding shall be changed at least weekly, more often if needed.

310 Approval of Foster Homes

1. A foster home can be approved only by one (1) agency.
2. At least three (3) confidential positive personal references must shall be obtained on the foster family from non-relatives.
3. Each member of the foster family shall have a physical exam within six (6) twelve (12) months before the initial approval.
4. Therapeutic Foster parents shall be trained in crisis prevention and intervention before a child is placed in the home.
5. Prior to the placement of children in their home, therapeutic foster parents shall complete at least thirty (30) hours of skill-based pre-service training (excluding CPR and First Aid) consistent with the agency's treatment methodology and the needs of the population served.
4. The agency shall ensure that the foster parents receive at least 10 hours of pre-service training (excluding CPR and First Aid) before placing a child in the home.

300 Child Placement Agencies: Therapeutic Foster Care

6. ~~In addition to the required hours of pre-service training, the~~ Foster parent(s) shall have a current certificate of completion of First Aid and CPR before a child is placed in the home. ~~A foster home shall not have a child placed in their care until they have received the CPR and First Aid training.~~ The training shall require hands on skilled based instruction as well as practical testing. Training and certification that is provided solely on-line will not be accepted.
7. Foster parents shall provide documentation that they carry homeowner's or renter's insurance and general liability insurance.
8. Foster homes shall not also operate as Child Care Family Homes.
9. Foster homes shall not provide compensated care for any non-related adults in the foster home, unless providing transitional care for a person placed in care prior to age eighteen (18).
10. There shall be an annual approval letter from the approving agency in the foster home record.
11. If a foster home moves from one placement agency to another all requirements for opening a new foster home shall be met.

311 Selection of Foster Home

1. The agency shall select the home that is in the best interest of the child, the least restrictive possible, and is matched to the child's physical and emotional needs. The placement decision shall be based on an individual assessment of the child's needs.
2. No children shall be placed in a foster home unless there is an approval letter in the record from the approving agency.
3. The agency shall place children only in approved foster homes.
4. When a placement agency places a child with another placement agency the receiving agency shall maintain a record for and provide casework services to the children placed into their foster homes.
5. Foster homes shall not have more than two (2) children under the age of two (2) years, including the foster parent's own children.
6. The number of children placed into one therapeutic foster home shall not exceed two (2), except to keep a sibling group together, in that case up to a maximum of three (3) children may be placed into the home. The sibling group shall be the only children placed into the therapeutic foster home. There shall be no more than five (5) total children in the home, including the foster parent's children. This includes placement or respite care. In the case of an emergency respite placement that would exceed capacity, the agency shall notify the Licensing Unit the next business day.
- ~~5. Foster homes shall not have more than five unrelated children in care. The foster home may care for up to eight children if they are all related to each other. A foster home shall~~

300 Child Placement Agencies: Therapeutic Foster Care

~~not have more than eight children in their home, including their own children. This includes placement or respite care.~~

For example:

~~0 children of the foster parent and 8 children that are related (to each other)~~

~~1 child of the foster parent and 7 children that are related (to each other)~~

~~2 children of the foster parent and 6 children that are related (to each other)~~

~~3 children of the foster parent and 5 children that are related (to each other) or unrelated~~

7. Before placing more than one (1) child (therapeutic or otherwise) in a home, the agency shall consider extraordinary problems/needs of each child (e.g., violent behavior, sexual offenses, and seizure disorders). Justification of the appropriateness of placing a child in a home with another child shall be documented.
8. Non-therapeutic foster children may be placed into therapeutic foster homes under any of the following circumstances:
 - a. The non-therapeutic foster child is a sibling of the therapeutic foster child;
 - b. The non-therapeutic foster child is the child of the therapeutic foster child;
 - c. The non-therapeutic foster child was previously a therapeutic foster child placed in the foster home.
 - d. The non-therapeutic foster child is placed as an emergency placement for a maximum of 21 days.
9. Before placing a non-therapeutic foster child into a therapeutic foster home with a therapeutic foster child, the agency shall consider the potential risk to the non-therapeutic foster child. Justification of the appropriateness of placing a non-therapeutic child in a home with another therapeutic foster child shall be documented. The agency shall maintain section 200 standards in reference to the non-therapeutic foster child's record and the services the agency provides to the child.
10. No new placements of children shall occur with foster parents who have not satisfied the annual training requirements. Administrative-level staff, designated by the agency Director, may grant an exemption to this restriction for up to sixty (60) days. The administrator shall review the quality of care provided by the foster parents, and the reasons for failing to complete the training on time, in deciding whether to grant an exception.

312 Continued Training of Foster Parents

- ~~1. Each foster parent shall obtain at least fifteen (15) hours of training each year after the first year. This does not apply to foster parents for infants in short term foster care awaiting adoptive placement. Such foster parents shall obtain ten (10) hours of training for the primary care giver and five (5) hours of training for the secondary care giver each year.~~

300 Child Placement Agencies: Therapeutic Foster Care

1. Each therapeutic foster parent shall complete at least twenty-four (24) hours of skill based training annually, excluding CPR and First Aid.
2. Documentation verifying annual training shall be ~~a certificate, letter, or signed statement of completion that is~~ dated and indicate the number of hours, the name of the presenter source, and topic/title.
3. Each foster parent shall maintain a current certificate of successful completion of hands-on, skill based CPR ~~certification~~ and First Aid ~~training~~. Training and certification that is provided solely on-line will not be accepted.

313 Therapeutic Foster Parent Responsibilities

1. Foster Parents shall be responsible for providing the level of supervision, care, and treatment necessary to ensure the safety and well-being of each child placed into their home, taking into account the child's age, individual differences and abilities, surrounding circumstances, hazards and risks.
2. Foster parents shall provide each child with adequate and nutritious food.
3. Foster parents shall provide regular activities to promote the physical, social, intellectual, spiritual, and emotional development of the children in care.
4. Foster parents shall provide each child their own clothing that is clean, well-fitted, seasonal, appropriate to age and ~~sex~~ gender, and comparable to community standards.
5. Foster parents shall allow foster children to acquire and keep personal belongings.
6. Foster parents shall fully cooperate with the child placement agency's case plan for each foster child, including visitation.
7. Foster parents shall provide routine transportation for each child.
8. Foster parents shall participate in case planning and case plan reviews.
9. Foster parents shall attend school conferences concerning a foster child, and shall notify the placing agency of any situations that may affect the case plan or require agency involvement.
10. Foster parents shall notify the child placement agency promptly of serious illness, injury, or unusual circumstances affecting the health, safety, or welfare of the foster child.
11. Foster parents shall cooperate with the child placement agency and the Licensing Unit in conducting inspections and investigations, and shall provide information required to verify compliance with rules.
12. Foster parents shall maintain absolute confidentiality of private information about each foster child and the birth family.

300 Child Placement Agencies: Therapeutic Foster Care

13. ~~The~~ Foster parents shall give advance notice to the agency of any major changes that affect the life and circumstances of the foster family, including a change of residence, whenever possible.
14. Foster parents shall keep periodic photographs, a record of the child's memberships, activities, and participation in extracurricular school or church activities, trophies, awards, ribbons, etc. for each foster child. These items shall be offered and/or returned to the child upon change in placement.
15. ~~The therapeutic~~ Foster parents shall be provided with a written list of duties clearly detailing their responsibilities.
16. ~~Therapeutic~~ Foster parents shall be responsible for implementing in-home treatment strategies specified in each child's treatment plan.
17. ~~Therapeutic~~ Foster parents shall keep an ongoing written record of each child's behavior and progress toward treatment goals.
18. The foster parents shall ensure that each child has sufficient sleep for his/her age and physical condition.
19. Each child shall be instructed in good grooming and personal hygiene habits.
20. The foster parents shall ensure each child is provided with opportunities for regular recreational activities and exercise.
21. The foster parents shall ensure each child shall be provided with age-appropriate activities and equipment.
22. The use of television, videos, computer games and other screen time activities shall be monitored and time limited.

314 Medications

1. The agency shall have an intervention policy that is non-medical, unless a specific medical condition is indicated.
2. When psychotropic medications are prescribed by a physician they shall be used in concert with other interventions.
3. Foster parents shall administer medications only in accordance with directions on the label.
4. All over-the-counter medications shall be stored in an area not readily accessible to children, and all prescription medications excluding Epi-pens, inhalers, and Glucagon kits shall be locked. An age-appropriate and developmentally capable child may be provided, or have access to non-narcotic prescriptions with an approved safety plan. Examples include, but are not limited to, birth control, acne cream, topical creams.
5. Medication shall be stored in accordance with pharmaceutical recommendations.

300 Child Placement Agencies: Therapeutic Foster Care

6. Foster parents shall be aware of possible side effects of all medications administered to foster children.
7. All medication shall be logged by the foster parent at the time the medication is administered.
8. The medication logs shall include:
 - a. Child's name;
 - b. Time and date;
 - c. Medication and dosage;
 - d. Initials of the person administering the medication.
9. ~~It is permissible for an age-appropriate child to be provided a daily supply of medication (over the counter or prescription) for use when the child is away from the foster home during times the dose is needed. Examples include pain relievers, fever reducers and anti-inflammatory and other related medications, or prescribed antibiotics or inhalers. These medications shall be logged at the time they are given to the child.~~
9. All currently prescribed medication shall be provided at placement.

315 Transportation

1. Foster families shall have their own transportation available.
2. Any vehicles used to transport foster children shall be maintained in compliance with motor vehicle laws, and be insured.
3. Children shall be transported only by foster parents or approved persons possessing ~~Foster parents and anyone else transporting foster children shall have~~ a valid driver's license.
4. Children shall be transported according to Arkansas law, including, but not limited to, use of safety belts, child safety seats, and smoking restrictions.

316 Visitation

The standards in 218 do not apply to children in short-term foster care awaiting adoptive placement.

1. The agency that has legal responsibility for the child shall develop a visitation plan that specifies when and how visits will occur between the child and the parents.
2. The child placement agency shall carry out the visitation plan to meet the terms of the plan.
3. Foster parents shall allow foster children and their families to communicate according to the child's case plan.

317 Staffing Requirements, Staff Training & Support

1. Primary responsibilities of program staff shall include treatment planning, leadership of the treatment team, case management, clinical and administrative supervision, twenty-four (24) hour crisis intervention, and discharge planning.
2. The therapeutic foster care agency shall employ a Clinical Director who shall be clearly responsible for implementation of treatment planning and service delivery. The Clinical Director shall be qualified by a master's degree in a human service field, shall have two years' experience in placement or treatment, and shall be a currently licensed in Arkansas as a mental health professional (as recognized by Arkansas Medicaid).
3. The therapeutic foster care agency shall employ at least one caseworker who shall coordinate the implementation of the treatment plan. The caseworker shall be qualified by a bachelor's degree in a human service field, or shall be a mental health paraprofessional, and shall be supervised by the Clinical Director.
4. The agency shall assign a caseworker to each child who is responsible for doing assessments, treatment planning, and casework services.
5. No caseworker shall be responsible for managing more than twelve (12) children's cases.
6. All casework staff shall be trained in crisis prevention and intervention, CPR, and First Aid within the first sixty (60) days of employment.
7. All casework staff shall be provided with eight (8) hours of orientation, either prior to employment or within the first week of employment, which shall provide an overview of the following areas:
 - a. The agency's policies and procedures;
 - b. The client's rights, including confidentiality;
 - c. How to handle medical and non-medical emergencies;
 - d. The caseworker's clinical limitations;
 - e. How to document clinical information in the child's and family's records;
 - f. General information regarding commonly prescribed medications and their side effects.
8. The agency shall provide twenty-four (24) hour on-call crisis intervention support to supplement that provided by the caseworker.

318 Agency Responsibilities

1. The agency shall provide the foster parents with the information necessary to provide adequate care to each foster child, including the child's health, reason for entering care, probable length of placement, and siblings. As additional information is obtained by the caseworker, it shall be promptly shared with the foster parents.

300 Child Placement Agencies: Therapeutic Foster Care

2. The agency shall provide foster parents with instructions for contacting agency personnel any time.
3. The agency shall ensure that professional or casework staff visit with the child face-to-face at least once per week during the first three months after the child's placement with the agency, and at least every other week thereafter.
- ~~5. An agency caseworker shall visit the child in person at least monthly while the child is in foster care.~~
4. The agency shall ensure that each child in foster care has a medical exam at least annually. Medical exams need not be repeated during the year if a child moves from one facility or agency to another, provided the results of the exam are available to the receiving facility or agency.
5. The child placement agency shall remain legally responsible for the supervision and decision making regarding foster children. Foster parents have daily responsibility for the care of the children.
6. The child placement agency shall have a written plan that provides for timely reimbursements to foster parents for costs of care and fees for services.
7. The agency shall develop respite care and babysitting policies. ~~that address the following but not be limited to, birth certificates, social security cards and court orders.~~
 - a. ~~**Babysitting:** Foster parent identified, taking place in the foster home for no more than 6 continuous hours of occasional care. Transportation of the foster children is prohibited. Background checks on these individuals are not required;~~
 - b. ~~**Foster Family Support System:** Identified individuals that provide no more than 72 hours of continuous care, longer periods require approval from the agency. Documentation of Arkansas State Police Criminal Record Checks, Child Maltreatment Central Registry Checks and at least one (1) home visit for evaluation purposes are required. The agency shall be notified when child is with the foster family support system. This shall not be used in place of respite care or as a placement;~~
 - c. ~~**Alternative Caregiver/Respite:** An agency identified approved foster home that provides care for no more than 14 continuous days.~~
8. Respite care shall occur in an agency approved foster home and shall not exceed fourteen (14) consecutive days.
9. The agency shall have a written program description that is available to residents and parents/guardians. The following information shall be included:
 - a. Program philosophy and mission;
 - b. Services and treatment modalities;
 - c. Treatment planning procedures;

300 Child Placement Agencies: Therapeutic Foster Care

- d. Behavior management program and expectations of each child;
 - e. Admission, exclusion, and discharge criteria;
 - f. Aftercare services.
10. The agency shall keep documentation that includes:
- a. Prior treatment documents and intake information;
 - b. Assessments;
 - c. Master treatment plan;
 - d. Treatment plan review;
 - e. Ongoing observations;
 - f. Medication and physician's instructions, if applicable;
 - g. Progress notes.
- ~~5. If family involvement is contraindicated, the agency shall make reasonable efforts to identify acceptable substitutes and shall include them in the therapeutic process.~~
11. The agency shall establish procedures for hearing children's grievances ~~and shall ensure that each child understands the process.~~
- ~~7. The agency shall document information regarding the rate of reimbursement, including "difficulty of care" payments, paid to foster parents for each child placed in the foster home.~~
12. If the child placement agency receives a report of non-compliance with licensing standards, the agency shall investigate to learn if the foster home remains in compliance. A report of findings and any corrective action shall be maintained in the foster home record. The investigation shall be completed within sixty (60) days of receiving the report of non-compliance, unless good cause is documented.
- ~~11. The agency shall approve respite care and babysitting arrangements, and documentation shall be kept in the foster home record.~~
13. The agency shall maintain a record for each foster family that contains all information and documentation required by licensing standards. To include:
- a. Complete and signed application;
 - b. Approval letter;
 - c. Home Study;
 - d. Minimum age verification;
 - e. Three (3) positive references;
 - ~~f. Marriage license, if applicable;~~
 - f. Initial physical exam;
 - g. Pre-service training verification;

300 Child Placement Agencies: Therapeutic Foster Care

- h. Initial and current criminal, Child Maltreatment, and FBI checks, as required;
 - i. Initial and current CPR and First Aid certification;
 - j. Current health immunizations of children or exemption;
 - k. ~~Current T.B. test;~~
 - k. Current auto insurance;
 - l. Current homeowner's or renter's insurance and general liability insurance;
 - m. Current rabies vaccinations for household pets as required by law;
 - n. Documentation of annual training;
 - o. Safety plans;
 - p. Social media confidentiality documentation;
 - q. Surveillance documentation, if applicable;
 - r. Floor plan;
 - s. Approved annual water system test, if applicable;
 - t. Approved alternative fire escape route, if applicable;
 - u. Documentation of quarterly monitoring visits, including unannounced visits;
 - v. Documentation of annual re-evaluations;
 - w. Reports of non-compliance with licensing standards including findings, and any corrective actions;
 - x. Closing summary.
14. The agency shall prepare a closing summary, including reasons, if the home closes.
15. The agency shall promptly notify the Arkansas office of the Interstate Compact on the Placement of Children upon discharging a child from outside Arkansas.
16. The agency shall be aware of and approve the use of all surveillance devices used in the home.

319 Monitoring & Re-evaluation

1. The agency shall monitor the foster home at least quarterly for continued compliance with licensing standards for foster homes. ~~This does not apply to foster homes for infants in short term foster care awaiting adoptive placement. Before a child can be placed in such a foster home, a monitoring visit shall be done within the three (3) months prior to placement.~~
2. At least one unannounced quarterly visit shall be conducted annually and shall be documented as unannounced in the foster home record.

300 Child Placement Agencies: Therapeutic Foster Care

3. The child placement agency shall conduct an annual re-evaluation of the foster family home. Any foster home that does not substantially comply with the standards for approval shall not be approved for placement until compliance is achieved.
4. The agency shall keep documentation of quarterly monitoring visits and annual re-evaluations in the foster home record signed and dated by the person conducting the visit and the foster parent.
5. If the foster family experiences any major life changes (e.g., marriage, divorce, separation, health problems, death, change of residence, change of household composition), the child placement agency shall re-evaluate the home at that time.
6. If a home is inactive or closed for one (1) year or more, the agency shall:
 - a. Conduct a re-evaluation to ensure Licensing requirements are met;
 - b. Ensure new background checks are conducted;
 - c. Ensure CPR/First Aid is current;
 - e.d. Evaluate any major changes. i.e. (319.5).

320 Discharge

- ~~1. The agency shall discharge a child when the case planning team decides that the child is no longer in need of services or can no longer benefit from services provided by the agency.~~
1. ~~Except in the case of an emergency discharge,~~ The discharge shall be planned by appropriate agency staff, parent(s), child, and any agency that will offer post-discharge services.
2. The agency may discharge a child on an emergency basis if failure to do so could result in harm to the child, other persons, or significant property damage.
3. A child shall be discharged to the custody of the child's parent or a person with authorization from the parent, guardian, or a person authorized by court order to assume custody of the child .
4. The agency shall complete a discharge summary statement on each child that includes the discharge date and reason for discharge and provide a copy of it to the child's custodian.
5. Documentation of the discharge shall be maintained in the child's record.

400 Child Placement Agencies: Therapeutic Foster Care – Sexual Rehabilitative Programs

400 Child Placement Agencies: Therapeutic Foster Care - Sexual Rehabilitative Programs

In addition to all standards in Section 100, 200 and standards in Section 300, 600 and/or 700, as applicable, the following standards shall be met:

401 Licensing Approval & Monitoring

1. At the discretion of the Licensing Unit a multi-disciplinary team may be asked to assist the Licensing Specialist in the initial study, or during an investigation of a licensing complaint. This team may include a licensed mental health professional (as recognized by Arkansas Medicaid), or a person with professional expertise in the appropriate field.
2. At the discretion of the Licensing Unit, a multi-disciplinary team may be asked to assist the Licensing Specialist during inspections for advisory purposes.

402 Admission

1. Each ~~child welfare~~ agency shall establish written criteria for admitting/excluding children.
2. The agency shall not admit any child for whom the agency cannot provide adequate care.
3. In order to be admitted to the program, one of the following shall be met:
 - a. The child has committed a sexual offense that has been found true or exempt by an official investigation by the Department of Human Services or the Arkansas State Police;
 - b. The child has committed an offense involving the use of power, control, threat, coercion, or intimidation;
 - c. The child has committed an offense in which there was at least a three (3) year age difference between the offender and the victim;
 - d. The child has a documented pattern of deviant sexualized behavior, sexual misconduct, or sexually maladaptive behaviors as indicated by the psychosexual assessment.
4. Children admitted to the program shall have the cognitive ability to benefit from the treatment program.
5. Each child shall have a medical exam ~~no more than sixty days~~ within one (1) year before admission, or ~~scheduled within~~ an appointment scheduled within one (1) week ~~of~~ after admission.
6. Each child shall have proof of current immunizations, or a letter of exemption, in accordance with the Arkansas Department of Health, ~~Age appropriate~~

Child Placement Agencies: Therapeutic Foster Care – Sexual Rehabilitative Programs

~~immunizations shall be current~~ or an appointment scheduled within one (1) week of after admission.

7. The ~~child placement~~ agency shall obtain written authority from the parent(s), guardian(s), or court before placement, or within seventy-two (72) hours if an emergency placement.
8. The agency shall obtain written authority for medical care for the child from the placing agent at the time of admission. ~~parent(s), guardian(s), or court at the time of placement, or within 72 hours in an emergency placement.~~
9. The agency shall comply with the Interstate Compact on the Placement of Children when placing/admitting children from outside Arkansas.
10. The agency shall have written policies regarding description of the target population, admission/exclusion criteria, and discharge criteria.
11. The agency shall have a written policy describing children with sexually maladaptive behaviors' risk levels it will accept for admission, and therapeutic interventions it will utilize for each risk level.

403 Intake & Assessment

1. ~~An~~ Intake study information shall be completed on each child in care within ten (10) working days after admission.
2. The intake study information shall include ~~the following information from the parent, guardian, custodian, previous placement, or from the child when no other sources of information are available:~~
 - a. Demographic information on the child and parent(s), including name, address, birth date, ~~sex~~ gender, race, and religious preference;
 - b. A factual description of the circumstances requiring placement;
 - c. A brief social history of the family;
 - d. The child's current legal status/custody;
 - e. Any history of previous placements outside the family, if applicable;
 - f. An assessment of services needed to ensure the health and welfare of the child, including medical history and psychological history;
 - g. Description of the offense or sexually maladaptive behavior, including police reports and victim statements (if available);
 - h. Psychosexual assessment (if available);
 - i. Discharge summary from previous ~~offender~~ rehabilitative-specific treatment (if applicable and available).

Child Placement Agencies: Therapeutic Foster Care – Sexual Rehabilitative Programs

3. The agency shall obtain copies of legal documents within thirty (30) days of admission, or shall document their attempts to obtain the documents. The legal documents shall include, but not be limited to, birth certificates, social security cards and court orders.
4. A psychosexual evaluation shall be conducted by a licensed mental health professional (as recognized by Arkansas Medicaid) that is a member of the Association for the Treatment of Sexual Abusers or has forty (40) hours of sexual offender rehabilitative treatment training. The evaluation ~~must~~ shall be completed within the past twelve (12) months, or within seven (7) days following admission of the child.
5. Each child shall be evaluated for ~~A psychological evaluation shall be conducted within the past eighteen (18) months which evaluates the child's intellectual ability, and identifies any learning disabilities, and/or language disorders within the past eighteen (18) months.~~ If a child is admitted without an psychological evaluation, the evaluation shall be completed within ~~ninety (90)~~ thirty (30) days of admission.
6. A plan of safe care/~~protection~~ shall be ~~documented~~ developed for all children with physical limitations, medical conditions, or behaviors that are indicative of harm to self or others; to include, but not limited to: arson, physical aggression, sexual aggression, ~~and/or~~ suicidal behaviors or other self-harming tendencies. This plan shall identify the behavior/problem, and shall specify the safeguards that are to be implemented. A copy of the plan shall be provided to the direct caregiver(s), as well as a copy placed in the child's case file.

Case Treatment Planning

- ~~1. A case plan shall be developed for each child placed into a foster home by a child placement agency. The plan shall address the child's needs as identified in the intake study.~~
1. The agency shall develop a treatment plan for each child that includes tasks appropriate to the needs of the child as identified in the intake information study, and psychosexual assessment and (if applicable) the psychological evaluation.
2. The child's treatment plan shall include a diagnosis related to their sexually maladaptive behavior.
3. When a placement agency places a child with another placement agency the receiving agency shall develop a ~~case~~ treatment plan for each child received for care.
4. The ~~case~~ treatment plan shall be developed within thirty days after placement.

Child Placement Agencies: Therapeutic Foster Care – Sexual Rehabilitative Programs

- ~~5. The case plan shall be developed after a staffing. If applicable, the parents, foster parents, facility staff, caseworker, social worker or probation officer, and the child shall be invited to the staffing.~~
5. The child's ease treatment plan shall contain, at the minimum:
 - a. Specific needs of the child;
 - b. Plan for meeting child's needs;
 - c. Special treatment issues (e.g., psychotropic medications, sexual misconduct, and neurological disorders) shall be identified, with a statement of how the special needs shall be met;
 - d. A plan to ensure that the child's educational needs are met according to applicable state law;
 - e. Visitation plan, if applicable;
 - f. Date of next review of the ease treatment plan, if applicable.
6. If independence is a goal, the ease-treatment plan shall include training in independent living skills.
7. Foster parents shall be included in ease treatment planning for each child. ~~and shall be provided a copy of the current case plan and visitation plan.~~
8. Foster parents shall be provided a copy of the child's current treatment plan.
9. A copy of the ease treatment plan shall be made available to the parent(s), guardian(s), court, or other agencies involved in case plan services delivery, if applicable.
10. The child's treatment plan shall be reviewed quarterly, and shall be updated to reflect the child's progress.
- ~~9. The case plan shall be reviewed at least semi-annually, and shall be updated to reflect the child's progress.~~
11. If treatment services are contracted, there shall be evidence of participation by the contracted therapist in treatment planning reviews and individualized program implementation.

Children's Records

1. The agency shall keep a confidential case record for each child that includes the following:
 - a. Demographic information;
 - b. Plan of safe care/~~protection~~, if applicable;
 - c. A complete intake ~~study~~;

Child Placement Agencies: Therapeutic Foster Care – Sexual Rehabilitative Programs

- d. Consents, including consent for medical care and authority to place the child;
 - e. Interstate Compact information, if applicable;
 - f. Case Treatment plans and case treatment plan reviews;
 - g. Copies of legal documents (e.g., birth certificate, social security card, court orders), or ~~shall~~ documentation of their attempts to obtain the documents;
 - h. Physical exams and immunization records, or ~~shall~~ documentation of their attempts to obtain the documents;
 - i. Psychological reports, if applicable;
 - j. Psychosexual evaluation;
 - k. Educational reports, if applicable;
 - l. Disciplinary and incident reports, if applicable;
 - ~~l. Progress reports;~~
 - m. Records of visitation and family contacts, if applicable;
 - n. Documentation of casework services and ~~client~~ child contact, current to within one (1) month of occurrence;
 - o. Discharge ~~summary~~ statement.
2. Records for each child shall be kept for five (5) years from the date of discharge, unless otherwise specified by Arkansas law.
 3. The agency shall have a written plan providing for appropriate supervision of children during activities away from the ~~facility~~ foster home. A copy of the plan shall be provided to the direct caregiver(s), as well as a copy placed in the child's record.

406 Behavior Management

1. The agency shall have a written discipline policy that is consistently followed.
2. Discipline shall be directed toward teaching the child acceptable behavior and self-control.
3. Discipline shall be appropriate to the child's age, development, and history, including trauma history.
4. The following actions ~~forms of discipline~~ shall not be used, including as discipline:
 - a. Denial of meals, sleep, shelter, essential clothing, or case plan activities;

Child Placement Agencies: Therapeutic Foster Care – Sexual Rehabilitative Programs

- b. Denial of parental visits or regular phone/mail contact with family. Non-disciplinary case planning issues are accepted;
 - c. Lewd or obscene language;
 - d. Derogatory comments about the child, the child's family, race, or gender;
 - e. Restriction to a room for more than a short period of time without periodic observation;
 - f. Restriction to a dark room or area;
 - g. Locked isolation;
 - h. Physical injury or threat of bodily harm;
 - i. Humiliating or degrading action;
 - j. Extremely strenuous work or exercise;
 - k. Mechanical/chemical restraints (~~psychiatric facilities excepted~~).
5. Physical restraint shall be initiated only by a trained staff person, and only to prevent injury to the child, other people or property, and shall not be initiated solely as a form of discipline.
 6. A child shall not be allowed to administer discipline, except teen parents may discipline their own children.
 7. Searches of a child or a child's personal property shall be for reasons limited to safety and security of children and foster family staff, or in cases of suspected theft.
 8. Any searches requiring removal of clothing shall be done in privacy, ~~and except in foster homes, shall be witnessed by two (2) staff of the same sex as the child.~~

407 Foster Parent Qualifications

1. In a two-parent home, both shall be joint applicants, each sign the application, and participate in the approval process.
2. Foster parents shall be at least twenty-one (21) years of age.
3. The stability of the foster family shall be evaluated and determined to be appropriate.
4. Foster parents shall be physically, mentally, and emotionally capable of caring for children with sexual behavioral problems or issues.
5. The physical health of the ~~therapeutic~~ foster parents shall be equal to the stress inherent in the care of special needs children, as evidenced by the physician's statement.

Child Placement Agencies: Therapeutic Foster Care – Sexual Rehabilitative Programs

6. The foster family shall provide documentation of sufficient financial resources to meet their needs.
- ~~6. All members of the household older than twelve (12) years shall receive a skin test for tuberculosis in accordance with the guidelines set forth by the Arkansas State Health Department, as long as test results remain negative. A household member with a positive skin test must provide documentation from a physician every two years certifying that he/she is free from communicable tuberculosis.~~
7. All children family members under the age of eighteen (18) in the household shall have proof of current health immunizations, or an exemption in accordance with the Arkansas Department of Health.
8. When routine child care is needed, foster children shall attend licensed child care or have a caregiver approved by the agency.

Content of the Home Study

1. The agency shall complete a home study for each foster home applicant.
2. The agency shall conduct at least two (2) visits in person with the foster parent applicants, including at least one (1) visit to the home.
3. The agency shall interview every age-appropriate member of the household.
4. The home study shall include the following information:
 - a. Motivation: The individual's motivation for becoming foster parents;
 - b. Household Composition: The full legal names of everyone residing in the home, birth dates, relationships to one another, and a brief physical description;
 - c. Housing: Address and location, type of structure, length of time at residence, upkeep and housekeeping standards, future residence plans, and sleeping arrangements;
 - d. Safety Hazards: An assessment of the safety of the home and grounds including water hazards, swimming pools, hot tubs, dangerous pets, and other hazardous items and areas;
 - e. Income and Expenses: Employment history for the last six years (duration, salary, duties, title, degree of job security, hours), other sources of income, monthly living expenses, outstanding debts, and insurance;
 - f. Health: Current health of each family member, prior illnesses or medical problems, disabilities, clinic or doctor utilized and frequency of use, counseling (when and purpose), and hospitalization for alcohol abuse, drug abuse, or mental illness;

Child Placement Agencies: Therapeutic Foster Care – Sexual Rehabilitative Programs

- g. Education: Parents' educational attainment, future educational plans, parenting classes attended;
- h. Childcare Arrangements or Plans: Current arrangement or proposed arrangement as it relates to their working hours and income;
- i. Child Rearing Practices: Purpose of behavior management, behavior guidance practices, how they show affection, how they handle stress, allowance, chores, and homework;
- j. Daily Schedule;
- k. Social History: Highlights and verification regarding action of marriages and divorces, children, relationships' support system, future plans, any significant extended family members not living in the home, and any significant personal, developmental, personality or legal problems;
- l. Family Activities: Religious interests, social organizations, activities with children, and family roles;
- m. Impressions, Conclusions and Recommendations: Evaluate the family's situation and ability to provide for a child based on the information obtained during the home study;
- n. Approval: If the agency approves the foster parent(s), the agency shall specify recommend in the home study the number, age, sex gender, and other characteristics of children for whom the home is approved to provide care.

409 Physical Requirements of the Home

1. A sexual rehabilitative program foster home shall not be located within one thousand (1000) feet of an elementary school, child care center, or child care family home.
2. The foster home shall be accessible to community resources needed by foster children.
3. The foster home shall be clean and free of hazards.
4. The foster home shall have a continuous supply of sanitary drinking water. If the source is not a municipal water system, the water ~~must~~ shall be tested and approved by the Arkansas Department of Health annually. This approval shall be kept in the foster home case record.
5. The foster home shall have at least one (1) flush toilet, one sink with running water, and one bathtub or shower with hot and cold running water.
6. There shall be operational smoke detectors within ten (10) feet of the kitchen and each bedroom.

Child Placement Agencies: Therapeutic Foster Care – Sexual Rehabilitative Programs

7. There shall be an operational chemical fire extinguisher readily accessible near in the cooking area of the home.
8. The foster parents shall practice and document emergency evacuation drills with each new child entering the home, and at least quarterly thereafter.
9. All heating units with hot external areas shall be screened or otherwise shielded.
10. The home shall have at least ~~two (2)~~ one (1) exterior doors that exits directly to the outside ~~situated to provide safe exit~~, or the home shall have an alternate fire escape route ~~a written statement from the Fire Department that the alternative escape route is approved. This approval shall be kept in the foster home case record.~~
11. The home shall have an operational telephone. Working cell phones kept on the premises are acceptable. The phone shall be accessible for children.
12. Each child shall have adequate space for storing clothing and personal belongings.
13. All household pets shall have proof of current rabies vaccinations as required by Arkansas law.
14. All firearms shall be maintained in a secure, locked location or secured by a trigger lock.
15. All ammunition shall be secured and locked separately from firearms, with the exception of ammunition locked in a long gun safe (ex. Rifle, shotgun, muzzle loaders).
16. The foster home record shall contain an agency approved safety plan for any noted hazards. The safety plan shall be signed by all caregivers in the foster home and an agency representative.
17. A current floor plan of the home with room dimensions for all ~~areas~~/rooms used for sleeping shall be in the foster home record.
18. Manufactured homes, used as foster homes, shall have an agency approved safety plan for tornado safety. The safety plan shall be signed by all caregivers in the foster home and an agency representative.

410 Sleeping Arrangements

1. ~~The home shall provide bedrooms for children that provide privacy. meet the following requirements:~~ Each household occupant shall have a bedroom that provides privacy.
2. Each bedroom shall have at least fifty (50) square feet of floor space per occupant.

Child Placement Agencies: Therapeutic Foster Care – Sexual Rehabilitative Programs

3. Each bedroom used for foster children shall have a window to the outside which is capable of serving as an emergency escape.
4. Bars, grilles, grates, or other items that block access to the window are permitted only if they can be removed from the inside without the use of a key, tool, or force greater than that required for normal operation of the window. In this event, each such bedroom ~~must~~ shall have a working smoke detector in the bedroom.
- ~~5. No more than four (4) children shall share a bedroom.~~
5. Children ~~shall be placed in the foster home shall have individual bedrooms. unless each child's treatment plan specifically approves sharing a bedroom. If children are approved to share a bedroom there must be three (3) or four (4) children in the room so as to limit the ability to keep secret any improper physical contact. When three (3) or four (4) children share a bedroom the agency shall have a clearly defined supervision plan to ensure the safety of each child.~~
- ~~2. Males and females shall not share an unsupervised common sleeping area (hallway, unit, and suite).~~
- ~~6. Beds shall be positioned to minimize opportunity for physical contact between children.~~
6. Each foster child household occupant shall ~~be provided with a comfortable bed, in good condition~~ have a bed with a mattress, sheets, pillow, pillowcase, and adequate cover, all in good condition.
7. No child under age six (6) years shall occupy a top bunk.
- ~~11. Foster children, except infants under age two (2) years, shall not share a sleeping room with adults; this age would increase to through age four (4) in case of for a grandparent to the child and a teen mother in foster care with her child.~~
8. Each foster child ~~shall be provided with clean bedding, in good condition, that shall be laundered at least weekly, or as needed.~~ Bedding shall be changed at least weekly, more often if needed.

411 Approval of Foster Homes

1. A foster home can be approved only by one (1) agency.
2. At least three (3) ~~confidential~~ positive personal references ~~must~~ shall be obtained on the foster family from non-relatives.
3. Each member of the foster family shall have a physical exam within ~~six (6)~~ twelve (12) months before the initial approval.
4. ~~Therapeutic~~ Foster parents shall be trained in crisis prevention and intervention before a child is placed in the home.

Child Placement Agencies: Therapeutic Foster Care – Sexual Rehabilitative Programs

5. Prior to the placement of children in their home, ~~therapeutic~~ foster parents shall complete at least thirty (30) hours of skill-based pre-service training (excluding CPR and First Aid) consistent with the agency's treatment methodology and the needs of the population served.
6. Foster parents shall complete ~~The initial ten (10)~~ fifteen (15) hours of sexual offender rehabilitative training ~~shall be completed within sixty (60) days of employment~~ in addition to their thirty (30) hours of pre-service training.
7. At least one (1) hour of training on the program's safety plan shall be provided before ~~an employee has direct supervision of children~~ placement of children into the foster home.
- ~~4. The agency shall ensure that the foster parents receive at least 10 hours of pre-service training (excluding CPR and First Aid) before placing a child in the home.~~
8. ~~In addition to the required hours of pre-service training, the Foster parent(s) shall have be currently certified in hands-on, skill based CPR and First Aid training before a child is placed in the home. A foster home shall not have a child placed in their care until they have received the CPR and First Aid training. Training and certification that is provided solely on-line will not be accepted.~~
9. Foster parents shall provide documentation that they carry homeowner's or renter's insurance and general liability insurance.
10. Foster homes shall not also operate as Child Care Family Homes.
11. Foster homes shall not provide compensated care for any non-related adults in the foster home, unless providing transitional care for a person placed in care prior to age eighteen (18).
12. There shall be an annual approval letter from the approving agency in the foster home record.
13. If a foster home moves from one placement agency to another all requirements for opening a new foster home shall be met.

412 Selection of Foster Home

1. The agency shall select the home that is in the best interest of the child, the least restrictive possible, and is matched to the child's physical and emotional needs. The placement decision shall be based on an individual assessment of the child's needs.
2. No children shall be placed in a foster home unless there is an approval letter in the record from the approving agency.
3. The agency shall place children only in approved foster homes.

Child Placement Agencies: Therapeutic Foster Care – Sexual Rehabilitative Programs

4. When a placement agency places a child with another placement agency the receiving agency shall maintain a record for and provide casework services to the children placed into their foster homes.
5. All children placed in the foster home shall be admitted to the Therapeutic Sexual Rehabilitative Program, except in the case of siblings.
6. Foster homes shall not have more than two (2) children under the age of two (2) years, including the foster parent's own children.
7. The number of children placed into one therapeutic sexual rehabilitative foster home shall not exceed two (2), ~~except to keep a sibling group together, in that case up to a maximum of three (3) children may be placed into the home. The sibling group shall be the only children placed into the therapeutic foster home.~~ There shall be no more than five (5) total children in the home, including the foster parent's children. This includes placement or respite care. In the case of an emergency respite placement that would exceed capacity, the agency shall notify the Licensing Unit the next business day.
- ~~5. Foster homes shall not have more than five unrelated children in care. The foster home may care for up to eight children if they are all related to each other. A foster home shall not have more than eight children in their home, including their own children. This includes placement or respite care.~~

For example:

- ~~0 children of the foster parent and 8 children that are related (to each other)~~
 - ~~1 child of the foster parent and 7 children that are related (to each other)~~
 - ~~2 children of the foster parent and 6 children that are related (to each other)~~
 - ~~3 children of the foster parent and 5 children that are related (to each other) or unrelated~~
8. Before placing more than one (1) child (~~therapeutic or otherwise~~) in a home, the agency shall consider extraordinary problems and needs of each child (e.g., violent behavior, sexual offenses, and seizure disorders). Justification of the appropriateness of placing a child in a home with another child shall be documented.
 8. ~~Non-therapeutic foster children may be placed into therapeutic foster homes under the following circumstances:~~
 - a. ~~The non-therapeutic foster child is a sibling of the therapeutic foster child;~~
 - b. ~~The non-therapeutic foster child is the child of the therapeutic foster child;~~
 - c. ~~The non-therapeutic foster child was previously a therapeutic foster child placed in the foster home.~~
 9. ~~Before placing a non-therapeutic foster child into a therapeutic foster home with a therapeutic foster child, the agency shall consider the potential risk to the non-~~

Child Placement Agencies: Therapeutic Foster Care – Sexual Rehabilitative Programs

~~therapeutic foster child. Justification of the appropriateness of placing a non-therapeutic child in a home with another therapeutic foster child shall be documented. The agency shall maintain section 200 standards in reference to the non-therapeutic foster child's record and the services the agency provides to the child.~~

9. No new placements of children shall occur with foster parents who have not satisfied the annual training requirements. Administrative-level staff, designated by the agency director, may grant an exemption to this restriction for up to sixty (60) days. The administrator shall review the quality of care provided by the foster parents, and the reasons for failing to complete the training on time, in deciding whether to grant an exception.

413 Continued Training of Foster Parents

- ~~1. Each foster parent shall obtain at least fifteen (15) hours of training each year after the first year. This does not apply to foster parents for infants in short term foster care awaiting adoptive placement. Such foster parents shall obtain ten (10) hours of training for the primary care giver and five (5) hours of training for the secondary care giver each year.~~
1. Each ~~therapeutic~~ foster parent shall complete at least twenty-four (24) hours of skill based training annually, excluding CPR and First Aid.
2. Documentation verifying annual training shall be ~~a certificate, letter, or signed statement of completion that is dated and indicate~~ indicating the number of hours, the name of the ~~presenter~~ source, and topic/title.
3. Each foster parent shall maintain a current certificate of successful completion of hands-on, skill based CPR ~~certification~~ and First Aid ~~training~~. Training and certification that is provided solely on-line will not be accepted.
4. All ~~child caring staff~~ foster parents shall ~~have~~ receive at least ten (10) hours of sexual ~~offender~~ rehabilitative training annually, which may be included in the required ~~thirty (30)-~~twenty four (24) hours of annual training.
- ~~2. Training shall be provided in accordance with a written annual in-service plan established by July 1 of each year.~~

414 Foster Parent Responsibilities

1. Foster Parents shall be responsible for providing the level of supervision, care, and treatment necessary to ensure the safety and well-being of each child placed into their home, taking into account the child's age, individual differences and abilities, surrounding circumstances, hazards and risks.
2. Foster parents shall provide each child with adequate and nutritious food.

Child Placement Agencies: Therapeutic Foster Care – Sexual Rehabilitative Programs

3. Foster parents shall provide regular activities to promote the physical, social, intellectual, spiritual, and emotional development of the children in care.
4. Foster parents shall provide each child their own clothing that is clean, well-fitted, seasonal, appropriate to age and ~~sex~~ gender, and comparable to community standards.
5. Foster parents shall allow foster children to acquire and keep personal belongings.
6. Foster parents shall fully cooperate with the child placement agency's case plan for each foster child, including visitation.
7. Foster parents shall provide routine transportation for each child.
8. Foster parents shall participate in case planning and case plan reviews.
9. Foster parents shall attend school conferences concerning a foster child, and shall notify the placing agency of any situations that may affect the case plan or require agency involvement.
10. Foster parents shall notify the child placement agency promptly of serious illness, injury, or unusual circumstances affecting the health, safety, or welfare of the foster child.
11. Foster parents shall cooperate with the child placement agency and the Licensing Unit in conducting inspections and investigations, and shall provide information required to verify compliance with rules.
12. Foster parents shall maintain absolute confidentiality of private information about each foster child and the birth family.
13. The foster parents shall give advance notice to the agency of any major changes that affect the life and circumstances of the foster family, including a change of residence, whenever possible.
14. Foster parents shall keep periodic photographs, a record of the child's memberships, activities, and participation in extracurricular school or church activities, trophies, awards, ribbons, etc. for each foster child. These items shall be offered and or returned to the child upon change in placement.
15. The ~~therapeutic~~ foster parents shall be provided with a written list of duties clearly detailing their responsibilities.
16. ~~Therapeutic~~ Foster parents shall be responsible for implementing in-home treatment strategies specified in each child's treatment plan.
17. ~~Therapeutic~~ Foster parents shall keep an ongoing written record of each child's behavior and progress toward treatment goals.

Child Placement Agencies: Therapeutic Foster Care – Sexual Rehabilitative Programs

18. The foster parents shall ensure that each child has sufficient sleep for his/her age and physical condition.
19. Each child shall be instructed in good grooming and personal hygiene habits.
20. The foster parents shall ensure each child is provided with opportunities for regular recreational activities and exercise.
21. The foster parents shall ensure each child shall be provided with age-appropriate activities and equipment.
22. The use of television, videos, computer games and other screen time activities shall be monitored and time limited.

415

Medications

1. The agency shall have an intervention policy that is non-medical, unless a specific medical condition is indicated.
2. When psychotropic medications are prescribed by a physician they shall be used in concert with other interventions.
3. Foster parents shall administer medications only in accordance with directions on the label.
4. All over-the-counter medications shall be stored in an area not readily accessible to children, and all prescription medications excluding Epi-pens, inhalers, and Glucagon kits shall be locked. An age-appropriate and developmentally capable child may be provided, or have access to non-narcotic prescriptions with an approved safety plan. Examples include, but are not limited to, birth control, acne cream, topical creams.
5. Medication shall be stored in accordance with pharmaceutical recommendations.
6. Foster parents shall be aware of possible side effects of all medications administered to foster children.
7. All medication shall be logged by the foster parent at the time the medication is administered.
8. The medication logs shall include:
 - a. Child's name;
 - b. Time and date;
 - c. Medication and dosage;
 - d. Initials of the person administering the medication.
- ~~9. It is permissible for an age appropriate child to be provided a daily supply of medication (over the counter or prescription) for use when the child is away from~~

Child Placement Agencies: Therapeutic Foster Care – Sexual Rehabilitative Programs

~~the foster home during times the dose is needed. Examples include pain relievers, fever reducers and anti-inflammatory and other related medications, or prescribed antibiotics or inhalers. These medications shall be logged at the time they are given to the child.~~

9. All currently prescribed medication shall be provided at placement.

416 Transportation

1. Foster families shall have their own transportation available.
2. Any vehicles used to transport foster children shall be maintained in compliance with motor vehicle laws, and be insured.
3. Children shall be transported only by foster parents or approved persons possessing ~~Foster parents and anyone else transporting foster children shall have a~~ valid driver's license.
4. Children shall be transported according to Arkansas law, including, but not limited to, use of safety belts, child safety seats, and smoking restrictions.

417 Visitation

The standards in 218 do not apply to children in short term foster care awaiting adoptive placement.

1. The agency that has legal responsibility for the child shall develop a visitation plan that specifies when and how visits will occur between the child and the parents.
2. The child placement agency shall carry out the visitation plan to meet the terms of the plan.
3. Foster parents shall allow foster children and their families to communicate according to the child's ~~ease~~ treatment plan.

418 Staffing Requirements, Staff Training & Support

1. Primary responsibilities of program staff shall include treatment planning, leadership of the treatment team, case management, clinical and administrative supervision, twenty-four (24) hour crisis intervention, and discharge planning.
2. The ~~therapeutic foster care~~ agency shall ~~employ~~ have a Clinical Director who shall be clearly responsible for implementation of treatment planning and service delivery. The Clinical Director shall be qualified by a master's degree in a human service field, shall have:
 - a. Two (2) years' experience in placement or treatment;

Child Placement Agencies: Therapeutic Foster Care – Sexual Rehabilitative Programs

- b. Not less than forty (40) hours of sexual offender rehabilitative treatment training;
 - c. A minimum of two (2) years of sexual offender rehabilitative treatment experience. Certification as a sexual offender rehabilitative treatment trainer may be substituted for the required experience;
 - d. A current license in Arkansas as a mental health professional (as recognized by Arkansas Medicaid).
3. The agency shall have a therapist who is a licensed mental health professional (as recognized by Arkansas Medicaid) ~~who~~ and has at least one (1) of the following:
 - a. At least two (2) years of experience in a sexual rehabilitative treatment program and at least forty (40) hours of sexual rehabilitative treatment training; or
 - b. At least three (3) years of experience in sexual rehabilitative specific treatment; or
 - c. Maintains current membership in, or is actively working toward fulfilling the requirements for membership from, the Association for the Treatment of Sexual Abusers.
4. The agency shall employ at least one caseworker who shall coordinate the implementation of the treatment plan. The caseworker shall be qualified by a bachelor's degree in a human service field, or shall be a mental health paraprofessional, and shall be supervised by the Clinical Director.
5. All casework staff shall be trained in crisis prevention and intervention, CPR, and First Aid within the first sixty (60) days of employment.
6. All casework staff shall be provided with eight (8) hours of orientation, either prior to employment or within the first week of employment, which shall provide an overview of the following areas:
 - a. The agency's policies and procedures;
 - b. The client's rights, including confidentiality;
 - c. How to handle medical and non-medical emergencies;
 - d. The caseworker's clinical limitations;
 - e. How to document clinical information in the child's and family's records;
 - f. General information regarding commonly prescribed medications and their side effects.
7. The agency shall provide twenty-four (24) hour on-call crisis intervention support to supplement that provided by the caseworker.

Child Placement Agencies: Therapeutic Foster Care – Sexual Rehabilitative Programs

8. Therapy services shall be provided by a licensed mental health professional (as recognized by Arkansas Medicaid) who has at least one (1) of the following:
 - a. At least two (2) years of experience in a sexual offender rehabilitative treatment program and at least forty (40) hours of sexual offender rehabilitative treatment training;
 - b. At least three (3) years of experience in sexual offender rehabilitative specific treatment;
 - c. Maintains current membership in, or is actively working toward fulfilling the requirements for membership from, the Association for the Treatment of Sexual Abusers.

419 Agency Responsibilities

1. The agency shall provide the foster parents with the information necessary to provide adequate care to each foster child, ~~including the child's health, reason for entering care, probable length of placement, and siblings. As additional information is obtained by the caseworker, it shall be promptly shared with the foster parents.~~
2. The agency shall provide foster parents with instructions for contacting agency personnel any time.
3. Each agency shall assign a caseworker to each child who is responsible for doing assessments, case planning, and casework services.
4. The agency shall ensure that professional or casework staff visit with the child face-to-face at least once per week during the first three months after the child's placement with the agency, and at least every other week thereafter.
- ~~5. An agency caseworker shall visit the child in person at least monthly while the child is in foster care.~~
5. The agency shall ensure that each child in foster care has a medical exam at least annually. Medical exams need not be repeated during the year if a child moves from one facility or agency to another, provided the results of the exam are available to the receiving facility or agency.
6. The child placement agency shall remain legally responsible for the supervision and decision making regarding foster children. Foster parents have daily responsibility for the care of the children.
7. The child placement agency shall have a written plan that provides for timely reimbursements to foster parents for costs of care and fees for services.
8. The agency shall develop respite care and babysitting policies. ~~that address the following types of care:~~

Child Placement Agencies: Therapeutic Foster Care – Sexual Rehabilitative Programs

- a. ~~**Babysitting:** Foster parent identified, taking place in the foster home for no more than 6 continuous hours of occasional care. Transportation of the foster children is prohibited. Background checks on these individuals are not required;~~
 - b. ~~**Foster Family Support System:** Identified individuals that provide no more than 72 hours of continuous care, longer periods require approval from the agency. Documentation of Arkansas State Police Criminal Record Checks, Child Maltreatment Central Registry Checks and at least one (1) home visit for evaluation purposes are required. The agency shall be notified when child is with the foster family support system. This shall not be used in place of respite care or as a placement;~~
 - e. ~~**Alternative Caregiver/Respite:** An agency identified approved foster home that provides care for no more than 14 continuous days.~~
9. Respite care shall occur in an agency approved foster home and shall not exceed *fourteen (14) consecutive days*.
 10. ~~No~~ Caseworkers shall be responsible for managing no more than twelve (12) children's cases.
 11. The agency shall have a written program description that is available to residents and parents/guardians. The following information shall be included:
 - a. Program philosophy and mission;
 - b. Services and treatment modalities;
 - c. Treatment planning procedures;
 - d. Behavior management program and expectations of each child;
 - e. Admission, exclusion, and discharge criteria;
 - f. Aftercare services.
 12. The agency shall keep documentation that includes:
 - a. Prior treatment documents and intake information;
 - b. Assessments;
 - c. Master treatment plan;
 - d. Treatment plan review;
 - e. Ongoing observations;
 - f. Medication and physician's instructions, if applicable;
 - g. Progress notes.
5. ~~If family involvement is contraindicated, the agency shall make reasonable efforts to identify acceptable substitutes and shall include them in the therapeutic process.~~

Child Placement Agencies: Therapeutic Foster Care – Sexual Rehabilitative Programs

13. The agency shall establish procedures for hearing children's grievances and shall ensure that each child understands the process.
- ~~7. The agency shall document information regarding the rate of reimbursement, including "difficulty of care" payments, paid to foster parents for each child placed in the foster home.~~
14. The agency shall have written policies governing the supervision and monitoring of children in the buildings-home, on the grounds, and in the community; ~~including direct visual or auditory monitoring of moderate or high risk children (based on 803.2). Policy shall include appropriate grouping of children according to chronological age and/or cognitive development.~~
15. The agency shall have written ~~safety plan~~ policies to protect children in the program and to ensure public safety.
16. If the child placement agency receives a report of non-compliance with licensing standards, the agency shall investigate to learn if the foster home remains in compliance. A report of findings and any corrective action shall be maintained in the foster home record. The investigation shall be completed within 60 days of receiving the report of non-compliance, unless good cause is documented.
- ~~11. The agency shall approve respite care and babysitting arrangements, and documentation shall be kept in the foster home record.~~
17. The agency shall maintain a record for each foster family that contains all information and documentation required by licensing standards. To include:
 - a. Complete and signed application;
 - b. Approval letter;
 - c. Home Study;
 - d. Minimum age verification;
 - e. Three (3) positive references, from a non-relative;
 - ~~f. Marriage license, if applicable;~~
 - f. Initial physical exam;
 - g. Pre-service training verification;
 - h. Initial and current criminal, Child Maltreatment, and FBI checks, as required;
 - i. Initial and current CPR and First Aid certification;
 - j. Current health immunizations of children or exemption;
 - ~~k. Current T.B. test;~~
 - k. Current auto insurance;

Child Placement Agencies: Therapeutic Foster Care – Sexual Rehabilitative Programs

- l. Current homeowner's or renter's insurance and general liability insurance;
 - m. Current rabies vaccinations for household pets as required by law;
 - n. Documentation of annual training;
 - o. Social media confidentiality documentation;
 - p. Surveillance documentation, if applicable;
 - q. Safety plans;
 - r. Floor plan;
 - s. Approved annual water system test, if applicable;
 - t. Approved alternative fire escape route, if applicable;
 - u. Documentation of quarterly monitoring visits, including unannounced visits;
 - v. Documentation of annual re-evaluations;
 - w. Reports of non-compliance with licensing standards including findings, and any corrective actions;
 - x. Closing summary.
18. The agency shall prepare a closing summary, including reasons, if the home closes.
 19. The agency shall promptly notify the Arkansas office of the Interstate Compact on the Placement of Children upon discharging a child from outside Arkansas.
 20. The agency shall approve and document the use of all surveillance devices used in the home.

420 Monitoring & Re-evaluation

1. The agency shall monitor the foster home at least quarterly for continued compliance with licensing standards for foster homes. ~~This does not apply to foster homes for infants in short term foster care awaiting adoptive placement. Before a child can be placed in such a foster home, a monitoring visit shall be done within the three (3) months prior to placement.~~
2. At least one unannounced quarterly visit shall be conducted annually and shall be documented as unannounced in the foster home record.
3. The ~~child placement~~ agency shall conduct an annual re-evaluation of the foster family home. Any foster home that does not substantially comply with the standards for approval shall not be approved for placement until compliance is achieved.

Child Placement Agencies: Therapeutic Foster Care – Sexual Rehabilitative Programs

4. The agency shall keep documentation of quarterly monitoring visits and annual re-evaluations in the foster home record signed and dated by the person conducting the visit and the foster parent.
5. If the foster family experiences any major life changes (e.g., marriage, divorce, separation, health problems, death, change of residence, change of household composition), the child placement agency shall re-evaluate the home at that time.
6. If a home is inactive or closed for one (1) year or more, the agency shall:
 - a. Conduct a re-evaluation to ensure Licensing requirements are met;
 - b. Ensure new background checks are conducted;
 - c. Ensure CPR/First Aid is current;
 - d. Evaluate any major changes. i.e. (420.5).

421 Discharge

- ~~1. The agency shall discharge a child when the case planning team decides that the child is no longer in need of services or can no longer benefit from services provided by the agency.~~
1. ~~Except in the case of an emergency discharge, The discharge shall be planned by appropriate agency staff, parent(s), child, and any agency that will offer post-discharge services.~~
2. The agency may discharge a child on an emergency basis if failure to do so could result in harm to the child, other persons, or significant property damage.
3. A child shall be discharged to the custody of the child's parent or a person with authorization from the parent, guardian, or a person authorized by court order to assume custody of the child.
4. The agency shall complete a discharge ~~summary~~ statement on each child that includes the discharge date and reason for discharge and provide a copy of it to the child's custodian.
5. Documentation of the discharge shall be maintained in the child's record.

500 Child Placement Agencies: Adoptions

In addition to all standards in Section 100, the following standards shall be met:

501 Selection of Adoptive Home

1. The agency shall select the home that is in the best interest of each child, ~~the least restrictive possible~~, and is matched to the child's physical and emotional needs. The placement shall be based on an individual assessment of each child's needs.
2. The agency shall place children only in approved adoptive homes. All adoptive homes shall be approved prior to placement.
3. The agency shall have an established fee schedule for adoption services. The agency is not required to charge the same fees for all adoptions, but a sliding fee schedule ~~must~~ shall have specified conditions and be equally applied. The fee schedule may take into consideration the income of the adoptive family and relevant factors such as children that are considered hard to place.
4. The agency ~~must~~ shall have a foster care license in order to place children in short-term foster care while awaiting an adoptive placement.

502 Approval Process of Prospective Homes

1. In a two-parent home, both shall actively participate in the approval process.
2. An adoptive parent shall be at least twenty-one (21) years old.
3. The agency shall ensure there is a completed home study for each prospective adoptive family to determine if they should be approved as an adoptive home.
4. The Licensed Certified Social Worker or agency caseworker conducting the home study shall have at least two (2) visits in person with the prospective adoptive family during the initial approval process. One of the visits shall be in the home of the prospective adoptive family.
5. The caseworker shall have a separate, face to face interview with each prospective adoptive parent.
6. The caseworker shall interview each age-appropriate member of the household in person.
7. Each member of the adoptive household shall have a physical exam within ~~six (6)~~ twelve (12) months prior to the approval by the social worker or agency conducting the home study, and annually thereafter until placement to ensure that no person has a health condition or disability that would interfere with the family's ability to care for a child.

8. The Licensed Certified Social Worker or agency shall notify applicants in writing within sixty (60) days of completion of the final home visit concerning the acceptance, reason for further delay, or denial of their application.

503 Contents of the Home Study

~~The home study shall be approved only by the social worker or agency conducting the home study.~~

1. A home study shall be conducted by a caseworker of the agency or a Licensed Certified Social Worker.
2. The adoptive home study shall contain the following information, current to within one (1) year prior to each adoptive placement:
 - a. The family's motivation for adoption and the desired characteristics of the child or children to be adopted;
 - b. Each family member's attitudes toward adoption;
 - c. Attitudes of the applicants toward the birth parents(s), including parent search issues;
 - d. Resolution of any infertility issues;
 - e. The mental health, emotional stability, and maturity of the applicants;
 - f. The physical health of all household members, including a physician's statement to the social worker or agency conducting the home study, that a medical exam was performed;
 - g. The financial status and stability of the family including proof to the social worker or agency conducting the home study of income and employment;
 - h. At least three (3) ~~confidential~~ positive personal references from non-relatives on the family. The references do not need to be updated unless this is a new adoption in the family or there have been significant changes;
 - i. The family's ability to cope with stress, loss, and crisis;
 - j. Adjustment and well-being of any minors residing in the home;
 - k. The family's child-caring skills and willingness to acquire additional skills;
 - l. The family's discipline practices;
 - m. Religious affiliation;
 - n. A description of the home, its location, and its environment;
 - o. An assessment of the safety of the home, including all water hazards, dangerous pets, and firearm safety; ~~All firearms shall be maintained in a secure, locked location.~~

- p. A statement in the home study narrative or an addendum that the adoptive parents report to the social worker or agency conducting the home study that they have or have not been denied approval as an adoptive home in the past, and if so, why;
- q. A statement regarding the availability and results from criminal records and child maltreatment central registry checks, dated to within one (1) year prior to placement;
- r. The stability of the adoptive family and their marriage, if applicable, shall be discussed and determined to be appropriate;
- s. A recommendation regarding adoption, including the age, sex gender, characteristics, and special needs of children best served by this family;
- t. If the adoptive family experiences any major life changes (e.g., marriage, divorce, separation, health changes, change of residence, change of household composition), the social worker or agency shall re-evaluate the family prior to placement of a child. An additional home visit is required if there has been a change of residence.

504 Services to the Adoptive Parents

1. The agency shall provide ~~services~~ information to the adoptive applicants ~~to help them make an informed decision about~~ regarding the potential risks associated with adoption.
2. The agency shall provide a written statement of exclusion (e.g., single parents, unwed couples), if applicable, to adoptive applicants before a home study is conducted.
3. The following information (if available) shall be provided to adoptive parents regarding the child being considered for adoption:
 - a. Specific and accurate information about the needs and characteristics of the child;
 - b. The health/medical history of the child and the child's biological family;
 - c. The health status of the child at the time of placement;
 - d. Genetic and social history of biological relatives, including:
 - i. Medical history;
 - ii. Health status, if alive;
 - iii. Cause of and age at death, if deceased;
 - iv. Height, weight, eye and hair color;
 - v. Levels of education and professional achievement;
 - vi. Ethnic origins;
 - vii. Religion.

Child Placement Agencies: Adoptions

4. The agency caseworker shall ensure that at least two (2) face to face post-placement visits are made within six (6) months after the placement of the child. One of the visits shall be in the home of the adoptive family. If a finalized decree of adoption has been issued then post placement visits are not required.
5. The agency shall have a plan for caring for children in case the placement disrupts before the issuance of a decree of adoption.
6. The agency shall offer supportive services to the adoptive family for at least six (6) months following placement.

505**Services to Birth Parents**

1. If the agency is providing casework services to either birth parent, ~~the following services shall be offered~~ an intake study shall be completed within thirty (30) days ~~after the client's decision to work with the agency to identify services needed.~~
2. Counseling for both parents (if applicable) ~~to that~~ shall be offered to include the following:
 - a. Information, rights, options, and obligations regarding the adoption process;
 - b. Issues related to grief and loss.
3. Financial assistance to the birth mother may only be provided during the time of the pregnancy and after the pregnancy during the time the birth mother requires inpatient or outpatient postpartum care. This does not apply to future social services provided by an agency that offers a broader range of services other than adoptions.
4. All financial assistance to the birth mother ~~must~~ shall be documented, including the amount and purpose of payment. This documentation ~~must~~ shall be maintained in the individual file of the birth mother.

506**Birth Parent Records**

1. ~~The agency may elect to keep birth parent records and the child's records in the same file.~~ If the agency has provided casework services to the birth parents, the following information shall be kept in a confidential file:
 - a. The parents' ~~case plan~~ intake information, including any reviews and updates;
 - b. All correspondence with the birth parents;
 - c. All signed documents between the agency and the birth parents;
 - d. Documentation of all casework services provided before and after the adoption, current to within one (1) month of occurrence.

507 Agency Responsibilities

1. The agency shall provide written policy that includes a complete description of all types of the birth mother's expenses that may be passed through to the adoptive parents. The policy shall include notice to the adoptive parents that they may be responsible for unforeseeable medical and legal expenses.
2. The agency ~~must~~ shall inform the adoptive parents in writing that a birth mother may choose not to relinquish a child for adoption, including the applicable postpartum period during which the birth mother may withdraw her consent for placement of a child.
3. The agency ~~must~~ shall have a clear, written policy on refunds that is provided, ~~and explained to,~~ and signed by the prospective adoptive parents during the application process.
4. The agency shall apprise prospective adoptive parents in writing that any financial assistance given to the birth parent(s) is not recoverable if the birth parent(s) should decide not to complete an adoption plan. The only exception is if intent to defraud the prospective adoptive parents can be proven.
5. If the agency closes or ceases to provide adoption services, all adoption records including adoptive parents, birth mother (if applicable), and children placed shall be transferred to a licensed adoption agency by written agreement.
6. The closing agency shall provide written notification to the ~~Placement and Residential~~ Licensing Unit regarding the transfer of records.

508 Adoptive Family Records

1. The agency shall keep a confidential case record for each family that received a child for adoption. The record shall contain:
 - a. The application to adopt;
 - b. The completed home study;
 - c. Criminal Record checks and Child Maltreatment Central Registry checks;
 - d. A copy of the information given to the adoptive parents regarding the child they received;
 - e. Copies of all legal documents concerning the adoption.

509 Record Maintenance

1. The agency shall maintain a permanent file on any adoption finalized, which shall be accessed according to Arkansas law.

500

Child Placement Agencies: Adoptions

2. If the agency establishes or contracts with a Mutual Consent Voluntary Adoption Registry, it shall be maintained according to Arkansas law.

510

Branch Offices

1. Any agency licensed in Arkansas shall provide the following information to the Licensing Unit prior to opening a branch office in Arkansas;
 - a. The address, telephone numbers (if available), and office hours for the branch office;
 - b. The name(s), qualifications, and contact information of the person(s) responsible for the day-to-day operations of the branch office and the child placement activities at the branch;
 - c. The name and contact information of the person responsible for providing services in case of emergencies or child-placement crises.

600 Child Placement Agencies: Residential

In addition to all applicable standards in section 100, the following standards shall be met:

1. The agency shall select the placement that is in the best interest of the child and is matched to the child's physical and emotional needs, based on an individual assessment.
2. A child placement agency shall only place a child into a licensed or exempt facility; documentation of current license is required for any out-of-state placement.
3. The agency shall maintain a record of all placements to include:
 - a. Child's name;
 - b. Date of placement;
 - c. Placement providers;
 - d. Person making referral, placing child, or assisting with placement.
4. The agency shall maintain a list of personnel involved in child placement activities.
5. The agency shall maintain a personnel record for each employee involved in child placement activities. Agencies providing mental health or other services that do not require a placement license shall not have their personnel records subject to review.

Appendix A: Definitions

1. "**Adoption agency**" means a child placement agency which places, plans for or assists in the placement of an unrelated minor in a household of one (1) or more persons which has been approved to accept a child for adoption.
2. "**Adoptive home**" means a household of one (1) or more persons that has been approved by a licensed child placement agency to accept a child for adoption;
3. "**Adverse action**" means any petition by the Department of Human Services before the Child Welfare Agency Review Board to take any of the following actions against a licensee or applicant for a license:
 - a. Revocation of license;
 - b. Suspension of license;
 - c. Conversion of license from regular or provisional status to probationary status;
 - d. Imposition of a civil penalty;
 - e. Denial of application; or
 - f. Reduction of licensed capacity;
4. "**Alternative compliance**" means approval from the Child Welfare Agency Review Board to allow a licensee to deviate from the letter of a regulation, provided that the licensee has demonstrated how an alternate plan of compliance will meet or exceed the intent of the regulation;
5. "**Board**" means the Child Welfare Agency Review Board;
6. "**Boarding school**" means an institution that is operated solely for educational purposes and that meets each of the following criteria:
 - a. The institution is in operation for a period of time not to exceed the minimum number of weeks of classroom instruction required of schools accredited by the Department of Education;
 - b. The children in residence must customarily return to their family homes or legal guardians during school breaks and must not be in residence year round, except that this provision does not apply to students from foreign countries; and
 - c. The parents of children placed in the institution retain custody and planning and financial responsibility for the children;
7. "**Child**" means a person who is:
 - a. From birth to eighteen (18) years of age; or

- b. Adjudicated dependent-neglected, dependent, or a member of a family in need of services before eighteen (18) years of age and for whom the juvenile division of a circuit court retains jurisdiction under the Arkansas Juvenile Code of 1989, § 9-27-301 et seq.;
- 8. **"Child placement agency"** means a child welfare agency, not including any person licensed to practice medicine or law in the State of Arkansas that engages in any of the following activities:
 - a. Places a child in a foster home, adoptive home, or any type of facility licensed or exempted by this subchapter;
 - b. Plans for the placement of a child into a foster home, adoptive home, or any type of facility licensed or exempted by this subchapter; or
 - c. Assists the placement of a child in a foster home, adoptive home, or any type of facility licensed or exempted by this subchapter; or
 - d. Places, plans or assists in the placement of a child victim of human trafficking in a home or any type of shelter or facility.
- 9. **"Child welfare agency"** means any person, corporation, partnership, voluntary association, or other entity or identifiable group of entities having a coordinated ownership of controlling interest, whether established for profit or otherwise, that engages in any of the following activities:
 - a. Receives a total number of six (6) or more unrelated minors for care on a twenty-four-hour basis for the purpose of ensuring the minors receive care, training, education, custody, or supervision, whether or not there are six (6) or more children cared for at any single physical location;
 - b. Places any unrelated minor for care on a twenty-four-hour basis with persons other than themselves; or
 - c. Plans for or assists in the placements described in subdivision (8)(B) of this section; or
 - d. Places, plans or assists in the placement of a child victim of human trafficking in a home or any type of shelter or facility:
- 10. **"Church-related exemption"** means:
 - a. Any church or group of churches exempt from the state income tax levied by § 26-51-101 et seq. when operating a child welfare agency shall be exempt from obtaining a license to operate the facility by the receipt by the Child Welfare Agency Review Board of written request therefore, together with the written verifications.
 - b. A written request shall be made by those churches desiring exemption to the board, which is mandated under the authority of this subchapter to license all child welfare agencies.

- c. In order to maintain an exempt status, the child welfare agency shall state every two (2) years in written form signed by the persons in charge that the agency has met the fire, safety, and health inspections and is in substantial compliance with published standards that similar nonexempt child welfare agencies are required to meet.
 - d. Visits to review and advise exempt agencies shall be made as deemed necessary by the board to verify and maintain substantial compliance with all published standards for nonexempt agencies.
11. **"Emergency child care"** means any residential child care facility that provides care to children on a time-limited basis, not to exceed ninety (90) days;
12. **"Emergency Family Style Care"** means any child welfare agency that provides twenty-four (24) hour custodial care, in a home like setting, for six (6) or more unrelated children or a child victim of human trafficking on an emergency basis, not to exceed ninety (90) days.
13. **"Emergency Residential Child Care Facility"** means any child welfare agency that provides twenty-four (24) hour custodial care for six (6) or more unrelated children or a child victim of human trafficking on an emergency basis, not to exceed ninety (90) days. Any child admitted as an emergency placement shall be designated as such and shall be discharged within ninety (90) days.
14. **"Exempt child welfare agency"** means any person, corporation, partnership, voluntary association or other entity, whether established for profit or otherwise, that otherwise fits the definition of a child welfare agency but that is specifically exempt from the requirement of obtaining a license under this subchapter. Those agencies specifically exempt from the license requirement are:
- a. A facility or program owned or operated by an agency of the United States Government;
 - b. Any agency of the State of Arkansas that is statutorily authorized to administer or supervise child welfare activities. In order to maintain exempt status, the state child welfare agency shall state every two (2) years in written form signed by the persons in charge that their agency is in substantial compliance with published state agency child welfare standards. Visits to review and advise exempt state agencies shall be made as deemed necessary by the Child Welfare Agency Review Board to verify and maintain substantial compliance with the standards;
 - c. A facility or program owned or operated by or under contract with the Department of Correction;
 - d. A hospital providing acute care licensed pursuant to § 20-9-201 et seq.;
 - e. Any facility governed by the Department of Human Services State institutional System Board or its successor;

- f. Human development centers regulated by the Board of Developmental Disabilities Services pursuant to § 20-48-201 et seq.;
 - g. Any facility licensed as a family home pursuant to § 20-48-601 et seq.;
 - h. Any boarding school as defined in this section;
 - i. Any temporary camp as defined in this section;
 - j. Any state-operated facility to house juvenile delinquents or any serious offender program facility operated by a state designee to house juvenile delinquents. Those facilities shall be subject to program requirements modeled on nationally recognized correctional facility standards that shall be developed, administered, and monitored by the Division of Youth Services of the Department of Human Services;
 - k. Any child welfare agency operated solely by a religious organization that elects to be exempt from licensing and that complies within the conditions of the exemption for church-operated agencies as set forth in this subchapter;
 - l. The Division of Developmental Disabilities Services of the Department of Human Services; and
 - m. Any developmental disabilities services waiver provider licensed under § 2048-208 or § 20-48-601 et seq.;
15. **"Foster Care Placement Agency"** means a child placement agency which places plans for or assists in the placement of an unrelated minor in a private residence of one (1) or more family members for care and supervision on a twenty-four (24) hour basis; or places, plans or assists in the placement of a child victim of human trafficking in a home.
16. **"Foster home"** means a private residence of one (1) or more family members that receives from a child placement agency any child who is unattended by a parent or guardian in order to provide care, training, education, or supervision on a twenty-four-hour basis, not to include adoptive homes. **"Foster home"** does not include a home suspended or closed by a child placement agency;
17. **"Transitional Living"** means any child welfare agency that provides specialized services in adult living preparation in a structured setting for persons eighteen (18) years of age or older who have been admitted into the agencies residential program prior to the age of 18.
18. **"Independent Living"** means a child welfare agency that provides specialized services in adult living preparation in an experiential home like setting for persons sixteen (16) years of age or older.
19. **"Independent Living Family Style Care"** means a child welfare agency that provides specialized services in adult living preparation in an experiential home like setting for persons sixteen (16) years of age or older.

20. **"Minimum standards"** means those rules and regulations as established by the Child Welfare Agency Review Board that set forth the minimum acceptable level of practice for the care of children by a child welfare agency;
21. **"Placement Residential"** means a child placement agency which places, plans for, or assists in the placement of an unrelated minor into a residential child care facility or a child victim of human trafficking in any type of shelter or facility. The agency may be licensed for any or all types of licenses, depending on the types of services it provides.
22. **"Provisional foster home"** means a foster home opened for no more than six (6) months by the Division of Children and Family Services of the Department of Human Services for a relative or fictive kin of a child in the custody of the Division of Children and Family Services of the Department of Human Services after it:
 - a. Conducts a health and safety check, including a central registry check and a criminal background check or a check with local law enforcement, of the relative's home; and
 - b. Performs a visual inspection of the home of the relative to verify that the relative and the home will meet the standards for opening a regular foster home;
23. **"Probationary"** means a type of license issued to an agency that has not maintained compliance with minimum licensing standards, but the Board believes that compliance can be restored and subsequently maintained. This license may be issued for up to one (1) year, at the discretion of the Board.
24. **"Psychiatric residential treatment facility"** means a residential child care facility in a nonhospital setting that provides a structured, systematic, therapeutic program of treatment under the supervision of a psychiatrist, for children who are emotionally disturbed and in need of daily nursing services, psychiatrist's supervision, and residential care but who are not in an acute phase of illness requiring the services of an inpatient psychiatric hospital;
25. **"Relative"** means a person within the fifth degree of kinship by virtue of blood or adoption;
26. **"Religious organization"** means a church, synagogue, or mosque or association of same whose purpose is to support and serve the propagation of truly held religious beliefs;
27. **"Residential child care facility"** means any child welfare agency that provides care, training, education, custody, or supervision on a twenty-four-hour basis for six (6) or more unrelated children, excluding foster homes that have six (6) or more children who are all related to each other but who are not related to the foster parents; or receives a child victim of human trafficking in any type of shelter or facility.

28. **"Residential Family Style Care"** means any child welfare agency that provides care, training, education, custody or supervision, in a home like setting, on a twenty-four (24) hour basis for six (6) or more unrelated minors or receives a child victim of human trafficking in any type of shelter or facility.
29. **"Sexual Rehabilitative Program"** means a treatment program that offers a specific and specialized therapeutic program for children with sexually maladaptive behaviors. A licensed sexual rehabilitative program may be in a residential childcare facility, a therapeutic foster care home, or a psychiatric residential treatment facility.
30. **"Special consideration"** means approval from the Child Welfare Agency Review Board to allow a licensee to deviate from the letter of a rule if the licensee has demonstrated that the deviation is in the best interest of the children and does not pose a risk to persons served by the licensee;
31. **"Substantial compliance"** means compliance with all essential standards necessary to protect the health, safety, and welfare of the children in the care of the child welfare agency.
Essential standards include, but are not limited to, those relating to issues involving fire, health, safety, nutrition, discipline, staff-to-child ratio, and space;
32. **"Temporary camp"** means any facility or program providing twenty-four-hour care or supervision to children that meets the following criteria:
- a. The facility or program is operated for recreational, educational, or religious purposes only;
 - b. No child attends the program more than forty (40) days in a calendar year; and
 - c. The parents of children placed in the program retain custody and planning and financial responsibility for the children during placement;
33. **"Therapeutic Foster Care"** means any child placement agency that places plans for or assists in the placement of an unrelated minor or a child victim of human trafficking in a therapeutic foster home. Therapeutic foster care is intensive therapeutic care for children provided in specially trained family homes supported by licensed mental health professionals (as recognized by Arkansas Medicaid). A therapeutic foster care program is a family-based services delivery approach providing individualized treatment for children, youth, and their families. Treatment is delivered through an integrated set of services with key interventions and supports provided by therapeutic foster parents who are trained, supervised, and supported by qualified program staff. Therapeutic foster care services shall be provided in a separately identified program of a larger agency or be provided by an independent agency.

34. **"Therapeutic Foster Care - Sexual Rehabilitative Program"** means a treatment program that offers a specific and specialized therapeutic program for children with sexually maladaptive behaviors. A licensed sexual rehabilitative program may be in a residential childcare facility, a therapeutic foster care home, or a psychiatric residential treatment facility.
35. **"Unrelated minor"** means a child who is not related by blood, marriage, or adoption to the owner or operator of the child welfare agency and who is not a ward of the owner or operator of the child welfare agency pursuant to a guardianship order issued by a court of competent jurisdiction.

Appendix B: Prohibited Offences

1. A person who is required to have a criminal records check under the Child Welfare Agency Licensing Act shall be absolutely and permanently prohibited from having direct and unsupervised contact with a child in the care of a child welfare agency if that person has pleaded guilty or nolo contendere to or been found guilty of any of the following offenses by any court in the State of Arkansas, of a similar offense in a court of another state, or of a similar offense by a federal court, unless the conviction is vacated or reversed:

01. Abuse of an endangered or impaired person, if felony,	§ 5-28-103;
02. Arson,	§ 5-28-103;
03. Capital Murder,	§ 5-10-101;
04. Endangering the welfare of an incompetent person in the first degree,	§ 5-27-201;
05. Kidnapping,	§ 5-11-102;
06. Murder in the first degree,	§ 5-10-102;
07. Murder in the second degree,	§ 5-10-103;
08. Rape,	§ 5-14-103;
09. Sexual assault in the first degree,	§ 5-14-124;
10. Sexual assault in the second degree,	§ 5-14-125;

2. A person who is required to have a criminal records check under the Child Welfare Agency Licensing Act shall not be eligible to have direct and unsupervised contact with a child in the care of a child welfare agency if that person has pleaded guilty or nolo contendere to or been found guilty of any of the following offenses by a court in the State of Arkansas, of a similar offense in a court of another state, or of a similar offense by a federal court, unless the conviction is vacated or reversed:

01. Criminal attempt to commit any offenses;	§ 5-3-201;
02. Criminal complicity to commit any offenses;	§ 5-3-202;
03. Criminal conspiracy to commit any offenses ;	§ 5-3-401;
04. Criminal solicitation, to commit any offenses;	§ 5-3-301;
05. Assault in the first, second, or third degree;	§ 5-13-205/207;
06. Aggravated assault;	§ 5-13-204;
07. Aggravated assault on a family or household member,	§ 5-26-306;
08. Battery in the first, second, or third degree,	§ 5-13-201/203;
09. Breaking or entering,	§ 5-39-202;
10. Burglary,	§ 5-39-201;
11. Coercion,	§ 5-13-208;
12. Computer crimes against minors,	§ 5-27-601 et seq;
13. Contributing to the delinquency of a juvenile,	§ 5-27-220;
14. Contributing to the delinquency of a minor,	§ 5-27-209;
15. Criminal impersonation,	§ 5-37-208;
16. Criminal use of a prohibited weapon,	§ 5-73-104;

17. Communicating a death threat concerning a school employee or students:	§ 5-17-101;
18. Domestic battery in the first, second, or third degree,	§5-26-303/305;
19. Employing or consenting to the use of a child in a sexual performance,	§5-27-401;
20. Endangering the welfare of a minor in the first or second degree,	§5-27-205/206
21. Endangering the welfare of an incompetent person in the second degree,	§5-27-202;
22. Engaging children in sexually explicit conduct for use in visual or print media,	§ 5-27-303;
23. False imprisonment in the first or second degree,	§ 5-11-103/104;
24. Felony abuse of an endangered or impaired person,	§ 5-28-103;
25. Felony interference with a law enforcement officer,	§ 5-54-104;
26. Felony violation of the Uniform Controlled Substance Act,	§ 5-64-101 et seq. §5-64-501 et seq.;
27. Financial identity fraud,	§ 5-37-227;
28. Forgery,	§ 5-37-201;
29. Incest,	§ 5-26-202;
30. Interference with court ordered custody,	§ 5-26-502;
31. Interference with visitation,	§ 5-26-501;
32. Introduction of controlled substance into the body of another person,	§ 5-13-210;
33. Manslaughter,	§ 5-10-104;
34. Negligent homicide,	§ 5-10-105;
35. Obscene performance at a live public show,	§ 5-68-305;
36. Offense of cruelty to animals,	§ 5-62-103;
37. Offense of aggravated cruelty to dog, cat, or horse,	§ 5-62-104;
38. Pandering or possessing visual or print medium depicting sexually explicit conduct involving a child,	§ 5-27-304;
39. Sexual solicitation,	§ 5-70-103;
40. Permanent detention or restraint,	§ 5-11-106;
41. Permitting abuse of a minor,	§ 5-27-221;
42. Producing, directing, or promoting a sexual performance by a child,	§ 5-27-403;
43. Promoting obscene materials,	§ 5-68-303;
44. Promoting obscene performance,	§ 5-68-304;
45. Promoting prostitution in the first, second, or third degree,	§ 5-70-104- § 5-70-106;
46. Prostitution,	§ 5-70-102;
47. Public display of obscenity,	§ 5-68-205;
48. Resisting arrest,	§ 5-54-103;
49. Robbery,	§ 5-12-102;
50. Aggravated robbery,	§ 5-12-103;
51. Sexual offenses,	§ 5-14-101 et seq.

52. Simultaneous possession of drugs and firearms,	§ 5-74-106;
53. Soliciting money or property from incompetents,	§ 5-27-229;
54. Stalking,	§ 5-71-229;
55. Terroristic act,	§ 5-13-310;
56. Terroristic threatening,	§ 5-13-301;
57. Theft of public benefits,	§ 5-36-202;
58. Theft by receiving,	§ 5-36-106;
59. Theft of property,	§ 5-36-103;
60. Theft of services,	§ 5-36-104;
61. Transportation of minors for prohibited sexual conduct,	§ 5-27-305;
62. Unlawful discharge of a firearm from a vehicle,	§ 5-74-107; and
63. Voyeurism,	§ 5-16-102.

3. A former or future law of this or any other state or of the federal government that is substantially equivalent to one (1) of the offenses listed in the Child Welfare Licensing Act shall be considered as prohibiting.
4. A person who is required to have a criminal records check under the Child Welfare Agency Licensing Act who has pleaded guilty or nolo contendere to or been found guilty of any of the offenses listed shall be absolutely disqualified from being an owner, operator, volunteer, foster parent, adoptive parent, member of a child welfare agency's board of directors, or employee in a child welfare agency during the period of the person's confinement, probation, or parole supervision unless the conviction is vacated or reversed.
5. Except as provided under the Child Welfare Agency Licensing Act, a person who has pleaded guilty or nolo contendere to or been found guilty of one (1) of the offenses listed shall not work in a child welfare agency unless:
 - (a) The date of a plea of guilty or nolo contendere, or the finding of guilt for a misdemeanor offense is at least five (5) years from the date of the record check; and
 - (b) There have been no criminal convictions or pleas of guilty or nolo contendere of any type or nature during the five-year period preceding the background check request.
6. Except as provided under the Child Welfare Licensing Act:
 - (a) a person who is required to have a criminal records check, who has pleaded guilty or nolo contendere to or been found guilty of any of the offenses listed shall be presumed to be disqualified to be an owner, operator, volunteer, foster parent, adoptive parent, member of a child welfare agency's board of directors, or employee in a child welfare agency after the completion of his or her term of confinement, probation, or parole supervision unless the conviction is vacated or reversed.
 - (b) An owner, operator, volunteer, foster parent, adoptive parent, household member of a foster parent or adoptive parent, member of any child welfare agency's board of directors, or an employee in a child welfare agency shall

not petition the Child Welfare Agency Review Board unless the agency supports the petition, which can be rebutted in the following manner:

- (i) The applicant shall petition the Child Welfare Agency Review Board to make a determination that the applicant does not pose a risk of harm to any person;
 - (ii) The applicant shall bear the burden of making such a showing; and
 - (iii) The Child Welfare Agency Review Board may permit an applicant to be an owner, operator, volunteer, foster parent, adoptive parent, member of an agency's board of directors, or an employee in a child welfare agency notwithstanding having pleaded guilty or nolo contendere to or been found guilty of an offense listed in this section upon making a determination that the applicant does not pose a risk of harm to any person served by the facility.
7. The Child Welfare Agency Review Board's decision to disqualify a person from being an owner, operator, volunteer, foster parent, adoptive parent, member of a child welfare agency's board of directors, or an employee in a child welfare agency under this section shall constitute the final administrative agency action of the Child Welfare Agency Review Board and is not subject to review.

Child Welfare Agency Licensing Act

~~Title 9 Family Law~~

~~Subtitle 3. Minors~~

~~Chapter 28 Placement or Detention~~

~~Subchapter 4 — Child Welfare Agency Licensing Act~~

~~A.C.A. § 9-28-402 (2014)~~

~~9-28-402. Definitions.~~

~~As used in this subchapter:~~

~~(1) "Adoptive home" means a household of one (1) or more persons that has been approved by a licensed child placement agency to accept a child for adoption;~~

~~(2) "Adverse action" means any petition by the Department of Human Services before the Child Welfare Agency Review Board to take any of the following actions against a licensee or applicant for a license:~~

~~(A) Revocation of license;~~

~~(B) Suspension of license;~~

~~(C) Conversion of license from regular or provisional status to probationary status;~~

~~(D) Imposition of a civil penalty;~~

~~(E) Denial of application; or~~

~~(F) Reduction of licensed capacity;~~

~~(3) "Alternative compliance" means approval from the Child Welfare Agency Review Board to allow a licensee to deviate from the letter of a regulation, provided that the licensee has demonstrated how an alternate plan of compliance will meet or exceed the intent of the regulation;~~

~~(4) "Board" means the Child Welfare Agency Review Board;~~

~~(5) "Boarding school" means an institution that is operated solely for educational purposes and that meets each of the following criteria:~~

~~(A) The institution is in operation for a period of time not to exceed the minimum number of weeks of classroom instruction required of schools accredited by the Department of Education;~~

~~(B) The children in residence must customarily return to their family homes or legal guardians during school breaks and must not be in residence year round, except that this provision does not apply to students from foreign countries; and~~

~~(C) The parents of children placed in the institution retain custody and planning and financial responsibility for the children;~~

~~(6) "Child" means a person who is:~~

~~(A) From birth to eighteen (18) years of age; or~~

~~(B) Adjudicated dependent-neglected, dependent, or a member of a family in need of services~~

Child Welfare Agency Licensing Act

before eighteen (18) years of age and for whom the juvenile division of a circuit court retains jurisdiction under the Arkansas Juvenile Code of 1989, § 9-27-301 et seq.;

(7) "Child placement agency" means a child welfare agency, not including any person licensed to practice medicine or law in the State of Arkansas, that engages in any of the following activities:

(A) Places a child in a foster home, adoptive home, or any type of facility licensed or exempted by this subchapter;

(B) Plans for the placement of a child into a foster home, adoptive home, or any type of facility licensed or exempted by this subchapter; or

(C) Assists the placement of a child in a foster home, adoptive home, or any type of facility licensed or exempted by this subchapter;

(8) "Child welfare agency" means any person, corporation, partnership, voluntary association, or other entity or identifiable group of entities having a coordinated ownership of controlling interest, whether established for profit or otherwise, that engages in any of the following activities:

(A) Receives a total number of six (6) or more unrelated minors for care on a twenty-four-hour basis for the purpose of ensuring the minors receive care, training, education, custody, or supervision, whether or not there are six (6) or more children cared for at any single physical location;

(B) Places any unrelated minor for care on a twenty-four-hour basis with persons other than themselves; or

(C) Plans for or assists in the placements described in subdivision (8)(B) of this section;

(9) (A) "Class A violation" means a violation of an essential standard, including any of those governing fire, health, safety, nutrition, staff to child ratio, and space.

(B) Operation of an unlicensed child welfare agency shall also be a Class A violation unless specifically exempted as provided in this subchapter;

(10) "Class B violation" means any other violation of a standard that is not a Class A violation;

(11) "Emergency child care" means any residential child care facility that provides care to children on a time-limited basis, not to exceed ninety (90) days;

(12) "Exempt child welfare agency" means any person, corporation, partnership, voluntary association or other entity, whether established for profit or otherwise, that otherwise fits the definition of a child welfare agency but that is specifically exempt from the requirement of obtaining a license under this subchapter. Those agencies specifically exempt from the license requirement are:

(A) A facility or program owned or operated by an agency of the United States Government;

(B) (i) Any agency of the State of Arkansas that is statutorily authorized to administer or supervise child welfare activities.

Child Welfare Agency Licensing Act

~~(ii) In order to maintain exempt status, the state child welfare agency shall state every two (2) years in written form signed by the persons in charge that their agency is in substantial compliance with published state agency child welfare standards.~~

~~(iii) Visits to review and advise exempt state agencies shall be made as deemed necessary by the Child Welfare Agency Review Board to verify and maintain substantial compliance with the standards;~~

~~(C) A facility or program owned or operated by or under contract with the Department of Correction;~~

~~(D) A hospital providing acute care licensed pursuant to § 20-9-201 et seq.;~~

~~(E) Any facility governed by the Department of Human Services State Institutional System Board or its successor;~~

~~(F) Human development centers regulated by the Board of Developmental Disabilities Services pursuant to § 20-48-201 et seq.;~~

~~(G) Any facility licensed as a family home pursuant to § 20-48-601 et seq.;~~

~~(H) Any boarding school as defined in this section;~~

~~(I) Any temporary camp as defined in this section;~~

~~(J) Any state-operated facility to house juvenile delinquents or any serious offender program facility operated by a state designee to house juvenile delinquents. Those facilities shall be subject to program requirements modeled on nationally recognized correctional facility standards that shall be developed, administered, and monitored by the Division of Youth Services of the Department of Human Services;~~

~~(K) Any child welfare agency operated solely by a religious organization that elects to be exempt from licensing and that complies within the conditions of the exemption for church-operated agencies as set forth in this subchapter;~~

~~(L) The Division of Developmental Disabilities Services of the Department of Human Services; and~~

~~(M) Any developmental disabilities services waiver provider licensed under § 20-48-208 or § 20-48-601 et seq.;~~

~~(13) (A) "Foster home" means a private residence of one (1) or more family members that receives from a child placement agency any child who is unattended by a parent or guardian in order to provide care, training, education, or supervision on a twenty-four-hour basis, not to include adoptive homes.~~

~~(B) "Foster home" does not include a home suspended or closed by a child placement agency;~~

~~(14) "Independent living home" means any child welfare agency that provides specialized services in adult living preparation in an experiential setting for persons sixteen (16) years of age or older;~~

~~(15) "Minimum standards" means those rules and regulations as established by the Child Welfare Agency Review Board that set forth the minimum acceptable level of practice for the care of children by a child welfare agency;~~

~~(16) "Provisional foster home" means a foster home opened for no more than six (6) months by the Division of Children and Family Services of the Department of Human Services for a relative or fictive kin of a child in the custody of the Division of Children and Family Services of the Department of Human Services after it:~~

Child Welfare Agency Licensing Act

- (A) Conducts a health and safety check, including a central registry check and a criminal background check or a check with local law enforcement, of the relative's home; and
- (B) Performs a visual inspection of the home of the relative to verify that the relative and the home will meet the standards for opening a regular foster home;

(17) "Psychiatric residential treatment facility" means a residential child care facility in a nonhospital setting that provides a structured, systematic, therapeutic program of treatment under the supervision of a psychiatrist, for children who are emotionally disturbed and in need of daily nursing services, psychiatrist's supervision, and residential care but who are not in an acute phase of illness requiring the services of an inpatient psychiatric hospital;

(18) "Relative" means a person within the fifth degree of kinship by virtue of blood or adoption;

(19) "Religious organization" means a church, synagogue, or mosque or association of same whose purpose is to support and serve the propagation of truly held religious beliefs;

(20) "Residential child care facility" means any child welfare agency that provides care, training, education, custody, or supervision on a twenty-four-hour basis for six (6) or more unrelated children, excluding foster homes that have six (6) or more children who are all related to each other but who are not related to the foster parents;

(21) "Special consideration" means approval from the Child Welfare Agency Review Board to allow a licensee to deviate from the letter of a rule if the licensee has demonstrated that the deviation is in the best interest of the children and does not pose a risk to persons served by the licensee;

(22) (A) "Substantial compliance" means compliance with all essential standards necessary to protect the health, safety, and welfare of the children in the care of the child welfare agency.

(B) Essential standards include, but are not limited to, those relating to issues involving fire, health, safety, nutrition, discipline, staff to child ratio, and space;

(23) "Temporary camp" means any facility or program providing twenty-four-hour care or supervision to children that meets the following criteria:

(A) The facility or program is operated for recreational, educational, or religious purposes only;

(B) No child attends the program more than forty (40) days in a calendar year; and

(C) The parents of children placed in the program retain custody and planning and financial responsibility for the children during placement; and

(24) "Unrelated minor" means a child who is not related by blood, marriage, or adoption to the owner or operator of the child welfare agency and who is not a ward of the owner or operator of the child welfare agency pursuant to a guardianship order issued by a court of competent jurisdiction

9-28-403. Child Welfare Agency Review Board — Creation — Authority.

(a) (1) there is created the Child Welfare Agency Review Board to serve as the administrative body to carry out the provisions of this subchapter.

(2) The board shall have the authority to promulgate rules and regulations to enforce the provisions of this subchapter.

(b) The board may also identify and implement alternative methods of regulation and enforcement that may include, but not be limited to:

Child Welfare Agency Licensing Act

(1) Expanding the types and categories of licenses issued for programs falling within the definition of "child welfare agency", as may be required by changes in the types of child welfare programs that may occur, and to promulgate separate regulations for each category of license as it may deem proper;

(2) Using the standards of other licensing authorities or compliance reviewing professionals as being equivalent to partial compliance with board promulgated rules, when those standards have been shown to predict compliance with the board promulgated rules; and

(3) Using an abbreviated inspection that employs key standards that have been shown to predict full compliance with the rules.

(c) (1) The Department of Human Services is designated as the governmental agency charged with the enforcement of this subchapter.

(2) Only the department, licensees, agencies specifically exempted by this subchapter, and applicants for a license shall have standing to initiate formal proceedings before the board, except when otherwise provided by law.

(d) When any person, corporation, partnership, voluntary association, or other entity shall be found to operate or assist in the operation of a child welfare agency that has been licensed by the board or has had the license denied, revoked, or suspended by the board, and therefore has been ordered to cease and desist operation in accordance with the provisions of this subchapter, the board shall have the right to go into the circuit court in the jurisdiction in which the child welfare agency is being operated and upon affidavit secure a writ of injunction, without bond, restraining and prohibiting the person, corporation, partnership, voluntary association, or other entity from operating the child welfare agency.

(e) The Arkansas Administrative Procedure Act, § 25-15-201 et seq., shall apply to all proceedings brought under this subchapter, except that the following provisions shall control during adverse action hearings to the extent that they conflict with the Arkansas Administrative Procedure Act § 25-15-201 et seq.:

(1) All parties to an adverse action shall be entitled to engage in and use formal discovery as provided for in Rules 26, 28 -- 34, and 36 of the Arkansas Rules of Civil Procedure including:

- (A) Requests for admission;
- (B) Requests for production of documents and things;
- (C) Written interrogatories; and
- (D) Oral and written depositions; and

(2) All evidentiary rulings in an adverse action hearing shall be governed by the Arkansas Rules of Evidence with respect to the following types of evidence:

- (A) The requirement of personal knowledge of a witness as required by Rule 602;
- (B) The admissibility of character evidence as set forth by Rules 608 and 609;

Child Welfare Agency Licensing Act

- (C) ~~The admissibility of opinion evidence as set forth by Rules 701—703; and~~
- (D) ~~The admissibility of hearsay evidence as set forth by Rules 801—806.~~

- (f) ~~(1) Requests for subpoenas shall be granted by the Chief Counsel of the Department of Human Services or a designee if the testimony or documents desired are considered necessary and material without being unduly repetitious of other available evidence.~~
- ~~(2) Subpoenas provided for in this section shall be served in the manner as now provided by law, returned, and a copy made and kept by the department.~~
- ~~(3) The fees and mileage for officers serving the subpoenas and witnesses answering the subpoenas shall be the same as now provided by law.~~
- ~~(4) Witnesses duly served with subpoenas issued under this section who shall refuse to testify or give evidence may be cited on an affidavit through application of the chief counsel of the department to the Pulaski County Circuit Court or any circuit court of the state where the subpoenas were served.~~
- ~~(5) Failure to obey the subpoena may be deemed a contempt punishable accordingly.~~

HISTORY: Acts 1997, No. 1041, § 3; 2009, No. 723, §§ 2, 3; 2011, No. 522, § 6.

~~9-28-404. Child Welfare Agency Review Board — Composition.~~

~~(a) The Child Welfare Agency Review Board shall consist of Arkansas residents who shall be qualified as follows:~~

- ~~(1) The director of the division within the Department of Human Services designated by the Director of the Department of Human Services to administer this subchapter or his or her designee;~~
- ~~(2) One (1) representative from a privately owned, licensed child placement agency with expertise in foster care;~~
- ~~(3) One (1) representative from a privately owned, licensed child placement agency with expertise in adoptions;~~
- ~~(4) Two (2) representatives from licensed residential child care facilities;~~
- ~~(5) One (1) representative from a licensed psychiatric residential treatment facility;~~
- ~~(6) One (1) representative from a licensed emergency shelter; and~~
- ~~(7) One (1) representative from the public at large.~~

~~(b) Members shall be appointed by the Governor for four-year terms expiring on March 1 of the appropriate year, except that in making initial appointments, one (1) of the members representing licensed child placement agencies and the member representing the public at large shall serve for two (2) years and two (2) of the members representing residential facilities shall serve for three (3) years.~~

~~(c) Members of the board shall serve without compensation, but each member of the board shall~~

Child Welfare Agency Licensing Act

be entitled to reimbursement for expenses for necessary meals, lodging, and mileage in attending board meetings, to be payable from funds appropriated for the maintenance and operation of the department.

(d) The members of the board shall select a chair from among its voting membership.

HISTORY: Acts 1997, No. 1041, § 4; 2001, No. 1414, §§ 1, 2; 2003, No. 1157, § 2; 2011, No. 522, §§ 7, 8.

~~9-28-405. Child Welfare Agency Review Board—Duties.~~

~~(a) (1) The Child Welfare Agency Review Board shall promulgate and publish rules setting minimum standards governing the granting, revocation, refusal, conversion, and suspension of licenses for a child welfare agency and the operation of a child welfare agency.~~

~~(2) The board may consult with such other agencies, organizations, or individuals as it shall deem proper.~~

~~(3) (A) The board shall take any action necessary to prohibit any person, partnership, group, corporation, organization, or association not licensed or exempted from licensure pursuant to this chapter from advertising, placing, planning for, or assisting in the placement of any unrelated minor for purposes of adoption or for care in a foster home.~~

~~(B) The prohibition against advertising shall not apply to persons who are seeking to add to their own family by adoption.~~

~~(b) The board may amend the rules and regulations promulgated pursuant to this section from time to time, in accordance with the rule promulgation procedures in the Arkansas Administrative Procedure Act, § 25-15-201 et seq.~~

~~(c) (1) The board shall have exclusive authority to promulgate rules that:~~

~~(A) Promote the health, safety, and welfare of children in the care of a child welfare agency;~~

~~(B) Promote safe and healthy physical facilities;~~

~~(C) Ensure adequate supervision of the children by capable, qualified, and healthy individuals;~~

~~(D) Ensure appropriate educational programs and activities for children in the care of a child welfare agency;~~

~~(E) Ensure adequate and healthy food service;~~

~~(F) Include procedures for the receipt, recordation, and disposition of complaints regarding allegations of violations of this subchapter, of the rules promulgated under this subchapter, or of child maltreatment laws;~~

~~(G) Include procedures for the assessment of child and family needs and for the delivery of services designed to enable each child to grow and develop in a permanent family setting;~~

~~(H) Ensure that criminal record checks and central registry checks are completed on owners, operators, and employees of a child welfare agency as set forth in this subchapter;~~

~~(I) Require the compilation of reports and making those reports available to the Division of Youth Services of the Department of Human Services when the board determines it is necessary for compliance determination or data compilation;~~

~~(J) Ensure that a child placement agency:~~

~~(i) Treats clients seeking or receiving services in a professional manner, as defined by rules promulgated pursuant to this section; and~~

~~(ii) Provides clients seeking or receiving services from a child placement agency that provides adoption services with the phone number and address of the Child Welfare Agency Licensing~~

Child Welfare Agency Licensing Act

Unit of the Department of Human Services where complaints can be lodged;

(K) Require that all child welfare agencies that provide adoption services fully apprise in writing all clients involved in the process of adopting a child of the agency's adoption program or services, including all possible costs associated with the adoption program; and

(L) Establish rules governing retention of licensing records maintained by the department.

(2) This subchapter shall not be construed to prevent a licensed child welfare agency from adopting and applying internal operating procedures that meet or exceed the minimum standards required by the board.

(d) (1) Provided that the health, safety, and welfare of children in the care of a child welfare agency are not endangered, nothing in this subchapter shall permit the board to promulgate or enforce any rule that has the effect of:

(A) Interfering with the religious teaching or instruction offered by a child welfare agency;

(B) Infringing upon the religious beliefs of the holder or holders of a child welfare agency license;

(C) Infringing upon the right of an agency operated by a religious organization to consider creed in any decision or action relating to admitting or declining to admit a child or family for services;

(D) Infringing upon the parent's right to consent to a child's participating in prayer or other religious practices while in the care of the child welfare agency; or

(E) Prohibiting the use of corporal discipline.

(2) (A) (i) A child welfare agency that articulates a sincerely held religious belief that is violated by a specific rule promulgated by the board shall notify the department in writing of the belief and the specific rule that violates the belief.

(ii) The rule shall be presumptively invalid as applied to that child welfare agency.

(B) (i) The department may then file a petition before the board seeking to enforce the rule.

(ii) The department shall bear the burden of showing that the health, safety, or welfare of children would be endangered by the exemption, and if the board so finds by a preponderance of the evidence, the board shall render a finding of fact so concluding.

(e) The board shall issue all licenses to child welfare agencies upon majority vote of board members present during each properly called board meeting at which a quorum is present when the meeting is called to order.

(f) (1) (A) The board shall have the power to deny an application to operate a child welfare agency or revoke or suspend a previously issued license to operate a child welfare agency.

(B) The board may deny, suspend, convert, or revoke a child welfare agency license or issue letters of reprimand or caution to a child welfare agency if the board finds by a preponderance of the evidence that the applicant or licensee:

(i) Fails to comply with the provisions of this subchapter or any published rule of the board relating to child welfare agencies;

(ii) Furnishes or makes any statement or report to the department that is false or misleading;

(iii) Refuses or fails to submit required reports or to make available to the department any records required by it in making an investigation of the agency for licensing purposes;

(iv) Refuses or fails to submit to an investigation or to reasonable inspection by the department;

(v) Retaliates against an employee who in good faith reports a suspected violation of the provisions of this subchapter or the rules promulgated under this subchapter;

(vi) Fails to engage in a course of professional conduct in dealing with clients being served by the child placement agency, as defined by rules promulgated pursuant to this section;

Child Welfare Agency Licensing Act

~~(vii) Demonstrates gross negligence in carrying out the duties at the child placement agency; or
(viii) Fails to provide clients involved in the process of adoption of a child with correct and sufficient information pertaining to the adoption process, services, and costs.~~

~~(2) Any denial of application or revocation or suspension of a license shall be effective when made.~~

~~(g) The board shall review the qualifications of persons required to have background checks under this subchapter.~~

~~(h) (1) The board or its designee may grant an agency's request for alternative compliance upon a finding that the child welfare agency does not meet the letter of a regulation promulgated under this subchapter but that the child welfare agency meets or exceeds the intent of that rule through alternative means.~~

~~(2) (A) If the board or its designee grants a request for alternative compliance, the child welfare agency's practice as described in the request for alternative compliance shall be the compliance terms under which the child welfare agency will be held responsible.~~

~~(B) The board or its designee may grant an agency's request for special consideration upon a finding that the request is in the best interest of the child or children or does not pose a risk to the persons served by the agency.~~

~~(C) Violations of those terms shall constitute a rule violation.~~

~~(i) (1) (A) The board shall have the authority to impose a civil penalty upon any person violating any provisions of this subchapter and any person assisting any partnership, group, corporation, organization, or association in violating any provisions of this subchapter, except that the imposition of civil penalties shall not apply to agencies that have been granted a church-operated exemption pursuant to this subchapter.~~

~~(B) (i) The board may impose a civil penalty upon any person, partnership, group, corporation, organization, or association not licensed or exempt from licensure as a child welfare agency in the State of Arkansas pursuant to this subchapter that advertises, places, plans for, or assists in the placement of any unrelated minor for purposes of adoption or for care in a foster home.~~

~~(ii) The prohibition against advertising does not apply to persons who are seeking to add to their own family by adoption.~~

~~(2) The board shall have the discretion to impose a civil penalty pursuant to this section when the board determines by clear and convincing evidence that the person sought to be charged has violated this subchapter or the rules promulgated thereunder willfully, wantonly, or with conscious disregard for law or regulation.~~

~~(3) The board may impose civil penalties as follows:~~

~~(A) (i) Class A violations as defined in this subchapter shall be subject to a civil penalty of five hundred dollars (\$500) for each violation, with each day of noncompliance constituting a separate violation.~~

~~(ii) In no event shall the board impose civil penalties of more than two thousand five hundred dollars (\$2,500) for Class A violations occurring in any one (1) calendar month; and~~

~~(B) (i) Class B violations as defined in this subchapter shall be subject to a civil penalty of one hundred dollars (\$100) for each violation with each day of noncompliance constituting a separate violation.~~

~~(ii) In no event shall the board impose civil penalties of more than five hundred dollars (\$500) for Class B violations occurring in any one (1) calendar month.~~

Child Welfare Agency Licensing Act

(4) If any person upon whom the board has levied a civil penalty fails to pay the civil penalty within sixty (60) days of the board's decision to impose the penalty, the amount of the fine shall be considered to be a debt owed the State of Arkansas and may be collected by civil action by the Attorney General.

(j) (1) (A) The board shall notify the applicant or licensee of the department's petition for adverse action in writing and set forth the facts forming the basis for the request for the adverse action.

(B) This notice shall offer the licensee the opportunity for a pre-deprivation adverse action hearing to determine if the adverse action should be taken against the licensee or applicant.

(2) This section does not prevent the department or the board from closing a child welfare agency on an emergency basis if emergency closure is immediately required to protect the health, safety, or welfare of children, in which case the licensee shall be entitled to a post-deprivation adverse action hearing.

(k) (1) Adverse action hearings shall comply with the Arkansas Administrative Procedure Act, § 25-15-201 et seq.

(2) (A) Within ten (10) business days after rendering a decision, the board shall forward to the applicant or licensee written findings of fact and conclusions of law articulating the board's decision.

(B) The board shall also issue an order that the applicant or licensee cease and desist from the unlawful operation of a child welfare agency if the adverse action taken was revocation or suspension of the license or denial of an application.

(l) (1) If, upon the filing of a petition for a judicial review, the reviewing court determines that there is a substantial possibility that the board's decision against the licensee or applicant may be reversed, the circuit court may enter a stay prohibiting enforcement of a decision of the board, provided that the court articulates the facts from the adverse action hearing record that constitute a substantial possibility of reversal.

(2) (A) Thereafter, the court shall complete its review of the record and announce its decision within one hundred twenty (120) days of the entry of the stay.

(B) If the court does not issue its findings within one hundred twenty (120) days of the issuance of the stay, the stay shall be considered vacated.

(m) All rules promulgated under this section and all public comment received in writing by the department in response shall be made available for review by the Senate Interim Committee on Children and Youth and the Subcommittee on Children and Youth of the House Committee on Aging, Children and Youth, Legislative and Military Affairs, and by the Governor or his or her designee from among the Governor's staff.

(n) (1) (A) The validity or application of any rule or regulation promulgated by the board under authority of this subchapter shall be subject to remedies provided by law for obtaining declaratory judgments at the suit of any interested person instituted in the circuit court of any county in which the plaintiff resides or does business or in Pulaski County Circuit Court.

(B) However, the board must be named a party defendant and the board must be summoned as in an action by ordinary proceedings.

(2) If a juvenile is found to be maltreated due to the acts or omissions of a person other than the parent or guardian of the juvenile, the court may enter an order restraining or enjoining the person or facility employing that person from providing care, training, education, custody, or supervision of juveniles of whom the person or facility is not the parent or guardian.

Child Welfare Agency Licensing Act

~~(3) (A) If the person or facility other than the parent or guardian of the juvenile found to be maltreated was not subject to this subchapter, the court may order the person or facility to obtain a license from the board as a condition precedent to the person or facility providing care, training, education, custody, or supervision of any juveniles of whom the person or facility is not the parent or guardian.~~

~~(B) If the court so orders, this subchapter shall thereafter apply to the person or facility subject to the court order.~~

~~(c) (1) The Department of Human Services shall maintain a website accessible to the general public that contains information on child placement agencies.~~

~~(2) The website shall contain:~~

~~(A) The name, phone number, and address of all child placement agencies licensed by the board;~~

~~(B) Information on each child placement agency, specifically if the license is in good standing, if the license has ever been revoked or suspended, or if any letters of caution or reprimand have been issued by the board; and~~

~~(C) The name and contact information for a person in the unit who handles complaints about child placement agencies.~~

HISTORY: Acts 1997, No. 1041, § 5; 2005, No. 2225, § 1; 2005, No. 2234, § 2; 2009, No. 723, §§ 4-6; 2011, No. 522, §§ 9-14; 2013, No. 1275, § 2.

9-28-406. Department enforcement duties.

~~(a) (1) The Department of Human Services shall advise the Child Welfare Agency Review Board regarding proposed rules and regulations.~~

~~(2) The department shall obtain comments from the board prior to initiating the rule promulgation process.~~

~~(b) (1) The board is authorized to make an inspection and investigation of any proposed or operating child welfare agency and of any personnel connected with that agency to the extent that an inspection and investigation are necessary to determine whether the child welfare agency will be or is being operated in accordance with this subchapter and the rules and regulations promulgated by the board.~~

~~(2) The board may delegate this authority to any agencies of the State of Arkansas whom the board deems proper.~~

~~(c) (1) The department or any other public agency having authority or responsibility with respect to child maltreatment shall have the authority to investigate any alleged or suspected child maltreatment in any child welfare agency, whether licensed or exempt.~~

~~(2) Nothing contained in this section shall be construed to limit or restrict that authority.~~

~~(d) (1) the department shall assist licensees and applicants in complying with published rules and regulations by issuing advisory opinions regarding matters of rule compliance when so requested.~~

~~(2) The procedure for issuing advisory opinions shall be as follows:~~

~~(A) (i) Any licensee or applicant for a license may submit a written request for an advisory opinion on whether or not a practice in any planned or existing child welfare agency complies with the rules promulgated pursuant to this subchapter. (ii) The department must respond to the request in writing within twenty (20) business days of receiving the request. (iii) If the department's response is that the subject of the request would not comply with published standards, the department shall suggest an alternative practice that in its opinion would comply with published standards when it is possible to do so; and~~

Child Welfare Agency Licensing Act

(B) (i) A written opinion required in subdivision (d)(2)(A) of this section is binding on the department as a declaratory order if the applicant or licensee has acted in reliance on the opinion.
(ii) Notwithstanding the foregoing, in no event shall the advisory opinion be binding on the board if the compliance issue that is the subject of the advisory opinion is presented to the board for review.

(e) (1) The department shall inspect child welfare agencies as provided in this subsection.

(2) If the department finds that a child welfare agency has failed to comply with an applicable law or rule, the department shall issue a notice of noncompliance to the child welfare agency. The department's notice of noncompliance shall contain:

(A) A factual description of the conditions that constitute a violation of the law or rule;

(B) The specific law or rule violated; and

(C) A reasonable time frame within which the violation must be corrected.

(3) (A) (i) If the child welfare agency believes that the contents of the department's notice of noncompliance are in error, the child welfare agency may ask licensing authorities to reconsider the parts of the notice of noncompliance that are alleged to be in error.

(ii) The request for reconsideration must be in writing, delivered by certified mail within twenty (20) business days of receipt of the notice of noncompliance.

(iii) The request shall specify the parts of the notice of noncompliance that are alleged to be in error, explaining why they are in error, and include documentation to support the allegation of error.

(B) (i) The department shall render a decision on the request for reconsideration within twenty (20) working days after the date the request for reconsideration was received.

(ii) The licensee's request for reconsideration and supporting documentation shall be retained by the department and made a part of the licensee's record.

(4) (A) If upon re-inspection or other acceptable means of verification, the department finds that the licensee has corrected the violation or violations specified in the notice of noncompliance, the department shall note the correction and the date the correction was verified in the licensee's record.

(B) If upon re-inspection, the department finds that the licensee has not corrected the violations specified in the notice of noncompliance within the required time frame, the department may in its discretion petition the board to impose appropriate adverse action against the licensee.

(C) In the case of an applicant for a license, if the board or its designee finds that the applicant has not corrected the violations in a previously issued notice of noncompliance, the department may recommend denial of the application for a child welfare agency license.

HISTORY: Acts 1997, No. 1041, § 6; 2011, No. 522, § 15; 2013, No. 1275, § 3.

9-28-407. Licenses required and issued.

(a) (1) It shall be unlawful for any person, partnership, group, corporation, association, or other entity or identifiable group of entities having a coordinated ownership of controlling interest to operate or assist in the operation of a child welfare agency that has not been licensed by the Child Welfare Agency Review Board from licensing pursuant to this subchapter.

(2) This license shall be required in addition to any other license required by law for all entities that fit the definition of a child welfare agency and are not specifically exempted, except that no non-psychiatric residential treatment facility or agency licensed or exempted pursuant to this subchapter shall be deemed to fall within the meaning of § 20-10-101 for any purpose.

(3) Any child welfare agency capacity licensed or permitted by the board as of March 1, 2003,

Child Welfare Agency Licensing Act

whether held by the original licensee or by a successor in interest to the original licensee, is exempted from:

(A) Obtaining any license or permit from the Office of Long Term Care of the Division of Medical Services of the Department of Human Services;

(B) Obtaining any permit from the Health Services Permit Agency or the Health Services Permit Commission to operate at the capacity licensed by the board as of March 1, 2003; and

(C) Obtaining any permit from the agency or the commission to operate at any future expanded capacity serving only non-Arkansas residents unless a permit is required by federal law or regulation.

(4) Any further expansion of capacity by a licensee of the board shall require a license or permit from the Office of Long Term Care and the agency unless the bed expansion is exempted under subdivisions (a)(3)(A) — (C) of this section.

(5) (A) Subdivisions (a)(3) and (4) of this section shall be construed to include a child welfare agency that is licensed or permitted by the board as a residential facility as of March 1, 2003, if the licensee then met and continues to meet the following criteria:

(i) The licensee is a nonhospital-based residential facility that specializes in providing treatment and care for seriously emotionally disturbed children under eighteen (18) years of age who have co-occurring substance abuse and psychiatric disorders;

(ii) The licensee possesses accreditation from at least one (1) of the following national accreditation entities:

(a) The Commission on Accreditation of Rehabilitation Facilities;

(b) The Council on Accreditation of Services for Families and Children; or

(c) The Joint Commission on Accreditation of Healthcare Organizations;

(iii) The licensee is licensed by the Division of Behavioral Health Services or its successor; and

(iv) The licensee is operating a nontraditional program that is approved by the Department of Education.

(B) (i) Licensees described in subdivision (a)(5)(A) of this section shall be eligible for reimbursement by the Arkansas Medicaid Program under the same methodology and at the same reimbursement rates as residential treatment facilities that do not specialize in treating children with co-occurring substance abuse and psychiatric disorders.

(ii) However, Medicaid payments shall be reduced by payments received from other payer's in connection with Medicaid-covered care and treatment furnished to Medicaid recipients.

(b) (1) It shall be unlawful for any person to falsify an application for licensure, to knowingly circumvent the authority of this subchapter, to knowingly violate the orders issued by the board, or to advertise the provision of child care or child placement when not licensed under this subchapter to provide those services, unless determined by the board to be exempt from licensure under this subchapter.

(2) Any violation of this section shall constitute a Class D felony.

(c) (1) Any person, partnership, group, corporation, organization, association, or other entity or identifiable group of entities having a coordinated ownership of controlling interest, desiring to operate a child welfare agency shall first make application for a license or a church-operated exemption for the facility to the board on the application forms furnished for this purpose by the board.

(2) (A) The Department of Human Services shall also furnish to the applicant upon request an application form.

(B) The child welfare agency shall submit a separate application for license for each separate

Child Welfare Agency Licensing Act

physical location of a child welfare agency.

(d) (1) The Department of Human Services shall review, inspect, and investigate each applicant to operate a child welfare agency and shall present a recommendation to the board whether the board should issue a license and what the terms and conditions of the license should be.

(2) The Department of Human Services shall complete its recommendation within ninety (90) days after receiving a complete application from the applicant. A complete application shall consist of:

(A) A completed application form prepared and furnished by the board;

(B) A copy of the articles of incorporation, bylaws, and current board roster, if applicable, including names and addresses of the officers;

(C) A complete personnel list with verifications of qualifications and experience;

(D) Substantiation of the financial soundness of the agency's operation; and

(E) A written description of the agency's program of care, including intake policies, types of services offered, and a written plan for providing health care services to children in care.

(e) (1) The board shall issue a regular license that shall be effective until adverse action is taken on the license if the board finds that:

(A) The applicant for a child welfare agency license meets all licensing requirements; or

(B) The applicant for a child welfare agency license meets all essential standards, has a favorable compliance history, and has the ability and willingness to comply with all standards within a reasonable time.

(2) (A) The board may issue a provisional license that shall be effective for up to one (1) year if the board finds that the applicant meets all essential standards but the applicant requires more frequent monitoring because the applicant's ability or willingness to meet all standards within a reasonable time has not been favorably determined.

(B) The board shall at no time issue a regular or provisional license to any agency or facility that does not meet all essential standards.

(f) (1) A license to operate a child welfare agency shall apply only to the owner stated on the application.

(2) The license shall be transferable, along with all capacity and rights of licensure, from:

(A) One (1) location to another; and

(B) One (1) owner to another, if permitted under subdivision (f)(3) of this section.

(3) Whenever ownership of a controlling interest in the operation of a child welfare agency is sold, the following procedures shall be followed:

(A) The seller shall notify the Department of Human Services of the sale at least thirty (30) days before the completed sale;

(B) The seller shall remain responsible for the operation of the child welfare agency until the agency is closed or an amended license is issued to the buyer;

(C) The seller shall remain liable for all penalties assessed against the child welfare agency that are imposed for violations occurring before the transfer of a license to the buyer;

(D) The buyer shall provide all documentation required of a new applicant to the Department of Human Services;

(E) The buyer shall be subject to any corrective action notices to which the seller was subject; and

(F) The provisions of subsection (a) of this section, including those provisions regarding obtaining licenses or permits from the Office of Long-Term Care and regarding obtaining any permits from the Health Services Permit Agency or the Health Services Permit Commission;

Child Welfare Agency Licensing Act

shall apply in their entirety to the new owner of the child welfare agency.

(g) If the board votes to issue a license to operate a child welfare agency, the license must be posted in a conspicuous place in the child welfare agency and must state at a minimum:

(1) The full legal name of the entity holding the license, including the business name, if different;

(2) The address of the child welfare agency;

(3) The effective date and expiration date of the license, if applicable;

(4) The type of child welfare agency the licensee is authorized to operate;

(5) The maximum number and ages of children that may receive services from the agency, if applicable;

(6) The status of the license, whether regular, provisional, or probationary; and

(7) Any special conditions or limitations of the license.

(h) (1) Reports, correspondence, memoranda, case histories, or other materials, including protected health information, compiled or received by a licensee or a state agency engaged in placing a child, including both 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 law and only:

(A) To the Director of the Child Welfare Agency Review Board 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 under § 12-18-106(a);

(D) (i) To the child's parent, guardian, or custodian.

(ii) 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.

(iii) The licensee or state agency may 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) (i) 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.

(ii) "Health care providers" includes doctors, nurses, emergency medical technicians, counselors, therapists, mental health professionals, and dentists;

(G) To school personnel and day 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) (i) To foster parents, the foster care record for foster children currently placed in their home.

(ii) However, information about the parents or guardians and any siblings not in the foster home shall not be released;

(I) (i) To the board.

(ii) However, at any board meeting no information that 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 of the Department of Human Services, and the Department of Education, 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 that is authorized by law to conduct the audit or activity;

(L) Upon presentation of an order of appointment, to a court-appointed special advocate;

Child Welfare Agency Licensing Act

- ~~(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 at 42 U.S.C. § 671(a)(8), as in effect January 1, 2001;~~
- ~~(R) For the administration of any other federal or federally assisted program that provides assistance, in cash or in kind, or services, directly to individuals on the basis of need;~~
- ~~(S) (i) To individual federal and state representatives and senators in their official capacity and their staff members with no re-disclosure of information.~~
 - ~~(ii) No disclosure shall be made to any committee or legislative body of any information that identifies by name or address any recipient of services;~~
- ~~(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 or her family; or~~
- ~~(V) To volunteers authorized by the licensee or the state agency to provide support or services to the child or his or 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) (i) To a person, agency, or organization engaged in a bona fide research or evaluation project that is determined by the Division of Children and Family Services of the Department of Human Services to have value for the evaluation or development of policies and programs within the Division of Children and Family Services of the Department of Human Services.~~
 - ~~(ii) Any confidential information provided by the Department of Human Services for a research or evaluation project under this subdivision (h)(1)(W) shall not be re-disclosed or published.~~
- ~~(X) To a child fatality review panel as authorized by the Department of Human Services.~~

~~(2) 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 board;~~
- ~~(E) To the Division of Children and Family Services of the Department of Human Services and the Department of Education, 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) (i) To individual federal and state representatives and senators in their official capacity and their staff members with no re-disclosure of information.~~
 - ~~(ii) No disclosure shall be made to any committee or legislative body of any information that identifies by name or address any recipient of services; or~~
- ~~(I) To the attorney ad litem and court-appointed special advocate, the home study on the adoptive family selected by the Department of Human Services to adopt the juvenile.~~

Child Welfare Agency Licensing Act

~~(3) (A) Any person or agency to whom disclosure is made shall not disclose to any other person reports or other information obtained pursuant to this subsection.~~

~~(B) Any person disclosing information in violation of this subsection shall be guilty of a Class C misdemeanor.~~

~~(C) Nothing in this subchapter shall be construed to prevent subsequent disclosure by the child or his or her parent or guardian.~~

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

~~(i) Foster parents approved by a child placement agency licensed by the Department of Human Services shall not be liable for damages caused by their foster children, nor shall they be liable to the foster children nor to the parents or guardians of the foster children for injuries to the foster children caused by acts or omissions of the foster parents unless the acts or omissions constitute malicious, willful, wanton, or grossly negligent conduct.~~

~~(j) [Repealed.]~~

~~HISTORY: Acts 1997, No. 1041, § 7; 1999, No. 1319, § 1; 2001, No. 1211, § 1; 2001, No. 1800, § 1; 2003, No. 1157, § 1; 2003, No. 1166, § 39; 2003, No. 1285, § 1; 2005, No. 888, § 2; 2005, No. 1766, § 2; 2005, No. 2234, §§ 3, 4; 2007, No. 634, § 2; 2009, No. 723, § 7; 2009, No. 758, § 16; 2011, No. 522, §§ 16-20; 2011, No. 591, § 10; 2013, No. 1107, § 10; 2013, No. 1275, §§ 4-7.~~

~~9-28-408. Church-related exemption.~~

~~(a) (1) Any church or group of churches exempt from the state income tax levied by § 26-51-101 et seq. when operating a child welfare agency shall be exempt from obtaining a license to operate the facility by the receipt by the Child Welfare Agency Review Board of written request therefor, together with the written verifications required in subsection (b) of this section.~~

~~(2) A written request shall be made by those churches desiring exemption to the board, which is mandated under the authority of this subchapter to license all child welfare agencies.~~

~~(b) (1) In order to maintain an exempt status, the child welfare agency shall state every two (2) years in written form signed by the persons in charge that the agency has met the fire, safety, and health inspections and is in substantial compliance with published standards that similar nonexempt child welfare agencies are required to meet.~~

~~(2) Visits to review and advise exempt agencies shall be made as deemed necessary by the board to verify and maintain substantial compliance with all published standards for nonexempt agencies.~~

~~(3) Standards for substantial compliance shall not include those of a religious or curriculum nature so long as the health, safety, and welfare of the child are not endangered.~~

~~(c) (1) Any questions of substantial compliance with the published standards shall be reviewed by the board.~~

~~(2) Final administrative actions of the board shall be pursued by either party in the court of competent jurisdiction in the resident county of the facility under review.~~

~~(3) Challenge to the constitutionality or reasonableness of any regulation or statute may be made prior to any appeal under the Arkansas Administrative Procedure Act, § 25-15-201 et seq.~~

~~(d) (1) As used in this section, the term "substantial compliance" and the term "is being operated in accordance with this subchapter" shall each mean that a church-operated exempt or a~~

Child Welfare Agency Licensing Act

~~nonexempt child welfare agency is being operated within the minimum requirements for substantial compliance as promulgated by the board.~~

~~(2) It is the intent and purpose of this section that the term "substantial compliance" be applicable to all child welfare agencies.~~

~~HISTORY: Acts 1997, No. 1041, § 8.~~

~~9-28-409. Criminal record and child maltreatment checks.~~

~~(a) (1) Each of the following persons in a child welfare agency shall be checked with the Child Maltreatment Central Registry in his or her state of residence and any state of residence in which the person has lived for the past five (5) years and in the person's state of employment, if different, for reports of child maltreatment in compliance with policy and procedures promulgated by the Child Welfare Agency Review Board:~~

~~(A) An employee having direct and unsupervised contact with children;~~

~~(B) A volunteer having direct and unsupervised contact with children;~~

~~(C) A foster parent and all household members fourteen (14) years of age and older, excluding children in foster care;~~

~~(D) An adoptive parent and all household members fourteen (14) years of age and older, excluding children in foster care;~~

~~(E) An owner having direct and unsupervised contact with children; and~~

~~(F) A member of the agency's board of directors having direct and unsupervised contact with children.~~

~~(2) The board shall have the authority to deny a license or church-operated exemption to any applicant found to have any record of founded child maltreatment in the official record of the registry.~~

~~(3) (A) Any person required to be checked under this section who is found to have any record of child maltreatment in the official record of the registry shall be reviewed by the owner or operator of the facility in consultation with the board to determine appropriate corrective action measures that would indicate, but are not limited to, training, probationary employment, or non-selection for employment.~~

~~(B) The board shall also have the authority to deny a license or church-operated exemption to an applicant who continues to employ a person with any record of founded child maltreatment.~~

~~(4) All persons required to be checked with the registry under this subsection shall repeat the check at a minimum of every two (2) years, including adoptive parents who reside in Arkansas pending court issuance of a final decree of adoption, at which point repeat checks shall no longer be required.~~

~~(b) (1) Each of the following persons in a child welfare agency shall be checked with the Identification Bureau of the Department of Arkansas State Police to determine if the person has pleaded guilty or nolo contendere to or has been found guilty of the offenses listed in this subchapter in compliance with policy and procedures promulgated by the board:~~

~~(A) An employee having direct and unsupervised contact with children;~~

~~(B) A volunteer having direct and unsupervised contact with children;~~

~~(C) An owner having direct and unsupervised contact with children;~~

~~(D) A member of the agency's board of directors having direct and unsupervised contact with children;~~

~~(E) Foster parents, house parents, and each member of the household eighteen (18) years of age and older, excluding children in foster care; and~~

Child Welfare Agency Licensing Act

~~(F) (i) Adoptive parents and each member of the household eighteen (18) years of age and older, excluding children in foster care.~~

~~(ii) Adoptive parents and each member of the household eighteen (18) years of age and older, excluding children in foster care, who are not residents of Arkansas shall provide state-of-residence criminal records checks, if available.~~

~~(2) A child in the custody of the Department of Human Services shall not be placed in an approved home of any foster parent or adoptive parent unless all household members eighteen and one-half (18 1/2) years of age and older, excluding children in foster care, have been checked with the Identification Bureau of the Department of Arkansas State Police to determine if any of the persons have pleaded guilty or nolo contendere to or been found guilty of the offenses listed in this subchapter in compliance with policy and procedures promulgated by the board at a minimum of every two (2) years.~~

~~(3) (A) The owner or operator of a child welfare agency shall maintain on file, subject to inspection by the board, evidence that Department of Arkansas State Police criminal records checks have been initiated on all persons required to be checked and the results of the checks.~~

~~(B) Failure to maintain that evidence on file will be prima facie grounds to revoke the license or church-operated exemption of the owner or operator of the child welfare agency.~~

~~(4) All persons required to be checked with the Department of Arkansas State Police under this subsection shall repeat the check at a minimum of every five (5) years, except that adoptive parents who reside in Arkansas shall repeat the check every year pending court issuance of a final decree of adoption, at which point repeat checks shall no longer be required.~~

~~(c) (1) Each of the following persons in a child welfare agency who has not lived in Arkansas continuously for the past five (5) years shall have a fingerprint-based criminal background check performed by the Federal Bureau of Investigation in compliance with federal law and regulation to determine if the person has pleaded guilty or nolo contendere to or been found guilty of the offenses listed in this subchapter:~~

~~(A) An employee having direct and unsupervised contact with children;~~

~~(B) A volunteer having direct and unsupervised contact with children;~~

~~(C) An owner having direct and unsupervised contact with children;~~

~~(D) A member of the agency's board of directors having direct and unsupervised contact with children;~~

~~(E) Foster parents, house parents, and each member of the household eighteen (18) years of age and older, excluding children in foster care; and~~

~~(F) (i) Adoptive parents and each member of the household eighteen (18) years of age and older, excluding children in foster care.~~

~~(ii) Adoptive parents and each member of the household eighteen (18) years of age and older, excluding children in foster care, shall not be required to have a criminal background check performed by the Federal Bureau of Investigation if:~~

~~(a) The adoptive parents and each member of the household age eighteen (18) years of age and older, excluding children in foster care, have continuously resided in a state for at least five (5) years before the adoption; and~~

~~(b) The state-of-residence criminal records check is available. (2) (A) (i) A child in the custody of the Department of Human Services shall not be placed in an approved home of any foster or adoptive parent unless all household members eighteen (18) years of age and older, excluding children in foster care, have a fingerprint-based criminal background check performed by the Federal Bureau of Investigation in compliance with federal law and regulation to determine if~~

Child Welfare Agency Licensing Act

any of the persons has pleaded guilty or nolo contendere to or been found guilty of the offenses listed in this subchapter.

(ii) A household member who turns eighteen (18) years of age has up to six (6) months from the date of his or her eighteenth birthday to have a background check completed.

(B) The owner or operator of a child welfare agency shall maintain on file, subject to inspection by the board, evidence that the Federal Bureau of Investigation's criminal records checks have been initiated on all persons required to be checked and the results of the checks.

(C) Failure to maintain that evidence on file will be prima facie grounds to revoke the license or church-operated exemption of the owner or operator of the child welfare agency.

(d) (1) Each person required to have a criminal records check under this subchapter shall complete a criminal records check form developed by the Department of Human Services and shall sign the form that contains the following under oath before a notary public:

(A) Certification that the subject of the check consents to the completion of the check;

(B) Certification that the subject of the check has not pleaded guilty or nolo contendere to or been found guilty of a crime and if the subject of the check has been convicted of a crime, contains a description of the crime and the particulars of the conviction;

(C) Notification that the subject of the check may challenge the accuracy and completeness of any information in any report and obtain a prompt determination as to the validity of the challenge before a final determination is made by the board with respect to his or her employment status or licensing status;

(D) Notification that the subject of the check may be denied a license or exemption to operate a child welfare agency or may be denied unsupervised access to children in the care of a child welfare agency due to information obtained by the check that indicates that the subject of the check has pleaded guilty or nolo contendere to or been found guilty of or is under pending indictment for a crime listed in this subchapter; and

(E) Notification that any background check and the results thereof shall be handled in accordance with the requirements of Pub. L. No. 92-544.

(2) The owner or operator of the child welfare agency shall submit the criminal records check form to the Identification Bureau of the Department of Arkansas State Police for processing within ten (10) days of hiring the employee or volunteer, who shall remain under conditional employment or volunteerism until the registry check and criminal records checks required under this subchapter are completed.

(3) Nothing in this section shall be construed to prevent the board from denying a license or exemption to an owner or preventing an operator or employee in a child welfare agency from having unsupervised access to children by reason of the pending appeal of a criminal conviction or child maltreatment determination.

(4) In the event a legible set of fingerprints as determined by the Department of Arkansas State Police and the Federal Bureau of Investigation cannot be obtained after a minimum of two (2) attempts by qualified law enforcement personnel, the board shall determine eligibility based upon a name check by the Department of Arkansas State Police and the Federal Bureau of Investigation.

(5) (A) An owner or operator of a child welfare agency shall not be liable during a conditional period of service for hiring any person required to have a background check pursuant to this subchapter who may be subject to a charge of false swearing upon completion of central registry and criminal records check.

(B) (i) Pursuant to this subchapter, false swearing shall occur when a person while under oath

Child Welfare Agency Licensing Act

~~provides false information or omits information that the person knew or reasonably should have known was material.~~

~~(ii) Lack of knowledge that information is material is not a defense to a charge of false swearing.~~

~~(C) For purposes of this subchapter, false swearing is a Class A misdemeanor.~~

~~(e) (1) A report of a pleading of guilty or nolo contendere or a finding of guilt to any charge listed in this subsection shall be:~~

~~(A) Returned to the Division of Children and Family Services of the Department of Human Services for review; and~~

~~(B) Considered regardless of whether or not the record is expunged, pardoned, or otherwise sealed.~~

~~(2) A person who is required to have a criminal records check under subdivisions (b)(1) or (e)(1) of this section shall be absolutely and permanently prohibited from having direct and unsupervised contact with a child in the care of a child welfare agency if that person has pleaded guilty or nolo contendere to or been found guilty of any of the following offenses by any court in the State of Arkansas, of a similar offense in a court of another state, or of a similar offense by a federal court, unless the conviction is vacated or reversed:~~

~~(A) Abuse of an endangered or impaired person, if felony, § 5-28-103;~~

~~(B) Arson, § 5-38-301;~~

~~(C) Capital Murder, § 5-10-101;~~

~~(D) Endangering the welfare of an incompetent person in the first degree, § 5-27-201;~~

~~(E) Kidnapping, § 5-11-102;~~

~~(F) Murder in the first degree, § 5-10-102;~~

~~(G) Murder in the second degree, § 5-10-103;~~

~~(H) Rape, § 5-14-103;~~

~~(I) Sexual assault in the first degree, § 5-14-124; and~~

~~(J) Sexual assault in the second degree, § 5-14-125;~~

~~(3) Except as provided under subdivision (f)(1) of this section, a person who is required to have a criminal records check under subdivision (b)(1) or (e)(1) of this section shall not be eligible to have direct and unsupervised contact with a child in the care of a child welfare agency if that person has pleaded guilty or nolo contendere to or been found guilty of any of the following offenses by a court in the State of Arkansas, of a similar offense in a court of another state, or of a similar offense by a federal court, unless the conviction is vacated or reversed:~~

~~(A) Criminal attempt, § 5-3-201, to commit any offenses in subdivision (e)(2) or (3) of this section;~~

~~(B) Criminal complicity, § 5-3-202, to commit any offenses in subdivision (e)(2) or (3) of this section;~~

~~(C) Criminal conspiracy, § 5-3-401, to commit any offenses in subdivision (e)(2) or (3) of this section;~~

~~(D) Criminal solicitation, § 5-3-301, to commit any offenses in subdivision (e)(2) or (3) of this section;~~

~~(E) Assault in the first, second, or third degree, §§ 5-13-205 — 5-13-207;~~

~~(F) Aggravated assault, § 5-13-204;~~

~~(G) Aggravated assault on a family or household member, § 5-26-306;~~

~~(H) Battery in the first, second, or third degree, §§ 5-13-201 — 5-13-203;~~

~~(I) Breaking or entering, § 5-39-202;~~

~~(J) Burglary, § 5-39-201;~~

Child Welfare Agency Licensing Act

- (K) Coercion, § 5-13-208;
- (L) Computer crimes against minors, § 5-27-601 et seq.;
- (M) Contributing to the delinquency of a juvenile, § 5-27-220;
- (N) Contributing to the delinquency of a minor, § 5-27-209;
- (O) Criminal impersonation, § 5-37-208;
- (P) Criminal use of a prohibited weapon, § 5-73-104;
- (Q) Communicating a death threat concerning a school employee or student, § 5-17-101;
- (R) Domestic battery in the first, second, or third degree, §§ 5-26-303—5-26-305;
- (S) Employing or consenting to the use of a child in a sexual performance, § 5-27-402;
- (T) Endangering the welfare of a minor in the first or second degree, §§ 5-27-205 and 5-27-206;
- (U) Endangering the welfare of an incompetent person in the second degree, § 5-27-202;
- (V) Engaging children in sexually explicit conduct for use in visual or print media, § 5-27-303;
- (W) False imprisonment in the first or second degree, §§ 5-11-103 and 5-11-104;
- (X) Felony abuse of an endangered or impaired person, § 5-28-103;
- (Y) Felony interference with a law enforcement officer, § 5-54-104;
- (Z) Felony violation of the Uniform Controlled Substance Act, §§ 5-64-101 et seq.—5-64-501 et seq.;
- (A)(A) Financial identity fraud, § 5-37-227;
- (B)(B) Forgery, § 5-37-201;
- (C)(C) Incest, § 5-26-202;
- (D)(D) Interference with court ordered custody, § 5-26-502;
- (E)(E) Interference with visitation, § 5-26-501;
- (F)(F) Introduction of controlled substance into the body of another person, § 5-13-210;
- (G)(G) Manslaughter, § 5-10-104;
- (H)(H) Negligent homicide, § 5-10-105;
- (I)(I) Obscene performance at a live public show, § 5-68-305;
- (J)(J) Offense of cruelty to animals, § 5-62-103;
- (K)(K) Offense of aggravated cruelty to dog, cat, or horse, § 5-62-104;
- (L)(L) Pandering or possessing visual or print medium depicting sexually explicit conduct involving a child, § 5-27-304;
- (M)(M) Sexual solicitation, § 5-70-103;
- (N)(N) Permanent detention or restraint, § 5-11-106;
- (O)(O) Permitting abuse of a minor, § 5-27-221;
- (P)(P) Producing, directing, or promoting a sexual performance by a child, § 5-27-403;
- (Q)(Q) Promoting obscene materials, § 5-68-303;
- (R)(R) Promoting obscene performance, § 5-68-304;
- (S)(S) Promoting prostitution in the first, second, or third degree, §§ 5-70-104—5-70-106;
- (T)(T) Prostitution, § 5-70-102;
- (U)(U) Public display of obscenity, § 5-68-205;
- (V)(V) Resisting arrest, § 5-54-103;
- (W)(W) Robbery, § 5-12-102;
- (X)(X) Aggravated robbery, § 5-12-103;
- (Y)(Y) Sexual offenses, § 5-14-101 et seq.;
- (Z)(Z) Simultaneous possession of drugs and firearms, § 5-74-106;
- (A)(A)(A) Soliciting money or property from incompetents, § 5-27-229;
- (B)(B)(B) Stalking, § 5-71-229;

Child Welfare Agency Licensing Act

- ~~(C)(C)(C) Terroristic act, § 5-13-310;~~
- ~~(D)(D)(D) Terroristic threatening, § 5-13-301;~~
- ~~(E)(E)(E) Theft of public benefits, § 5-36-202;~~
- ~~(F)(F)(F) Theft by receiving, § 5-36-106;~~
- ~~(G)(G)(G) Theft of property, § 5-36-103;~~
- ~~(H)(H)(H) Theft of services, § 5-36-104;~~
- ~~(I)(I)(I) Transportation of minors for prohibited sexual conduct, § 5-27-305;~~
- ~~(J)(J)(J) Unlawful discharge of a firearm from a vehicle, § 5-74-107; and~~
- ~~(K)(K)(K) Voyeurism, § 5-16-102.~~

~~(4) A former or future law of this or any other state or of the federal government that is substantially equivalent to one (1) of the offenses listed in subdivision (e)(3) of this section shall be considered as prohibiting under subdivisions (e)(2) and (3) of this section.~~

~~(f) (1) A person who is required to have a criminal records check under subdivision (b)(1) or (c)(1) of this section who has pleaded guilty or nolo contendere to or been found guilty of any of the offenses listed in subdivision (e)(3) of this section shall be absolutely disqualified from being an owner, operator, volunteer, foster parent, adoptive parent, member of a child welfare agency's board of directors, or employee in a child welfare agency during the period of the person's confinement, probation, or parole supervision unless the conviction is vacated or reversed.~~

~~(2) Except as provided under subdivision (f)(3) of this section, a person who has pleaded guilty or nolo contendere to or been found guilty of one (1) of the offenses listed in subdivision (e)(3) of this section shall not work in a child welfare agency unless:~~

~~(A) The date of a plea of guilty or nolo contendere, or the finding of guilt for a misdemeanor offense is at least five (5) years from the date of the records check; and~~

~~(B) There have been no criminal convictions or pleas of guilty or nolo contendere of any type or nature during the five-year period preceding the background check request.~~

~~(3) (A) Except as provided under subdivision (f)(1) of this section, a person who is required to have a criminal records check under subdivision (b)(1) or (c)(1) of this section who has pleaded guilty or nolo contendere to or been found guilty of any of the offenses listed in subdivision (e)(3) of this section shall be presumed to be disqualified to be an owner, operator, volunteer, foster parent, adoptive parent, member of a child welfare agency's board of directors, or employee in a child welfare agency after the completion of his or her term of confinement, probation, or parole supervision unless the conviction is vacated or reversed.~~

~~(B) An owner, operator, volunteer, foster parent, adoptive parent, household member of a foster parent or adoptive parent, member of any child welfare agency's board of directors, or an employee in a child welfare agency shall not petition the Child Welfare Agency Review Board unless the agency supports the petition, which can be rebutted in the following manner:~~

~~(i) The applicant shall petition the Child Welfare Agency Review Board to make a determination that the applicant does not pose a risk of harm to any person;~~

~~(ii) The applicant shall bear the burden of making such a showing; and~~

~~(iii) (a) The Child Welfare Agency Review Board may permit an applicant to be an owner, operator, volunteer, foster parent, adoptive parent, member of an agency's board of directors, or an employee in a child welfare agency notwithstanding having pleaded guilty or nolo contendere to or been found guilty of an offense listed in this section upon making a determination that the applicant does not pose a risk of harm to any person served by the facility.~~

~~(b) In making a determination, the Child Welfare Agency Review Board shall consider:~~

~~(1) The nature and severity of the crime;~~

Child Welfare Agency Licensing Act

- ~~(2) The consequences of the crime;~~
- ~~(3) The number and frequency of the crimes;~~
- ~~(4) The relation between the crime and the health, safety, and welfare of any person, such as the:~~
 - ~~(A) Age and vulnerability of the crime victim;~~
 - ~~(B) Harm suffered by the victim; and~~
 - ~~(C) Similarity between the victim and the persons served by a child welfare agency;~~
- ~~(5) The time elapsed without a repeat of the same or similar event;~~
- ~~(6) Documentation of successful completion of training or rehabilitation related to the incident;~~
- ~~and~~
- ~~(7) Any other information that relates to the applicant's ability to care for children or is deemed relevant.~~
- ~~(c) The Child Welfare Agency Review Board's decision to disqualify a person from being an owner, operator, volunteer, foster parent, adoptive parent, member of a child welfare agency's board of directors, or an employee in a child welfare agency under this section shall constitute the final administrative agency action of the Child Welfare Agency Review Board and is not subject to review.~~

~~HISTORY: Acts 1997, No. 1041, § 9; 1999, No. 328, § 1; 2001, No. 1211, § 2; 2003, No. 1087, § 11; 2005, No. 1766, § 3; 2005, No. 1923, § 1; 2007, No. 634, § 3; 2009, No. 723, §§ 8-10; 2011, No. 522, §§ 21, 22; 2011, No. 570, § 71; 2011, No. 591, § 11; 2013, No. 1275, § 8.~~

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Minimum Licensing Standards

for

Child Welfare Agencies



Child Welfare Agency Review Board

&

Arkansas Department of Human Services

Division of Child Care and Early Childhood Education

Placement and Residential Licensing Unit



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Table of Contents

INTRODUCTION	6
Child Welfare Agency Review Board.....	6
Child Placement Agencies Requiring Licensure.....	8
Placement Types of Licenses	8
Foster Care	8
Therapeutic Foster Care	8
Therapeutic Foster Care - Sexual Rehabilitative Program.....	9
Adoption.....	9
Placement Residential	9
License Status.....	9
Provisional.....	9
Probationary	9
Regular	9
Suspended.....	10
Closed.....	10
Revoked.....	10
Status Change.....	10
How To Apply The Standards.....	11
Special Consideration.....	11
Alternative Compliance.....	11
100 GENERAL REQUIREMENTS.....	13
101 Applications & Licensing Procedure.....	13
102 Organization & Administration	14
103 Central Registry & Criminal Record Checks	16
104 General Personnel Requirements.....	18
105 Qualifications & Training.....	19
106 Volunteers & Student Interns	20
107 Exploitation of Children	20
108 Ethical Standards	20

109	Unprofessional Conduct	21
110	Inspections, Investigations & Corrective Action.....	21
200	CHILD PLACEMENT AGENCIES: FOSTER CARE.....	24
201	Admission.....	24
202	Intake & Assessment	24
203	Case Planning	25
204	Children's Records.....	26
205	Behavior Management.....	26
206	Foster Parent Qualifications	27
207	Content of the Home Study	28
208	Physical Requirements of the Home.....	29
209	Sleeping Arrangements.....	30
210	Approval of Foster Homes.....	31
211	Selection of Foster Home	32
212	Continued Training of Foster Parents.....	33
213	Responsibilities of Foster Parents.....	33
214	Medications.....	34
215	Transportation	35
216	Visitation.....	35
217	Agency Responsibilities	35
218	Monitoring & Re-evaluation.....	37
219	Discharge	38
300	CHILD PLACEMENT AGENCIES: THERAPEUTIC FOSTER CARE	39
301	Admission.....	39
302	Intake & Assessment	39
303	Treatment Planning.....	40
304	Children's Records.....	41
305	Behavior Management.....	42
306	Foster Parent Qualifications	43
307	Content of the Home Study	43
308	Physical Requirements of the Home.....	44

309	Sleeping Arrangements.....	45
310	Approval of Foster Homes.....	46
311	Selection of Foster Home	47
312	Continued Training of Foster Parents.....	48
313	Therapeutic Foster Parent Responsibilities	49
314	Medications.....	50
315	Transportation.....	51
316	Visitation.....	51
317	Staffing Requirements, Staff Training & Support.....	51
318	Agency Responsibilities	52
319	Monitoring & Re-evaluation.....	55
320	Discharge	55
400	CHILD PLACEMENT AGENCIES: THERAPEUTIC FOSTER CARE - SEXUAL REHABILITATIVE PROGRAMS	57
401	Licensing Approval & Monitoring.....	57
402	Admission.....	57
403	Intake & Assessment	58
404	Treatment Planning.....	59
405	Children's Records.....	60
406	Behavior Management.....	61
407	Foster Parent Qualifications	62
408	Content of the Home Study	63
409	Physical Requirements of the Home.....	64
410	Sleeping Arrangements.....	65
411	Approval of Foster Homes.....	66
412	Selection of Foster Home	67
413	Continued Training of Foster Parents.....	68
414	Foster Parent Responsibilities.....	68
415	Medications.....	71
416	Transportation.....	71
417	Visitation.....	72
418	Staffing Requirements, Staff Training & Support.....	72

419	Agency Responsibilities	74
420	Monitoring & Re-evaluation.....	76
421	Discharge	77
500	CHILD PLACEMENT AGENCIES: ADOPTIONS.....	78
501	Selection of Adoptive Home	78
502	Approval Process of Prospective Homes.....	78
503	Contents of the Home Study.....	79
504	Services to the Adoptive Parents	80
505	Services to Birth Parents.....	81
506	Birth Parent Records.....	82
507	Agency Responsibilities	82
508	Adoptive Family Records	83
509	Record Maintenance.....	83
600	CHILD PLACEMENT AGENCIES: RESIDENTIAL	84
Appendix A:	Definitions.....	Error! Bookmark not defined.
Appendix B:	Prohibited Offences.....	93

INTRODUCTION

“The Child Welfare Licensing Act,” Ark. Code Ann. § 9-28-401 et. seq., (the Act) is the legal authority under which the Child Welfare Agency Review Board establishes minimum licensing standards for child welfare agencies, as defined under the statute.

Child Welfare Agency Review Board

The Child Welfare Agency Review Board (Board) shall promulgate and publish rules and regulations setting minimum standards governing the granting, revocation, refusal, conversion, and suspension of licenses for a child welfare agency and the operation of a child welfare agency.

The Board may consult with such other agencies, organizations, or individuals as it shall deem proper.

The Board shall take any action necessary to prohibit any person, partnership, group, corporation, organization, or association not licensed or exempted from licensure pursuant to this chapter from advertising, placing, planning for, or assisting in the placement of any unrelated minor for purposes of adoption or for care in a foster home. The prohibition against advertising shall not apply to persons who are seeking to add to their own family by adoption.

The Board may amend the rules and regulations promulgated pursuant to this section from time to time, in accordance with the rule promulgation procedures in the Arkansas Administrative Procedure Act, § 25-15-201 et seq.

The Board shall promulgate rules and regulations that:

1. Promote the health, safety, and welfare of children in the care of a child welfare agency;
2. Promote safe and healthy physical facilities;
3. Ensure adequate supervision of the children by capable, qualified, and healthy individuals;
4. Ensure appropriate educational programs and activities for children in the care of a child welfare agency;
5. Ensure adequate and healthy food service;
6. Include procedures for the receipt, recordation, and disposition of complaints regarding allegations of violations of this subchapter, of the rules promulgated under the Child Welfare Agency Licensing Act, or of child maltreatment laws;
7. Include procedures for the assessment of child and family needs and for the delivery of services designed to enable each child to grow and develop in a permanent family setting;

8. Ensure that criminal record checks and central registry checks are completed on owners, operators, employees, volunteers, foster parents, adoptive parents, and other persons in the homes as set forth in this subchapter;
9. Require the compilation of reports and making those reports available to the division when the board determines it is necessary for compliance determination or data compilation;
10. Ensure that a child placement agency:
 - a. Treats clients seeking or receiving services in a professional manner, as defined by regulations promulgated pursuant to this act; and
 - b. Provides clients seeking or receiving services from a child placement agency that provides adoption services with the phone number and address of the Child Welfare Agency Licensing Unit of the Department of Human Services where complaints can be lodged.
11. Require that all child placement agencies that provide adoption services fully apprise in writing all clients involved in the process of adopting a child of the agency's adoption program or services, including all possible costs associated with the adoption program;
12. Establish rules governing retention of licensing records maintained by the division.

A licensed child placement agency may adopt and apply internal operating procedures that meet or exceed the minimum standards required by the board. The Arkansas Administrative Procedure Act, Ark. Code Ann. § 25-15-201 et seq., shall apply to all proceedings brought to the Board under this subchapter, except that the following provisions shall control during adverse action hearings to the extent that they conflict with the Arkansas Administrative Procedure Act:

1. All parties to an adverse action shall be entitled to engage in and use formal discovery as provided for in Rules 26, 28, 29, 30, 31, 32, 33, 34, and 36 of the Arkansas Rules of Civil Procedure including:
 - a. Requests for admission;
 - b. Request for production of documents and things;
 - c. Written interrogatories;
 - d. Oral and written depositions.
2. All evidentiary rulings in an adverse action hearing shall be governed by the Arkansas Rules of Evidence with respect to the following types of evidence:
 - a. The requirements of personal knowledge of a witness as required by Rule 602;
 - b. The admissibility of character evidence as set forth by Rules 608 and 609;

- c. The admissibility of character evidence as set forth by Rules 701-703;
- d. The admissibility of hearsay evidence as set forth by Rules 801-806.

Child Placement Agencies Requiring Licensure

Any person, organization, corporation, partnership, voluntary association, or other entity which places, plans for or assists in the placement of any unrelated minor for care in a foster home, adoptive home, residential facility or a child victim of human trafficking in a home or any type of shelter or facility, and is not otherwise exempt by the Act, requires a license.

The Child Welfare Agency Review Board (Board) shall take any action necessary to prohibit any person, partnership, group, corporation, organization or association not licensed or exempted from licensure from advertising, placing, planning for, or assisting in the placement of any unrelated minor for the purposes of adoption or for care in a foster home. The prohibition against advertising shall not apply to persons who are seeking to add to their own family by adoption.

The Board may impose a civil penalty upon any person, partnership, group, corporation, organization or association not licensed or exempt from licensure as a child welfare agency in the State of Arkansas that advertises, places, plans for or assists in the placement of any unrelated minor for purposes of adoption or for care in a foster home. The prohibition against advertising does not apply to persons who are seeking to add to their own family by adoption.

Placement Types of Licenses

Foster Care

A child placement agency which places plans for or assists in the placement of an unrelated minor or a child victim of human trafficking in a home or in a private residence of one (1) or more family members for care and supervision on a twenty-four (24) hour basis.

Therapeutic Foster Care

Any child placement agency that places plans for or assists in the placement of an unrelated minor in a therapeutic foster home. Therapeutic foster care is intensive therapeutic care for children provided in specially trained family homes supported by licensed mental health professionals (as recognized by Arkansas Medicaid). A therapeutic foster care program is a family-based services delivery approach providing individualized treatment for children, youth, and their families. Treatment is delivered through an integrated set of services with key interventions and supports provided by therapeutic foster parents who are trained, supervised, and supported by qualified program staff. Therapeutic foster care services shall be provided in a separately identified program of a larger agency or be provided by an independent agency.

Therapeutic Foster Care - Sexual Rehabilitative Program

A treatment program that offers a specific and specialized therapeutic program for children with sexually maladaptive behaviors. A licensed sexual rehabilitative program may be in a residential childcare facility, a therapeutic foster care home, or a psychiatric residential treatment facility.

Adoption

A child placement agency which places plans for or assists in the placement of an unrelated minor in a household of one (1) or more persons which has been approved to accept a child for adoption.

Placement Residential

A child placement agency which places, plans for, or assists in the placement of an unrelated minor into a residential child care facility or a child victim of human trafficking in any type of shelter or facility. The agency may be licensed for any or all types of licenses, depending on the types of services it provides.

License Status

The Board shall issue all licenses to child placement agencies upon majority vote of members present during each properly called board meeting at which a quorum is present. The Board shall have the power to deny an application to operate a child welfare agency or to revoke or suspend a previously issued license to operate a child welfare agency. The Board may also issue letters of reprimand or caution to a child welfare agency. Any denial of application or revocation or suspension of a license shall be effective when made.

Provisional

Issued to a newly licensed agency for a one (1) year period, to give the agency time to demonstrate substantial compliance with minimum licensing standards. At the discretion of the Board, a provisional license may be issued up to an additional year.

Probationary

Issued to an agency that has not maintained compliance with minimum licensing standards, but the Board believes that compliance can be restored and subsequently maintained. This license may be issued for up to one (1) year, at the discretion of the Board.

Regular

Issued either to a previously licensed agency that continues to meet all minimum licensing standards, or issued to an agency that meets all essential standards and has a favorable compliance history, which predicts full compliance with all standards within a reasonable time.

A regular license shall remain open and effective until closed at the request of the agency or Board action.

Suspended

Board action taken when an agency has failed to maintain compliance with minimum licensing standards, but the violations do not warrant revocation. A license may not be suspended for longer than one (1) year at a time. The Board may issue a probationary or regular license when compliance is restored.

Closed

Action taken when the agency requests that the license be closed.

Revoked

Board action taken when an agency has failed to maintain compliance with minimum licensing standards. The agency may not apply for a new license for at least one (1) year from the date of revocation.

Status Change

After a Board action an amended license shall be issued any time there is a change in the agency's program that affects the license type, status, capacity, ages of children served, name change or address change.

A license to operate a child placement agency shall apply only to the address and location stated on the application and license issued, and it shall be transferable from one holder of the license to another or from one place to another.

Whenever ownership of a controlling interest in the operation of a child placement agency is sold, the following procedures shall be followed:

1. The seller shall notify the division of the sale at least thirty days prior to the completed sale;
2. The seller shall remain responsible for the operation of the agency until such time as the agency is closed or a license is issued to the buyer;
3. The seller shall remain liable for all penalties assessed against the agency which are imposed for violations or deficiencies occurring before the transfer of a license to the buyer;
4. The buyer shall be subject to any corrective action notices to which the seller was subject; and
5. The provisions of subsection (a) of this section, including those provisions regarding obtaining licenses or permits from the Office of Long-Term Care of the Division of Medical Services of the Department of Human Services and regarding obtaining any permits from the Health Services Permit Agency or the

Health Services Permit Commission shall apply in their entirety to the new owner of the Child Welfare Agency.

The Child Placement Agency shall inform current and potential clients if their license has been suspended or revoked, or if they have voluntarily surrendered their license.

How To Apply The Standards

Section 100 of the *Minimum Licensing Standards for Child Welfare Agencies* applies to all agencies. Subsequent sections apply to specific types of child placement agencies. Agencies shall meet the license requirements for each license type held.

Special Consideration

The Board may approve an agency's request for special consideration to allow a licensee to deviate from the letter of a rule if the licensee has demonstrated that the deviation is in the best interest of the children and does not pose a risk to persons served by the licensee.

If the Board grants a request for special consideration, the agency's practice as described in the request shall be the compliance terms under which the child welfare agency will be held responsible and violations of those terms shall constitute a rule violation.

The Board has authorized the Managers and Supervisors of the Licensing Unit to make temporary rulings regarding special consideration requests when the best interests of a child requires an immediate decision, subject to final approval at the next regularly scheduled meeting of the Board.

Alternative Compliance

The Board may grant an agency's request for alternative compliance upon a finding that the agency does not meet the letter of a regulation promulgated under the Child Welfare Agency Licensing Act, but that the agency meets or exceeds the intent of that rule through alternative means.

If the Board grants a request for alternative compliance, the agency's practice as described in the request for alternative compliance shall be the compliance terms under which the agency will be held responsible and violations of those terms shall constitute a rule violation.

The Board has authorized the Managers and Supervisors of the Licensing Unit to make temporary rulings regarding Alternative Compliance requests when the best interests of a child requires an immediate decision, subject to final approval at the next regularly scheduled meeting of the Board.

Alternative Compliance requests granted in the areas listed below shall be time limited and shall not exceed two (2) years in length. These alternative compliances shall be monitored on an ongoing basis for compliance and shall be reviewed by the Board every two (2) years.

1. Staff to Child ratio;

2. Capacity;
3. Sleeping arrangements;
4. Bathrooms.

100 GENERAL REQUIREMENTS

The standards in Section 100 apply to all agencies unless otherwise indicated.

101 Applications & Licensing Procedure

1. The owner or board shall prepare and furnish an application packet for a license that contains the following:
 - a. A completed application form;
 - b. A letter from the agency's board or owner (as applicable) authorizing a person to sign the application;
 - c. A copy of the Articles of Incorporation, bylaws, and current board roster, if applicable, including names, addresses, and contact information of officers. Out of state agencies shall have legal authorization from the Arkansas Secretary of State to do business in Arkansas;
 - d. A personnel list with verifications of qualifications and experience;
 - e. Substantiation of the agency's financial soundness. This shall include but is not limited to: a budget showing sufficient resources to operate for a period of six (6) months either with resources on hand or with projected revenue from verifiable sources, verifiable letters of financial support and/or monthly bank account statements may be included to project income;
 - f. Proof of general and professional liability insurance (does not apply to State agencies);
 - g. A written description of the agency's program of care, including intake policies, types of services offered, and a written plan for providing health care services to children in care;
 - h. Any additional information requested by the Licensing Specialist to verify compliance with these standards and to make a recommendation regarding the granting of a license.
2. Once a completed application packet has been received, the Division shall complete a licensing study and recommendation within ninety days. If a recommendation is not made within ninety days, the applicant may appear before the Board to request a license.
3. Any Child Placement Agency licensed in Arkansas shall provide the following information to the Licensing Unit prior to opening a branch office:
 - a. The address, telephone numbers (if available), and office hours for the branch office;

- b. The name(s), qualifications, and contact information of the person(s) responsible for the day-to-day operation of the branch office and the child-placement activities at the branch;
- c. The name and contact information of the person responsible for providing services in case of emergencies or child-placement crises.

102**Organization & Administration**

1. The child placement agency shall obtain a license before placing, or planning for the placement of, children in a foster home, adoptive home, or residential facility.
2. The purpose and mission of the agency, including treatment philosophy, services provided, and characteristics of children it is designed to serve, shall be stated in writing.
3. The following policies of the agency shall be current and available to all employees of the agency and the Licensing Specialist:
 - a. Personnel policies;
 - b. Volunteer policy;
 - c. Student intern policy;
 - d. Admission policy;
 - e. Intake policy;
 - f. Behavior Management policy;
 - g. Crisis Management policy;
 - h. Child Maltreatment/Mandated Reporter policy; according to Arkansas law, including, procedures to ensure that alleged, suspected, or witnessed incidents of maltreatment are reported to the Child Maltreatment Hotline, and documented as required by these or other applicable regulations or laws;
 - i. Child Exploitation policy;
 - j. Visitation policy;
 - k. Public Safety policy (Sexual Rehabilitative Programs only);
 - l. Target Population, Admission/Exclusion Criteria, and Discharge Criteria policy (Sexual Rehabilitative Programs only);
 - m. Emergency, Respite Care, and Disruption policy (Placement Agencies only).
4. The agency shall be legally authorized to conduct business in Arkansas by state law and local ordinance.

General Requirements

5. The agency shall meet all federal, state, and local laws and ordinances that apply to child welfare agencies and to the proper care of children in such facilities.
6. The agency shall provide copies of all programmatic licenses, certifications, and accreditations held by the agency.
7. The Owner and/or Board of Directors shall be responsible for operating the facility and shall have final responsibility to ensure that the facility meets licensing requirements. Names and addresses of Board members shall be provided to the Licensing Specialist annually.
8. The agency shall maintain a current organizational chart showing the administrative structure of the organization.
9. The agency shall notify the Licensing Unit within five (5) days of any change of Administrator, Social Service Director, or Clinical Director.
10. The agency shall establish and follow written policies and procedures that meet or exceed the Minimum Licensing Standards for Child Welfare Agencies.
11. All agencies applying for an Arkansas license shall provide proof that they are licensed in good standing in their home state, if applicable, and are in good standing in all other states where they are licensed. If an agency is being disciplined or sanctioned in another jurisdiction, the Board shall be notified.
12. All agencies licensed in Arkansas after January 18, 2002, shall have an office in Arkansas.
13. All agencies licensed in Arkansas shall maintain all required files for licensing review as needed. They may choose to:
 - a. Maintain these files in their office in Arkansas; or
 - b. Arrange to provide the required files to the licensing staff.
14. All agencies licensed in Arkansas shall have a qualified person on call to supervise emergency services. [Pursuant to 104]
15. If electronic records are kept, these records shall be made available to the Licensing Specialist for purposes of monitoring and investigation.
16. Any disciplinary action taken against the agency by another jurisdiction shall be reported to the Licensing Unit.
17. If an agency is inactive for one (1) year the license shall be closed in good standing, unless the agency requests annually in writing that the license remains open. This request shall be approved by the Board.
18. The agency shall not permit, aid, or abet an unlicensed person to perform activities requiring a license.

19. The agency shall not misrepresent the type or status of education, training, expertise, licensure, or professional affiliations.

103**Central Registry & Criminal Record Checks**

1. The agency shall conduct background checks as required by the Child Welfare Agency Licensing Act (§ 9-28-409) using forms approved by the Licensing Unit. Background checks conducted by or for other licensing authorities (e.g., Office of Long Term Care, Division of Developmental Services, et.al) do not meet the requirement of this standard.
2. The following persons in a child placement agency shall be checked with the Child Maltreatment Central Registry in his state of residence, if available, and any state of residence in which the person has lived for the past five 5 years and in the person's state of employment, if different, for reports of child maltreatment:
 - a. Employees, having direct and unsupervised contact with children;
 - b. Volunteers, mentors, sponsors and student interns having direct and unsupervised contact with children;
 - c. Foster parents and each member of the household age fourteen (14) years and older, excluding children in foster care. These checks shall be made prior to approval and shall be repeated every two years thereafter;
 - d. Adoptive parents, and each member of the household age fourteen (14) years and older, residing in Arkansas, excluding children in foster care. Adoptive parents and each member of the household age fourteen (14) years and older, excluding children in foster care, residing out of state shall provide Child Maltreatment Central Registry Checks from their state of residence, if available. These checks shall be made prior to approval and shall be repeated every two (2) years until the adoption decree has been issued;
 - e. Owners having direct and unsupervised contact with children;
 - f. Members of the agency's board of directors having direct and unsupervised contact with children.
3. Persons required to have the Child Maltreatment Central Registry Check shall repeat the check every two (2) years.
4. Any person found to have a record of child maltreatment shall be reviewed by the owner or administrator of the agency, in consultation with the Board or its designee, to determine corrective action. Corrective action may include, but is not limited to, counseling, training, probationary employment, non-selection for employment, or termination.

General Requirements

5. The following persons in a Child Placement Agency shall be checked with the Identification Bureau of the Arkansas State Police for convictions of offenses listed in Arkansas Code Annotated § 9-28-409:
 - a. Employees, having direct and unsupervised contact with children;
 - b. Volunteers, mentors, sponsors, and student interns having direct and unsupervised contact with children;
 - c. Foster parents, and each member of the household age eighteen (18) years and older, excluding children in foster care. The foster parents shall certify in writing annually whether or not household members age fourteen (14) thru seventeen (17) have criminal records;
 - d. Adoptive parents and each member of the household age eighteen (18) years and older residing in Arkansas. Adoptive parents and each member of the household age eighteen (18) years and older residing out of state shall provide State Police Criminal Record Checks from their state of residence, if available. The out of state adoptive families do not need to do an Arkansas State Police Check if they have never resided in Arkansas;
 - e. Owners having direct and unsupervised contact with children;
 - f. Members of the agency's board of directors having direct and unsupervised contact with children.
6. If any person (listed in #5 above) has not resided in Arkansas continuously for the past five (5) years, a record check with the Federal Bureau of Investigation shall be completed. (These record checks are not required for international adoptions as background checks are already part of United States Citizenship and Immigration Services (USCIS) requirements for adoption.) Adoptive parents residing outside of Arkansas who have lived in their state of residence continuously for the past five (5) years do not need to do the FBI checks.
7. A child in the custody of the Department of Human Services shall not be placed in an approved home of any foster parent or adoptive parent unless all household members eighteen and one half (18 1/2) years of age and older, excluding children in foster care, have had a fingerprint-based criminal background check performed by the Federal Bureau of Investigation. The check shall be initiated within thirty (30) days of the household member's eighteenth birthday.
8. All persons required to be checked with the Department of Arkansas State Police under this subsection shall repeat the check at a minimum of every five (5) years, except that adoptive parents who reside in Arkansas shall repeat the check every year pending court issuance of a final decree of adoption, at which point repeat checks shall no longer be required.
9. A child in the custody of the Department of Human Services shall not be placed in an approved home of any foster parent or adoptive parent unless all household

General Requirements

members eighteen and one half (18 1/2) years and of age and older, excluding children in foster care, have been checked with the Identification Bureau of the Department of Arkansas State Police at a minimum of every two (2) years. The check shall be initiated within thirty (30) days of the household member's eighteenth birthday.

10. Child Maltreatment Central Registry Checks and Arkansas State Police/FBI Criminal Record Checks shall be initiated within ten (10) days of employment.
11. The agency shall maintain on file evidence that background checks have been initiated as required and results of the completed checks.
12. The agency shall provide a copy of the Federal Bureau of Investigation Criminal Record Check form and the Arkansas State Police Criminal Record Check form to the Licensing Office upon initiation.
13. No person guilty of an excluded criminal offense pursuant to **A.C.A. § 9-28-409** shall be permitted to have direct and unsupervised contact with children, except as provided in the statute.
14. The child placement agency shall immediately notify the Licensing Unit when a person(s) listed in #5 above is found to have a record of an excluded criminal offense.

104 General Personnel Requirements

All personnel employed on or after April 12, 1999 shall meet the following requirements:

1. The agency shall have an administrator who shall be responsible for the general management of the agency, possessing at least one of the following qualifications:
 - a. A doctorate degree;
 - b. A master's degree in a human services field (child development, psychology, sociology, social work, guidance and counseling, divinity, education), administration, business, or a related field;
 - c. A bachelor's degree in a human services field, administration, business, or a related field, and at least two (2) years of work experience in a human services agency.
2. The agency shall have a Social Services Director who shall supervise child placement activities and/or casework services by the agency, possessing at least one of the following qualifications (*Therapeutic foster care see section 320.2 and Sexual Rehabilitative Program see 422.2*):
 - a. A master's degree or higher in a human services field (child development, psychology, sociology, social work, counseling and guidance, divinity, education);

General Requirements

- b. A bachelor's degree in a human services field and two (2) years of work experience in a child welfare agency;
 - c. Anyone permitted to supervise child placement or casework services shall meet the qualifications for Social Services Director.
- 3. Each agency shall have a caseworker who is responsible for doing assessments, case planning, and casework services, possessing at least one of the following (Therapeutic foster care see section 320.3 and Sexual Rehabilitative Program see 422.3):
 - a. A bachelor's degree in a human services field;
 - b. A bachelor's degree and two (2) years' work experience in a human services field.
- 4. If casework services are contracted, the agency shall maintain all required personnel information on the contracted caseworkers.

105

Qualifications & Training

- 1. The Administrator, Social Services Director, and each caseworker of a child welfare agency shall have twenty-four (24) hours of job-related continuing education each year.
- 2. All owners/operators, employees, foster parents, or volunteers in a child welfare agency shall be responsible for ensuring the proper care, treatment, safety, and supervision of the children they supervise.
- 3. All owners/operators, employees, foster parents, or volunteers in a child welfare agency shall not engage in behavior that could be viewed as sexual, dangerous, exploitative, or physically harmful to children.
- 4. Documentation verifying annual training shall be dated indicating the number of hours, the name of the source, and topic/title.
- 5. The agency shall maintain a personnel file for each employee, which shall include:
 - a. A resume or application;
 - b. Date of hire;
 - c. Verifications of qualifications;
 - d. Documentation of required annual training;
 - e. Criminal Record Check and Child Maltreatment Central Registry Check information as required by law;

General Requirements

- f. Documentation that applicable employees are informed that they are mandated reporters of suspected child maltreatment, according to **A.C.A § 12-18-402**, and are provided the information needed to make a report;
- g. A functional job description;
- h. At least three (3) positive personal references from non-relatives.

106 Volunteers & Student Interns

1. The agency shall have a policy clearly defining the qualifications, duties, and supervision of volunteers and student interns.
2. Volunteers and student interns shall be supervised by an appropriate and designated staff person.
3. A volunteer or student intern who works unsupervised and substitutes as staff shall meet the qualifications required for a paid employee in that position.

107 Exploitation of Children

1. The agency shall not require a child to acknowledge dependency, destitution, or neglect or to make public statements about his/her background.
2. The agency shall not use or allow to be used, any reports, pictures, or any other information from which a child can be identified, except under the following conditions:
 - a. The child and the parent/guardian sign a consent form that describes the purposes for which the identification is being made;
 - b. The signed consent shall say in which publication or broadcast the identification will appear;
 - c. The parent/guardian and child shall be informed that the consent may be withdrawn.
3. All information regarding children and their families shall be kept strictly confidential and may only be released with the consent of parent/guardian, except to authorized persons or agencies.
4. The agency shall document that the foster parents have been made aware of the need to protect the confidentiality of foster children in the use of social media.

108 Ethical Standards

1. The Board sets forth this section as a Code of Ethics/Standards for Practice for all child welfare agencies within the State of Arkansas. Violations of the following shall be grounds for disciplinary action:

General Requirements

- a. Confidentiality: In providing services, a child welfare agency shall safeguard information given by clients. A child welfare agency shall obtain the client's informed written consent before releasing confidential information, except when consent to disclose is permitted by law or required by judicial order. If the client is a minor, then the written consent shall be made with the minor and their legal representative or guardian;
- b. Responsibility: A child placement agency shall provide a clear, written description of what the client may expect in the way of services, reports, risks, fees, billing, estimated schedules and grievance procedures;
- c. Misrepresentation: A child welfare agency shall not misrepresent its program services or experience;
- d. Client Relationships: Relationships with clients shall not be exploited by the child welfare agency staff for personal gain.

109 Unprofessional Conduct

1. Unprofessional conduct in the practice of child welfare activities shall include, but not limited to the following:
 - a. Permitting, aiding, or abetting an unlicensed person to perform activities requiring a professional license;
 - b. Misrepresenting type or status of education, training, expertise, licensure, or professional affiliations;
 - c. Failing to maintain confidentiality, except as otherwise required or permitted by law, of all information that has been received from a client in confidence during the course of services;
 - d. Violating the ethical standards adopted by the Board;
 - e. Failing to report to the Licensing Unit any disciplinary action taken against the child welfare agency by another jurisdiction, domestic or international, or failing to report to the Licensing Unit the surrender of a license or loss of authorization to practice child welfare activities in another jurisdiction;
 - f. Failing to comply with any stipulation or agreement with the Board involving probation or a settlement of any disciplinary matters;
 - g. Engaging in behavior that could be viewed as sexual, dangerous, exploitative, or physically harmful to children.

110 Inspections, Investigations & Corrective Action

1. The Licensing Specialist shall conduct inspections to ensure continued compliance with licensing standards.

General Requirements

2. The Licensing Specialist shall investigate complaints of alleged violation of licensing standards against all placement agencies, and may participate in investigations of alleged child maltreatment.
3. The agency shall cooperate with the Licensing Unit in conducting inspections and investigations, and shall provide information required to verify compliance with rules.
4. Inspections and investigations may be scheduled or unscheduled, at the discretion of the Licensing Specialist, and may be conducted outside regular working hours.
5. The frequency of inspections shall be at the discretion of the Licensing Unit, and may be based on the agency's compliance history.
6. At the discretion of the Licensing Unit, a multi-disciplinary team may be asked to advise the Licensing Specialist during initial approval or during inspections. This team may include a professional in the appropriate field.
7. Upon finding any violations of licensing standards, the Licensing Specialist shall issue to the agency a corrective action notice, which shall state:
 - a. A factual description of the conditions that constitute a violation of the standard;
 - b. The specific law or standard violated;
 - c. A reasonable time frame within which the violation shall be corrected.
8. The agency shall provide a written corrective action plan, when requested to do so, by the Licensing Specialist in a corrective action notice.
9. Any owner/operator, employee, foster parent, or volunteer in a child welfare agency shall immediately notify the Child Abuse Hotline if he or she has reasonable cause to suspect that a child has been subjected to child maltreatment, died as a result of child maltreatment or if they observe a child being subjected to conditions or circumstances that would reasonably result in child maltreatment.
10. If a complaint of child maltreatment is filed against any owner/operator, employee, foster parent, volunteer, or other person in a child welfare agency, the agency administration shall evaluate the risk to children and determine the suitability of the person(s) to supervise, be left alone with children, have disciplinary control over children, or remain in the child placement agency until the allegations are determined to be true or unsubstantiated. Any interim corrective action measures shall be approved by the Licensing Unit.
11. The agency shall maintain a log or file of all calls to the child abuse hotline.
12. The agency shall notify the Licensing Unit by the next business day when a report of child maltreatment is accepted by the child abuse hotline against the

General Requirements

owner/operator, employee, foster parent, volunteer, child, or other person in a child welfare agency.

13. The agency and all staff shall cooperate fully with investigators during a child maltreatment investigation.
14. The agency shall take steps to prevent harm or retaliation against the child while an allegation of child maltreatment is being investigated.
15. Any person with a true finding of child maltreatment shall be reviewed by the owner or administrator of the agency, in consultation with the Child Welfare Agency Review Board or its designee, to determine corrective action. Corrective action may include, but is not limited to, counseling, training, probationary employment, non-selection for employment, or termination.
16. Any employee who has been sanctioned by any licensing or certifying entity for any reason pertaining to child safety shall be reviewed by the owner or administrator of the agency, in consultation with the Child Welfare Agency Review Board or its designee, to determine corrective action. Corrective action may include, but is not limited to, counseling, training, probationary employment, non-selection for employment, or termination.
17. The agency shall notify the Licensing Unit by the next business day of serious injuries requiring emergency medical treatment, agency vehicle accidents, arrests, elopements, suicide attempts, or deaths, and maintain documentation of the incident and notification.
18. The agency shall maintain reports on all incidences that cause injury, property damage, or disruption to routine operation or services.

200 CHILD PLACEMENT AGENCIES: FOSTER CARE

In addition to all standards in Section 100, the following standards shall be met:

201 Admission

1. Each agency shall establish written criteria for admitting/excluding children.
2. The agency shall not admit any child for whom the agency cannot provide adequate care.
3. Each child shall have a medical examination within one (1) year before admission, or an appointment scheduled within one (1) week after admission.
4. Each child shall have proof of current immunizations, a letter of exemption in accordance with the Arkansas Department of Health, or an appointment scheduled within one (1) week after admission.
5. The agency shall obtain written authority from the parent(s), guardian(s), or court before placement, or within seventy-two (72) hours if an emergency placement.
6. The agency shall obtain written authority for medical care for the child from the parent(s), guardian(s), or court at the time of placement, or within seventy-two (72) hours in an emergency placement.
7. The agency shall comply with the Interstate Compact on the Placement of Children when placing/admitting children from outside Arkansas.
8. A dependent juvenile of a parent who is in the custody of DCFS shall be subject to all regulations regarding space, ratio, health and safety.

202 Intake & Assessment

1. Intake information shall be completed on each child in care within ten (10) working days after admission.
2. The intake information shall include:
 - a. Demographic information on the child and parent(s), including name, address, birth date, gender, race, and religious preference;
 - b. A factual description of the circumstances requiring placement;
 - c. A brief social history of the family;
 - d. The child's current legal status/custody;
 - e. Any history of previous placements outside the family, if applicable;

200 Child Placement Agencies: Foster Care

- f. An assessment of services needed to ensure the health and welfare of the child, including medical history and psychological history.
3. The agency shall obtain copies of legal documents within thirty (30) days of admission, or shall document their attempts to obtain the documents. The legal documents shall include, but not be limited to, birth certificates, social security cards and court orders.
4. A plan of safe care shall be developed for all children with physical limitations, medical conditions, or behaviors that are indicative of harm to self or others; to include, but not limited to: arson, physical/sexual aggression, and/or suicidal or other self-harming tendencies. This plan shall identify the behavior/problem, and shall specify the safeguards that are to be implemented. A copy of the plan shall be provided to the direct caregiver(s), as well as a copy placed in the child's record.

203 Case Planning

1. A case plan shall be developed for each child placed into a foster home by a child placement agency. The plan shall address the child's needs as identified in the intake information.
2. When a placement agency places a child with another placement agency the receiving agency shall develop a case plan for each child received for care.
3. The case plan shall be developed within thirty days after placement.
4. The child's case plan shall contain, at the minimum:
 - a. Specific needs of the child;
 - b. Plan for meeting child's needs;
 - c. Special treatment issues (e.g., psychotropic medications, sexual misconduct, and neurological disorders) shall be identified, with a statement of how the special needs shall be met;
 - d. A plan to ensure that the child's educational needs are met according to applicable state law;
 - e. Visitation plan, if applicable;
 - f. Date of next review of the case plan.
5. If independence is a goal, the case plan shall include training in independent living skills.
6. Foster parents shall be included in case planning for each child.

200 Child Placement Agencies: Foster Care

7. A copy of the case plan shall be made available to the parent(s), guardian(s), court, or other agencies involved in case plan services delivery, if applicable.
8. The case plan shall be reviewed at least semi-annually and shall be updated to reflect the child's progress.

204 Children's Records

1. The agency shall keep a confidential case record for each child that includes the following:
 - a. Demographic information;
 - b. Plan of safe care, if applicable;
 - c. A complete intake;
 - d. Consents, including consent for medical care and authority to place the child;
 - e. Interstate Compact information, if applicable;
 - f. Case plans and case plan reviews;
 - g. Copies of legal documents (e.g., birth certificate, social security card, court orders), or documentation of their attempts to obtain the documents;
 - h. Physical exams and immunization records, or documentation of their attempts to obtain the documents;
 - i. Psychological reports, if applicable;
 - j. Educational reports, if applicable;
 - k. Disciplinary and incident reports, if applicable;
 - l. Records of visitation and family contacts, if applicable;
 - m. Documentation of casework services and child contact;
 - n. Discharge statement.
2. Records for each child shall be kept for five (5) years from the date of discharge, unless otherwise specified by Arkansas law.

205 Behavior Management

1. The agency shall have a written discipline policy that is consistently followed.
2. Discipline shall be directed toward teaching the child acceptable behavior and self-control.

200 Child Placement Agencies: Foster Care

3. Discipline shall be appropriate to the child's age, development, and history, including trauma history.
4. The following actions shall not be used, including as discipline:
 - a. Denial of meals, sleep, shelter, essential clothing, or case plan activities;
 - b. Denial of parental visits or regular phone/mail contact with family. Non-disciplinary case planning issues are accepted;
 - c. Lewd or obscene language;
 - d. Derogatory comments about the child, the child's family, race, or gender;
 - e. Restriction to a room for more than a short period of time without periodic observation;
 - f. Restriction to a dark room or area;
 - g. Locked isolation;
 - h. Physical injury or threat of bodily harm;
 - i. Humiliating or degrading action;
 - j. Extremely strenuous work or exercise;
 - k. Mechanical/chemical restraints.
5. Physical restraint shall be initiated only by a trained person, and only to prevent injury to the child, other people or property, and shall not be initiated solely as a form of discipline.
6. A child shall not be allowed to administer discipline, except teen parents may discipline their own children under the supervision and guidance of the foster parent.
7. Searches of a child or a child's personal property shall be for reasons limited to safety and security of children and their foster family, or in cases of suspected theft.
8. Any searches requiring removal of clothing shall be done in privacy.

206 Foster Parent Qualifications

1. In a two-parent home, both shall be joint applicants, each sign the application, and participate in the approval process.
2. Foster parents shall be at least twenty-one (21) years of age.
3. The stability of the foster family shall be evaluated and determined to be appropriate.
4. Foster parents shall be physically, mentally, and emotionally capable of caring for children.
5. The foster family shall provide documentation of sufficient financial resources to meet their needs.

6. All family members under the age of eighteen (18) in the household shall have proof of current health immunizations, or an exemption in accordance with the Arkansas Department of Health.
7. When routine child care is needed, foster children shall attend licensed child care or have a caregiver approved by the agency.

207 **Content of the Home Study**

1. The agency shall complete a home study for each foster home.
2. The agency shall conduct at least two (2) visits in person with the foster parent applicants, including at least one (1) visit to the home.
3. The agency shall interview every age-appropriate member of the household.
4. The home study shall include the following information:
 - a. Motivation: The individual's motivation for becoming foster parents;
 - b. Household Composition: The full legal names of everyone residing in the home, birth dates, relationships to one another, and a brief physical description;
 - c. Housing: Address and location, type of structure, length of time at residence, upkeep and housekeeping standards, future residence plans, and sleeping arrangements;
 - d. Safety Hazards: An assessment of the safety of the home and grounds including water hazards, swimming pools, hot tubs, dangerous pets, and other hazardous items and areas;
 - e. Income and Expenses: Employment history for the last six years (duration, salary, duties, title, degree of job security, hours), other sources of income, monthly living expenses, outstanding debts, and insurance;
 - f. Health: Current health of each family member, prior illnesses or medical problems, disabilities, clinic or doctor utilized and frequency of use, counseling (when and purpose), and hospitalization for alcohol abuse, drug abuse, or mental illness;
 - g. Education: Parents' educational attainment, future educational plans, parenting classes attended;
 - h. Childcare Arrangements or Plans: Current arrangement or proposed arrangement as it relates to their working hours and income;
 - i. Child Rearing Practices: Purpose of behavior management, behavior guidance practices, how they show affection, how they handle stress, allowance, chores, and homework;

- j. Daily Schedule;
- k. Social History: Highlights and verification regarding action of marriages, divorces, children, relationships' support system, future plans, any significant extended family members not living in the home, and any significant personal, developmental, personality or legal problems;
- l. Family Activities: Religious interests, social organizations, activities with children, and family roles;
- m. Impressions, Conclusions and Recommendations: Evaluate the family's situation and ability to provide for a child based on the information obtained during the home study;
- n. Approval: If the agency approves the foster parent(s), the agency shall recommend in the home study the number, age, gender, and other characteristics of children for whom the home is approved to provide care.

208 Physical Requirements of the Home

1. The foster home shall be accessible to community resources needed by foster children.
2. The foster home shall be clean and free of hazards.
3. The foster home shall have a continuous supply of sanitary drinking water. If the source is not a municipal water system, the water shall be tested and approved by the Arkansas Department of Health annually. The approval shall be kept in the foster home case record.
4. The foster home shall have at least one (1) flush-toilet, one sink with running water, and one bathtub or shower with hot and cold running water.
5. There shall be operational smoke detectors within ten (10) feet of the kitchen and each bedroom.
6. There shall be an operational chemical fire extinguisher, readily accessible, near the cooking area of the home.
7. The foster parents shall practice and document emergency evacuation drills with each new child entering the home, and at least quarterly thereafter.
8. All heating units with hot external areas shall be screened or otherwise shielded.
9. The home shall have at least one (1) exterior door that exits directly to the outside or the home shall have an alternate fire escape route.

200 Child Placement Agencies: Foster Care

10. The home shall have an operational telephone. Working cell phones kept on the premises are acceptable. The phone shall be accessible for children.
11. Each child shall have adequate space for storing clothing and personal belongings.
12. All household pets shall have proof of current rabies vaccinations as required by Arkansas law.
13. All firearms shall be maintained in a secure, locked location or secured by a trigger lock.
14. All ammunition shall be secured and locked separately from firearms, with the exception of ammunition locked in a long gun safe (ex. Rifle, shotgun, muzzle loaders).
15. The foster home record shall contain an agency approved safety plan for any noted hazards. The safety plan shall be signed by all caregivers in the foster home and an agency representative.
16. A current floor plan of the home with room dimensions for all rooms used for sleeping shall be in the foster home record.
17. Manufactured homes, used as foster homes, shall have an agency approved safety plan for tornado safety. The safety plan shall be signed by all caregivers in the foster home and an agency representative.

209 Sleeping Arrangements

1. Each household occupant shall have a bedroom that provides privacy.
2. Each bedroom shall have at least fifty (50) square feet of floor space per occupant.
3. Each bedroom used for foster children shall have a window to the outside which is capable of serving as an emergency escape.
4. Bars, grilles, grates, or other items that block access to the window are permitted only if they can be removed from the inside without the use of a key, tool, or force greater than that required for normal operation of the window. In this event, each such bedroom shall have a working smoke detector in the bedroom.
5. No more than four (4) children shall share a bedroom.
6. Each household occupant shall have a bed with a mattress, sheets, pillow, pillowcase, and adequate cover, all in good condition.
7. Children of the opposite sex shall not share the same bedroom if either child is four (4) years old or older, except for a parent in foster care with her child.

200 Child Placement Agencies: Foster Care

8. No children shall share a bed if either child is four (4) years old or older.
9. No child under age six (6) years shall occupy a top bunk.
10. Foster children, except infants under age two (2) years, shall not share a sleeping room with adults; this age would increase through age four (4) for a grandparent to the child and a teen parent in foster care with her child.
11. All cribs used for children shall have current certification of compliance with Consumer Product Safety Guidelines (CPSC) standards.
12. Children twelve (12) months of age and below shall be placed flat on their backs to sleep, in accordance with American Academy of Pediatrics guidelines, to lessen the risk of suffocation and Sudden Infant Death Syndrome. (If a child rolls over on his/her own, the facility is not required to reposition the child.) If there is a medical reason a child cannot sleep on his/her back, a signed statement from the child's physician shall be in the file stating the reason, the sleep position indicated, and the time frame required.
13. Bedding shall be changed at least weekly, more often if needed.

210 Approval of Foster Homes

1. A foster home shall be approved only by one (1) agency.
2. At least three (3) positive personal references shall be obtained on the foster family from non-relatives.
3. Each member of the foster family shall have a physical exam within twelve (12) months before the initial approval.
4. The agency shall ensure that the foster parents receive at least ten (10) hours of pre-service training (excluding CPR and First Aid) before placing a child in the home.
5. Foster parent(s) shall have a current certificate of completion of First Aid and CPR before a child is placed in the home. The training shall require hands on skilled based instruction as well as practical testing. Training and certification that is provided solely on-line will not be accepted.
6. Foster parents shall provide documentation that they carry homeowner's or renter's insurance and general liability insurance.
7. Foster homes shall not also operate as Child Care Family Homes.
8. Foster homes shall not provide compensated care for any non-related adults in the foster home, unless providing transitional care for a person placed in care prior to age eighteen (18).

200 Child Placement Agencies: Foster Care

9. There shall be an annual approval letter from the approving agency in the foster home record.
10. A provisional foster home means a foster home opened for no more than six (6) months by the Division of Children and Family Services of the Department of Human Services; on a relative or fictive kin of a child in the custody of the division after the division:
 - a. Conducts a health and safety check, including a central registry check and a criminal background check or check with local law enforcement on the relative's or fictive kin's home; and
 - b. Performs a visual inspection of the home of the relative or fictive kin to verify that the relative or fictive kin and the home will meet the standards for opening a regular foster home.
11. If a foster home moves from one placement agency to another all requirements for opening a new foster home shall be met.

211 Selection of Foster Home

1. The agency shall select the home that is in the best interest of the child, the least restrictive possible, and is matched to the child's physical and emotional needs. The placement decision shall be based on an individual assessment of the child's needs.
2. No children shall be placed in a foster home unless there is an approval letter in the record from the approving agency.
3. The agency shall place children only in approved foster homes.
4. When a placement agency places a child with another placement agency the receiving agency shall maintain a record for and provide casework services to the children placed into their foster homes.
5. Foster homes shall not have more than five (5) foster children in care. A foster home shall not have more than eight (8) children in their home, including their own children. This includes placement or respite care.
6. Foster homes shall not have more than two (2) children under the age of two (2) years, including the foster parent's own children.
7. No new placements of children shall occur with foster parents who have not satisfied the annual training requirements. Administrative-level staff, designated by the agency director, may grant an exemption to this restriction for up to sixty (60) days. The administrator shall review the quality of care provided by the foster parents, and the reasons for failing to complete the training on time, in deciding whether to grant an exception.

212 Continued Training of Foster Parents

1. Each foster parent shall obtain at least fifteen (15) hours of training each year after the first year. This does not apply to foster parents for infants in short term foster care awaiting adoptive placement. Such foster parents shall obtain ten (10) hours of training for the primary care giver and five (5) hours of training for the secondary care giver each year.
2. Documentation verifying annual training shall be dated indicating the number of hours, the name of the source, topic and title.
3. Each foster parent shall maintain a current certificate of successful completion of hands-on, skill based CPR and First Aid. Training and certification that is provided solely on-line will not be accepted.

213 Responsibilities of Foster Parents

1. Foster Parents shall be responsible for providing the level of supervision, care, and treatment necessary to ensure the safety and well-being of each child placed into their home, taking into account the child's age, individual differences and abilities, surrounding circumstances, hazards and risks.
2. Foster parents shall provide each child with adequate and nutritious food.
3. Foster parents shall provide regular activities to promote the physical, social, intellectual, spiritual, and emotional development of the children in care.
4. Foster parents shall provide each child their own clothing that is clean, well-fitted, seasonal, appropriate to age and gender, and comparable to community standards.
5. Foster parents shall allow foster children to acquire and keep personal belongings.
6. Foster parents shall fully cooperate with the child placement agency's case plan for each foster child, including visitation.
7. Foster parents shall provide routine transportation for each child.
8. Foster parents shall participate in case planning and case plan reviews.
9. Foster parents shall attend school conferences concerning a foster child, and shall notify the child placement agency of any situations that may affect the case plan or require agency involvement.
10. Foster parents shall notify the child placement agency promptly of serious illness, injury, or unusual circumstances affecting the health, safety, or welfare of the foster child.

200 Child Placement Agencies: Foster Care

11. Foster parents shall cooperate with the child placement agency and the Licensing Unit in conducting inspections and investigations, and shall provide information required to verify compliance with rules.
12. Foster parents shall maintain absolute confidentiality of private information about each foster child and the birth family.
13. The foster parents shall give advance notice to the agency of any major changes that affect the life and circumstances of the foster family, including a change of residence, when possible.
14. Foster parents shall keep periodic photographs, a record of the child's memberships, activities, and participation in extracurricular school or church activities, trophies, awards, ribbons, etc. for each foster child. These items shall be offered and/or returned to the child upon change in placement.
15. The foster parents shall ensure that each child has sufficient sleep for his/her age and physical condition.
16. Each child shall be instructed in good grooming and personal hygiene habits.
17. The foster parents shall ensure each child is provided with opportunities for regular recreational activities and exercise.
18. The foster parents shall ensure each child shall be provided with age-appropriate activities and equipment.
19. The use of television, videos, computer games and other screen time activities shall be monitored and time limited.

214 Medications

1. Foster parents shall administer medications only in accordance with directions on the label.
2. All over-the-counter medications shall be stored in an area not readily accessible to children, and all prescription medications excluding Epi-pens, inhalers, and Glucagon kits shall be locked. An age-appropriate and developmentally capable child may be provided, or have access to non-narcotic prescriptions with an approved safety plan. Examples include, but are not limited to, birth control, acne cream, topical creams.
3. Medication shall be stored in accordance with pharmaceutical recommendations.
4. Foster parents shall be aware of possible side effects of all medications administered to foster children.

200 Child Placement Agencies: Foster Care

5. All medication shall be logged by the foster parent at the time the medication is administered.
6. The medication logs shall include:
 - a. Child's name;
 - b. Time and date;
 - c. Medication and dosage;
 - d. Initials of the person administering the medication.
7. All currently prescribed medication shall be provided at placement.

215 Transportation

1. Foster families shall have their own transportation available.
2. Any vehicle used to transport foster children shall be maintained in compliance with motor vehicle laws, and be insured.
3. Children shall be transported only by foster parents or approved persons possessing a valid driver's license.
4. Children shall be transported according to Arkansas law, including but not limited to, use of safety belts, child safety seats and smoking restrictions.

216 Visitation

The standards in 216 do not apply to children in short term foster care awaiting adoptive placement.

1. The agency that has legal responsibility for the child shall develop a visitation plan that specifies when and how visits will occur between the child and the parents.
2. The child placement agency shall carry out the visitation plan to meet the terms of the plan.
3. Foster parents shall allow foster children and their families to communicate according to the child's case plan.

217 Agency Responsibilities

1. The agency shall provide the foster parents with the information necessary to provide adequate care to each foster child.
2. The agency shall provide foster parents with instructions for contacting agency personnel at any time.

3. The agency shall assign a caseworker to each child who is responsible for doing assessments, case planning, and casework services.
4. A caseworker shall not have more than twenty-five (25) children's cases at a time.
5. An agency caseworker shall visit the child in person at least monthly while the child is in foster care.
6. The agency shall ensure that each child in foster care has a medical exam at least annually. Medical exams need not be repeated during the year if a child moves from one facility or agency to another, provided the results of the exam are available to the receiving facility or agency.
7. The child placement agency shall remain legally responsible for the supervision and decision making regarding foster children. Foster parents have daily responsibility for the care of the children.
8. The child placement agency shall have a written plan that provides for timely reimbursements to foster parents for costs of care and fees for services.
9. The agency shall develop respite care and babysitting policies.
10. Respite care shall occur in an agency approved foster home and shall not exceed fourteen (14) consecutive days.
11. If the child placement agency receives a report of non-compliance with licensing standards, the agency shall investigate to learn if the foster home remains in compliance. A report of findings and any corrective action shall be maintained in the foster home record. The investigation shall be completed within sixty (60) days of receiving the report of non-compliance, unless good cause is documented.
12. The agency shall maintain a record for each foster family that contains all information and documentation required by licensing standards. To include:
 - a. Complete and signed application;
 - b. Approval letter;
 - c. Home Study;
 - d. Minimum age verification;
 - e. Three (3) positive references;
 - f. Initial physical exam;
 - g. Pre-service training verification;
 - h. Initial and current criminal, Child Maltreatment, and FBI checks, as required;
 - i. Initial and current CPR and First Aid certification;

- j. Current health immunizations of children or exemption;
 - k. Current auto insurance;
 - l. Current homeowner's or renter's insurance and general liability insurance;
 - m. Current rabies vaccinations for household pets as required by law;
 - n. Documentation of annual training;
 - o. Safety plans;
 - p. Social media confidentiality documentation;
 - q. Surveillance documentation, if applicable;
 - r. Floor plan;
 - s. Annual water test results, if applicable;
 - t. Approved alternative fire escape route, if applicable;
 - u. Documentation of quarterly monitoring visits, including unannounced visits;
 - v. Documentation of annual re-evaluations;
 - w. Reports of non-compliance with licensing standards including findings, and any corrective actions;
 - x. Closing summary.
13. The agency shall prepare a closing summary, including reasons, if the home closes.
14. The agency shall promptly notify the Arkansas office of the Interstate Compact on the Placement of Children upon discharging a child from outside Arkansas.
15. The agency shall approve and document the use of all surveillance devices used in the home.

218 Monitoring & Re-evaluation

1. The agency shall monitor the foster home at least quarterly for continued compliance with licensing standards for foster homes. This does not apply to foster homes for infants in short term foster care awaiting adoptive placement. Before a child can be placed in such a foster home, a monitoring visit shall be done within the three (3) months prior to placement.
2. At least one unannounced quarterly visit shall be conducted annually and shall be documented as unannounced in the foster home record.

200 Child Placement Agencies: Foster Care

3. The child placement agency shall conduct an annual re-evaluation of the foster family home. Any foster home that does not substantially comply with the standards for approval shall not be approved for placement until compliance is achieved.
4. The agency shall keep documentation of quarterly monitoring visits and annual re-evaluations in the foster home record signed and dated by the person conducting the visit and the foster parent.
5. If the foster family experiences any major life changes (e.g., marriage, divorce, separation, health problems, death, change of residence, change of household composition), the child placement agency shall re-evaluate the home at that time.
6. If a home is inactive or closed for one (1) year or more, the agency shall:
 - a. Conduct a re-evaluation to ensure Licensing requirements are met;
 - b. Ensure new background checks are conducted;
 - c. Ensure CPR/First Aid is current;
 - d. Evaluate any major changes. i.e. (218.5).

219 Discharge

1. The discharge shall be planned by agency staff.
2. The agency may discharge a child on an emergency basis if failure to do so could result in harm to the child, other persons, or significant property damage.
3. A child shall be discharged to the custody of the child's parent or a person with authorization from the parent, guardian, or a person authorized by court order to assume custody of the child.
4. The agency shall complete a discharge statement on each child that includes a discharge date and reason for discharge and provide a copy of it to the child's custodian.
5. Documentation of the discharge shall be maintained in the child's record.

300 CHILD PLACEMENT AGENCIES: THERAPEUTIC FOSTER CARE

In addition to all standards in Section 100, the following standards shall be met in order to be licensed as a Therapeutic Foster Care Agency:

301 Admission

1. Each agency shall establish written criteria for admitting/excluding children.
2. The agency shall not admit any child for whom the agency cannot provide adequate care.
3. Each child shall have a medical exam within one (1) year before admission, or an appointment scheduled within one (1) week after admission.
4. Each child shall have proof of current immunizations, a letter of exemption in accordance with the Arkansas Department of Health or an appointment scheduled within one (1) week after admission.
5. The agency shall obtain written authority from the parent(s), guardian(s), or court before placement, or within seventy-two (72) hours if an emergency placement.
6. The agency shall obtain written authority for medical care for the child from the parent(s), guardian(s), or court at the time of placement, or within seventy-two (72) hours in an emergency placement.
7. The agency shall comply with the Interstate Compact on the Placement of Children when placing/admitting children from outside Arkansas.
8. A dependent juvenile of a parent who is in the custody of DCFS shall be subject to all regulations regarding space, ratio, health and safety.

302 Intake & Assessment

1. Intake information shall be completed on each child in care within ten (10) working days after admission.
2. The intake information shall include:
 - a. Demographic information on the child and parent(s), including name, address, birth date, gender, race, and religious preference;
 - b. A factual description of the circumstances requiring placement;
 - c. A brief social history of the family;

- d. The child's current legal status/custody;
 - e. Any history of previous placements outside the family, if applicable;
 - f. An assessment of services needed to ensure the health and welfare of the child, including medical history and psychological history.
3. The agency shall obtain copies of legal documents within thirty (30) days of admission, or shall document their attempts to obtain the documents. The legal documents shall include, but not be limited to, birth certificates, social security cards and court orders.
4. A plan of safe care shall be developed for all children with physical limitations, medical conditions, or behaviors that are indicative of harm to self or others; to include, but not limited to: arson, physical aggression, sexual aggression, suicidal behaviors or other self-harming tendencies. This plan shall identify the behavior and/or problem, and specify the safeguards that are to be implemented. A copy of the plan shall be provided to the direct caregiver(s), as well as a copy placed in the child's case file.

303 Treatment Planning

1. A treatment plan shall be developed for each child placed into a foster home by a child placement agency. The plan shall address the child's needs as identified in the intake information.
2. When a placement agency places a child with another placement agency the receiving agency shall develop a treatment plan for each child received for care.
3. The treatment plan shall be developed within thirty days after placement.
4. The treatment plan shall be developed after a staffing. If applicable, the parents, foster parents, facility staff, caseworker, social worker or probation officer, and the child shall be invited to the staffing.
5. The child's treatment plan shall contain, at the minimum:
 - a. Specific needs of the child;
 - b. Plan for meeting child's needs;
 - c. Special treatment issues (e.g., psychotropic medications, sexual misconduct, and neurological disorders) shall be identified, with a statement of how the special needs shall be met;
 - d. A plan to ensure that the child's educational needs are met according to applicable state law;
 - e. Visitation plan, if applicable;
 - f. Date of next review of the treatment plan.

300 Child Placement Agencies: Therapeutic Foster Care

6. If independence is a goal, the treatment plan shall include training in independent living skills.
7. Foster parents shall be included in treatment planning for each child.
8. Foster parents shall be provided a copy of the child's current treatment plan.
9. A copy of the treatment plan shall be made available to the parent(s), guardian(s), court, or other agencies involved in case plan services delivery, if applicable.
10. The treatment plan shall be reviewed at least semi-annually, and shall be updated to reflect the child's progress.
11. If treatment services are contracted, there shall be evidence of participation by the contracted therapist in treatment planning reviews and individualized program implementation.

304 Children's Records

1. The agency shall keep a confidential case record for each child that includes the following;
 - a. Demographic information;
 - b. Plan of safe care, if applicable;
 - c. A complete intake;
 - d. Consents, including consent for medical care and authority to place the child;
 - e. Interstate Compact information, if applicable;
 - f. Treatment plans and treatment plan reviews;
 - g. Copies of legal documents (e.g., birth certificate, social security card, court orders), or documentation of their attempts to obtain the documents;
 - h. Physical exams and immunization records, or documentation of their attempts to obtain the documents;
 - i. Psychological reports, if applicable;
 - j. Educational reports, if applicable;
 - k. Disciplinary and incident reports, if applicable;
 - l. Records of visitation and family contacts, if applicable;
 - m. Documentation of casework services and child contact, current to within one (1) month of occurrence;
 - n. Discharge statement.

300 Child Placement Agencies: Therapeutic Foster Care

2. Records for each child shall be kept for five (5) years from the date of discharge, unless otherwise specified by Arkansas law.

305 Behavior Management

1. The agency shall have a written discipline policy that is consistently followed.
2. Discipline shall be directed toward teaching the child acceptable behavior and self-control.
3. Discipline shall be appropriate to the child's age, development, and history, including trauma history.
4. The following actions shall not be used including as discipline:
 - a. Denial of meals, sleep, shelter, essential clothing, or case plan activities;
 - b. Denial of parental visits or regular phone/mail contact with family. Non-disciplinary case planning issues are accepted;
 - c. Lewd or obscene language;
 - d. Derogatory comments about the child, the child's family, race, or gender;
 - e. Restriction to a room for more than a short period of time without periodic observation;
 - f. Restriction to a dark room or area;
 - g. Locked isolation;
 - h. Physical injury or threat of bodily harm;
 - i. Humiliating or degrading action;
 - j. Extremely strenuous work or exercise;
 - k. Mechanical/chemical restraints
5. Physical restraint shall be initiated only by a trained person, and only to prevent injury to the child, other people or property, and shall not be initiated solely as a form of discipline.
6. A child shall not be allowed to administer discipline, except teen parents may discipline their own children under the supervision and guidance of the foster parent.
7. Searches of a child or a child's personal property shall be for reasons limited to safety and security of children and foster family, or in cases of suspected theft.
8. Any searches requiring removal of clothing shall be done in privacy.

306 Foster Parent Qualifications

1. In a two-parent home, both shall be joint applicants, each sign the application, and participate in the approval process.
2. Foster parents shall be at least twenty-one (21) years of age.
3. The stability of the foster family shall be evaluated and determined to be appropriate.
4. Foster parents shall be physically, mentally, and emotionally capable of caring for children.
5. The physical health of the foster parents shall be equal to the stress inherent in the care of special needs children, as evidenced by the physician's statement.
6. The foster family shall provide documentation of sufficient financial resources to meet their needs.
7. All family members under the age of eighteen (18) in the household shall have proof of current health immunizations, or an exemption in accordance with the Arkansas Department of Health.
8. When routine child care is needed, foster children shall attend licensed child care or have a caregiver approved by the agency.

307 Content of the Home Study

1. The agency shall complete a home study for each foster home.
2. The agency shall conduct at least two (2) visits in person with the foster parent applicants, including at least one (1) visit to the home.
3. The agency shall interview every age-appropriate member of the household.
4. The home study shall include the following information:
 - a. Motivation: The individual's motivation for becoming foster parents;
 - b. Household Composition: The full legal names of everyone residing in the home, birth dates, relationships to one another, and a brief physical description;
 - c. Housing: Address and location, type of structure, length of time at residence, upkeep and housekeeping standards, future residence plans, and sleeping arrangements;
 - d. Safety Hazards: An assessment of the safety of the home and grounds including water hazards, swimming pools, hot tubs, dangerous pets, and other hazardous items and areas;

- e. **Income and Expenses:** Employment history for the last six years (duration, salary, duties, title, degree of job security, hours), other sources of income, monthly living expenses, outstanding debts, and insurance;
- f. **Health:** Current health of each family member, prior illnesses or medical problems, disabilities, clinic or doctor utilized and frequency of use, counseling (when and purpose), and hospitalization for alcohol abuse, drug abuse, or mental illness;
- g. **Education:** Parents' educational attainment, future educational plans, parenting classes attended;
- h. **Childcare Arrangements or Plans:** Current arrangement or proposed arrangement as it relates to their working hours and income;
- i. **Child Rearing Practices:** Purpose of behavior management, behavior guidance practices, how they show affection, how they handle stress, allowance, chores, and homework;
- j. **daily Schedule;**
- k. **Social History:** Highlights and verification regarding action of marriages and divorces, children, relationships' support system, future plans, any significant extended family members not living in the home, and any significant personal, developmental, personality or legal problems;
- l. **Family Activities:** Religious interests, social organizations, activities with children, and family roles;
- m. **Impressions, Conclusions and Recommendations:** Evaluate the family's situation and ability to provide for a child based on the information obtained during the home study;
- n. **Approval:** If the agency approves the foster parent(s), the agency shall recommend in the home study the number, age, gender, and other characteristics of children for whom the home is approved to provide care

308 Physical Requirements of the Home

1. The foster home shall be accessible to community resources needed by foster children.
2. The foster home shall be clean and free of hazards.
3. The foster home shall have a continuous supply of sanitary drinking water. If the source is not a municipal water system, the water shall be tested and approved by the Arkansas Department of Health annually. This approval shall be kept in the foster home case record.

300 Child Placement Agencies: Therapeutic Foster Care

4. The foster home shall have at least one (1) flush toilet, one sink with running water, and one bathtub or shower with hot and cold running water.
5. There shall be operational smoke detectors within ten (10) feet of the kitchen and each bedroom.
6. There shall be an operational chemical fire extinguisher readily accessible near the cooking area of the home.
7. The foster parents shall practice and document emergency evacuation drills with each new child entering the home, and at least quarterly thereafter.
8. All heating units with hot external areas shall be screened or otherwise shielded.
9. The home shall have at least one (1) exterior door that exits directly to the outside, or the home shall have an alternate fire escape route.
10. The home shall have an operational telephone. Working cell phones kept on the premises are acceptable. The phone shall be accessible for children.
11. Each child shall have adequate space for storing clothing and personal belongings.
12. All household pets shall have proof of current rabies vaccinations as required by Arkansas law.
13. All firearms shall be maintained in a secure, locked location or secured by a trigger lock.
14. All ammunition shall be secured and locked separately from firearms, with the exception of ammunition locked in a long gun safe (ex. Rifle, shotgun, muzzle loaders).
15. The foster home record shall contain an agency approved safety plan for any noted hazards. The safety plan shall be signed by all caregivers in the foster home and an agency representative.
16. A current floor plan of the home with room dimensions for all rooms used for sleeping shall be in the foster home record.
17. Manufactured homes, used as foster homes, shall have an agency approved safety plan for tornado safety. The safety plan shall be signed by all caregivers in the foster home and an agency representative.

309 Sleeping Arrangements

1. Each household occupant shall have a bedroom that provides privacy.
2. Each bedroom shall have at least fifty (50) square feet of floor space per occupant.

300 Child Placement Agencies: Therapeutic Foster Care

3. Each bedroom used for foster children shall have a window to the outside which is capable of serving as an emergency escape.
4. Bars, grilles, grates, or other items that block access to the window are permitted only if they can be removed from the inside without the use of a key, tool, or force greater than that required for normal operation of the window. In this event, each such bedroom shall have a working smoke detector in the bedroom.
5. No more than four (4) children shall share a bedroom.
6. Each household occupant shall have a bed with a mattress, sheets, pillow, pillowcase, and adequate cover, all in good condition.
7. Children of the opposite sex shall not share the same bedroom if either child is four (4) years old or older, except for a parent in foster care with her child.
8. No children shall share a bed if either child is four (4) years old or older.
9. No child under age six (6) years shall occupy a top bunk.
10. Foster children, except infants under age two (2) years, shall not share a sleeping room with adults; this age would increase through age four (4) for a grandparent to the child and a teen parent in foster care with her child.
11. All cribs used for children shall have current certification of compliance with Consumer Product Safety Commission (CPSC) standards.
12. Children twelve (12) months of age and below shall be placed flat on their backs to sleep, in accordance with American Academy of Pediatrics guidelines, to lessen the risk of suffocation and Sudden Infant Death Syndrome. (If a child rolls over on his/her own, the facility is not required to reposition the child.) If there is a medical reason a child cannot sleep on his/her back, a signed statement from the child's physician shall be in the file stating the reason, the sleep position indicated, and the time frame required.
13. Bedding shall be changed at least weekly, more often if needed.

310 Approval of Foster Homes

1. A foster home can be approved only by one (1) agency.
2. At least three (3) positive personal references shall be obtained on the foster family from non-relatives.
3. Each member of the foster family shall have a physical exam within twelve (12) months before the initial approval.
4. Foster parents shall be trained in crisis prevention and intervention before a child is placed in the home.

300 Child Placement Agencies: Therapeutic Foster Care

5. Prior to the placement of children in their home, foster parents shall complete at least thirty (30) hours of skill-based pre-service training (excluding CPR and First Aid) consistent with the agency's treatment methodology and the needs of the population served.
6. Foster parent(s) shall have a current certificate of completion of First Aid and CPR before a child is placed in the home. The training shall require hands on skilled based instruction as well as practical testing. Training and certification that is provided solely on-line will not be accepted.
7. Foster parents shall provide documentation that they carry homeowner's or renter's insurance and general liability insurance.
8. Foster homes shall not also operate as Child Care Family Homes.
9. Foster homes shall not provide compensated care for any non-related adults in the foster home, unless providing transitional care for a person placed in care prior to age eighteen (18).
10. There shall be an annual approval letter from the approving agency in the foster home record.
11. If a foster home moves from one placement agency to another all requirements for opening a new foster home shall be met.

311 Selection of Foster Home

1. The agency shall select the home that is in the best interest of the child, the least restrictive possible, and is matched to the child's physical and emotional needs. The placement decision shall be based on an individual assessment of the child's needs.
2. No children shall be placed in a foster home unless there is an approval letter in the record from the approving agency.
3. The agency shall place children only in approved foster homes.
4. When a placement agency places a child with another placement agency the receiving agency shall maintain a record for and provide casework services to the children placed into their foster homes.
5. Foster homes shall not have more than two (2) children under the age of two (2) years, including the foster parent's own children.
6. The number of children placed into one therapeutic foster home shall not exceed two (2), except to keep a sibling group together, in that case up to a maximum of three (3) children may be placed into the home. The sibling group shall be the only children placed into the therapeutic foster home. There shall be no more than

300 Child Placement Agencies: Therapeutic Foster Care

five (5) total children in the home, including the foster parent's children. This includes placement or respite care. In the case of an emergency respite placement that would exceed capacity, the agency shall notify the Licensing Unit the next business day.

7. Before placing more than one (1) child (therapeutic or otherwise) in a home, the agency shall consider extraordinary problems/needs of each child (e.g., violent behavior, sexual offenses, and seizure disorders). Justification of the appropriateness of placing a child in a home with another child shall be documented.
8. Non-therapeutic foster children may be placed into therapeutic foster homes under any of the following circumstances:
 - a. The non-therapeutic foster child is a sibling of the therapeutic foster child;
 - b. The non-therapeutic foster child is the child of the therapeutic foster child;
 - c. The non-therapeutic foster child was previously a therapeutic foster child placed in the foster home.
 - d. The non-therapeutic foster child is placed as an emergency placement for a maximum of 21 days.
9. Before placing a non-therapeutic foster child into a therapeutic foster home with a therapeutic foster child, the agency shall consider the potential risk to the non-therapeutic foster child. Justification of the appropriateness of placing a non-therapeutic-child in a home with another therapeutic foster child shall be documented. The agency shall maintain Section 200 standards in reference to the non-therapeutic foster child's record and the services the agency provides to the child.
10. No new placements of children shall occur with foster parents who have not satisfied the annual training requirements. Administrative-level staff, designated by the agency Director, may grant an exemption to this restriction for up to sixty (60) days. The administrator shall review the quality of care provided by the foster parents, and the reasons for failing to complete the training on time, in deciding whether to grant an exception.

312 Continued Training of Foster Parents

1. Each therapeutic foster parent shall complete at least twenty-four (24) hours of skill based training annually, excluding CPR and First Aid.
2. Documentation verifying annual training shall be dated and indicate the number of hours, the name of the source, and topic and title.

3. Each foster parent shall maintain a current certificate of successful completion of hands-on, skill based CPR and First Aid. Training and certification that is provided solely on-line will not be accepted.

313 Therapeutic Foster Parent Responsibilities

1. Foster Parents shall be responsible for providing the level of supervision, care, and treatment necessary to ensure the safety and well-being of each child placed into their home, taking into account the child's age, individual differences and abilities, surrounding circumstances, hazards and risks.
2. Foster parents shall provide each child with adequate and nutritious food.
3. Foster parents shall provide regular activities to promote the physical, social, intellectual, spiritual, and emotional development of the children in care.
4. Foster parents shall provide each child their own clothing that is clean, well-fitted, seasonal, appropriate to age and gender, and comparable to community standards.
5. Foster parents shall allow foster children to acquire and keep personal belongings.
6. Foster parents shall fully cooperate with the child placement agency's case plan for each foster child, including visitation.
7. Foster parents shall provide routine transportation for each child.
8. Foster parents shall participate in case planning and case plan reviews.
9. Foster parents shall attend school conferences concerning a foster child, and shall notify the placing agency of any situations that may affect the case plan or require agency involvement.
10. Foster parents shall notify the child placement agency promptly of serious illness, injury, or unusual circumstances affecting the health, safety, or welfare of the foster child.
11. Foster parents shall cooperate with the child placement agency and the Licensing Unit in conducting inspections and investigations, and shall provide information required to verify compliance with rules.
12. Foster parents shall maintain absolute confidentiality of private information about each foster child and the birth family.
13. Foster parents shall give advance notice to the agency of any major changes that affect the life and circumstances of the foster family, including a change of residence, when possible.
14. Foster parents shall keep periodic photographs, a record of the child's memberships, activities, and participation in extracurricular school or church

300 Child Placement Agencies: Therapeutic Foster Care

activities, trophies, awards, ribbons, etc. for each foster child. These items shall be offered and/or returned to the child upon change in placement.

15. Foster parents shall be provided with a written list of duties clearly detailing their responsibilities.
16. Foster parents shall be responsible for implementing in-home treatment strategies specified in each child's treatment plan.
17. Foster parents shall keep an ongoing written record of each child's behavior and progress toward treatment goals.
18. The foster parents shall ensure that each child has sufficient sleep for his/her age and physical condition.
19. Each child shall be instructed in good grooming and personal hygiene habits.
20. The foster parents shall ensure each child is provided with opportunities for regular recreational activities and exercise.
21. The foster parents shall ensure each child shall be provided with age-appropriate activities and equipment.
22. The use of television, videos, computer games and other screen time activities shall be monitored and time limited.

314 Medications

1. The agency shall have an intervention policy that is non-medical, unless a specific medical condition is indicated.
2. When psychotropic medications are prescribed by a physician they shall be used in concert with other interventions.
3. Foster parents shall administer medications only in accordance with directions on the label.
4. All over-the-counter medications shall be stored in an area not readily accessible to children, and all prescription medications excluding Epi-pens, inhalers, and Glucagon kits shall be locked. An age-appropriate and developmentally capable child may be provided, or have access to non-narcotic prescriptions with an approved safety plan. Examples include, but are not limited to, birth control, acne cream, topical creams.
5. Medication shall be stored in accordance with pharmaceutical recommendations.
6. Foster parents shall be aware of possible side effects of all medications administered to foster children.

300 Child Placement Agencies: Therapeutic Foster Care

7. All medication shall be logged by the foster parent at the time the medication is administered.
8. The medication logs shall include:
 - a. Child's name;
 - b. Time and date;
 - c. Medication and dosage;
 - d. Initials of the person administering the medication.
9. All currently prescribed medication shall be provided at placement.

315 Transportation

1. Foster families shall have their own transportation available.
2. Any vehicles used to transport foster children shall be maintained in compliance with motor vehicle laws, and be insured.
3. Children shall be transported only by foster parents or approved persons possessing a valid driver's license.
4. Children shall be transported according to Arkansas law, including, but not limited to, use of safety belts, child safety seats, and smoking restrictions.

316 Visitation

1. The agency that has legal responsibility for the child shall develop a visitation plan that specifies when and how visits will occur between the child and the parents.
2. The child placement agency shall carry out the visitation plan to meet the terms of the plan.
3. Foster parents shall allow foster children and their families to communicate according to the child's case plan.

317 Staffing Requirements, Staff Training & Support

1. Primary responsibilities of program staff shall include treatment planning, leadership of the treatment team, case management, clinical and administrative supervision, twenty-four (24) hour crisis intervention, and discharge planning.
2. The therapeutic foster care agency shall employ a Clinical Director who shall be clearly responsible for implementation of treatment planning and service delivery. The Clinical Director shall be qualified by a master's degree in a human service

field, shall have two years' experience in placement or treatment, and shall be currently licensed in Arkansas as a mental health professional (as recognized by Arkansas Medicaid).

3. The therapeutic foster care agency shall employ at least one caseworker who shall coordinate the implementation of the treatment plan. The caseworker shall be qualified by a bachelor's degree in a human service field, or shall be a mental health paraprofessional, and shall be supervised by the Clinical Director.
4. The agency shall assign a caseworker to each child who is responsible for doing assessments, treatment planning, and casework services.
5. No caseworker shall be responsible for managing more than twelve (12) children's cases.
6. All casework staff shall be trained in crisis prevention and intervention, CPR, and First Aid within the first sixty (60) days of employment.
7. All casework staff shall be provided with eight (8) hours of orientation, either prior to employment or within the first week of employment, which shall provide an overview of the following areas:
 - a. The agency's policies and procedures;
 - b. The client's rights, including confidentiality;
 - c. How to handle medical and non-medical emergencies;
 - d. The caseworker's clinical limitations;
 - e. How to document clinical information in the child's and family's records;
 - f. General information regarding commonly prescribed medications and their side effects.
8. The agency shall provide twenty-four (24) hour on-call crisis intervention support to supplement that provided by the caseworker.

318 Agency Responsibilities

1. The agency shall provide the foster parents with the information necessary to provide adequate care to each foster child.
2. The agency shall provide foster parents with instructions for contacting agency personnel any time.
3. The agency shall ensure that casework staff visits with the child face-to-face at least once per week during the first three (3) months after the child's placement with the agency, and at least every other week thereafter.

300 Child Placement Agencies: Therapeutic Foster Care

4. The agency shall ensure that each child in foster care has a medical exam at least annually. Medical exams need not be repeated during the year if a child moves from one facility or agency to another, provided the results of the exam are available to the receiving facility or agency.
5. The child placement agency shall remain legally responsible for the supervision and decision making regarding foster children. Foster parents have daily responsibility for the care of the children.
6. The child placement agency shall have a written plan that provides for timely reimbursements to foster parents for costs of care and fees for services.
7. The agency shall develop respite care and babysitting policies.
8. Respite care shall occur in an agency approved foster home and shall not exceed fourteen (14) consecutive days.
9. The agency shall have a written program description that is available to residents and parents/guardians. The following information shall be included:
 - a. Program philosophy and mission;
 - b. Services and treatment modalities;
 - c. Treatment planning procedures;
 - d. Behavior management program and expectations of each child;
 - e. Admission, exclusion, and discharge criteria;
 - f. Aftercare services.
10. The agency shall keep documentation that includes:
 - a. Prior treatment documents and intake information;
 - b. Assessments;
 - c. Master treatment plan;
 - d. Treatment plan review;
 - e. Ongoing observations;
 - f. Medication and physician's instructions, if applicable;
 - g. Progress notes.
11. The agency shall establish procedures for hearing children's grievances.
12. If the child placement agency receives a report of non-compliance with licensing standards, the agency shall investigate to learn if the foster home remains in compliance. A report of findings and any corrective action shall be maintained in the foster home record. The investigation shall be completed within 60 days of receiving the report of non-compliance, unless good cause is documented.

13. The agency shall maintain a record for each foster family that contains all information and documentation required by licensing standards. To include:
 - a. Complete and signed application;
 - b. Approval letter;
 - c. Home Study;
 - d. Minimum age verification;
 - e. 3 positive references;
 - f. Initial physical exam;
 - g. Pre-service training verification;
 - h. Initial and current criminal, Child Maltreatment, and FBI checks, as required;
 - i. Initial and current CPR and First Aid certification;
 - j. Current health immunizations of children or exemption;
 - k. Current auto insurance;
 - l. Current homeowner's or renter's insurance and general liability insurance;
 - m. Current rabies vaccinations for household pets as required by law;
 - n. Documentation of annual training;
 - o. Safety plans;
 - p. Social media confidentiality documentation;
 - q. Surveillance documentation, if applicable;
 - r. Floor plan;
 - s. Approved annual water system test, if applicable;
 - t. Approved alternative fire escape route, if applicable;
 - u. Documentation of quarterly monitoring visits, including unannounced visits;
 - v. Documentation of annual re-evaluations;
 - w. Reports of non-compliance with licensing standards including findings, and any corrective actions;
 - x. Closing summary.
14. The agency shall prepare a closing summary, including reasons, if the home closes.

300 Child Placement Agencies: Therapeutic Foster Care

15. The agency shall promptly notify the Arkansas office of the Interstate Compact on the Placement of Children upon discharging a child from outside Arkansas.
16. The agency shall be aware of and approve the use of all surveillance devices used in the home.

319 Monitoring & Re-evaluation

1. The agency shall monitor the foster home at least quarterly for continued compliance with licensing standards for foster homes.
2. At least one unannounced quarterly visit shall be conducted annually and shall be documented as unannounced in the foster home record.
3. The child placement agency shall conduct an annual re-evaluation of the foster family home. Any foster home that does not substantially comply with the standards for approval shall not be approved for placement until compliance is achieved.
4. The agency shall keep documentation of quarterly monitoring visits and annual re-evaluations in the foster home record signed and dated by the person conducting the visit and the foster parent.
5. If the foster family experiences any major life changes (e.g., marriage, divorce, separation, health problems, death, change of residence, change of household composition), the child placement agency shall re-evaluate the home at that time.
6. If a home is inactive or closed for one (1) year or more, the agency shall:
 - a. Conduct a re-evaluation to ensure Licensing requirements are met;
 - b. Ensure new background checks are conducted;
 - c. Ensure CPR/First Aid is current;
 - d. Evaluate any major changes. i.e. (319.5).

320 Discharge

1. The discharge shall be planned by agency staff.
2. The agency may discharge a child on an emergency basis if failure to do so could result in harm to the child, other persons, or significant property damage.
3. A child shall be discharged to the custody of the child's parent or a person with authorization from the parent, guardian, or a person authorized by court order to assume custody of the child.

300 Child Placement Agencies: Therapeutic Foster Care

4. The agency shall complete a discharge statement on each child that includes the discharge date and reason for discharge and provide a copy of it to the child's custodian.
5. Documentation of the discharge shall be maintained in the child's record.

400 CHILD PLACEMENT AGENCIES: THERAPEUTIC FOSTER CARE - SEXUAL REHABILITATIVE PROGRAMS

In addition to all standards in Section 100, the following standards shall be met:

401 Licensing Approval & Monitoring

1. At the discretion of the Licensing Unit a multi-disciplinary team may be asked to assist the Licensing Specialist in the initial study, or during an investigation of a licensing complaint. This team may include a licensed mental health professional (as recognized by Arkansas Medicaid), or a person with professional expertise in the appropriate field.
2. At the discretion of the Licensing Unit, a multi-disciplinary team may be asked to assist the Licensing Specialist during inspections for advisory purposes.

402 Admission

1. Each agency shall establish written criteria for admitting/excluding children.
2. The agency shall not admit any child for whom the agency cannot provide adequate care.
3. In order to be admitted to the program, one of the following shall be met:
 - a. The child has committed a sexual offense that has been found true or exempt by an official investigation by the Department of Human Services or the Arkansas State Police;
 - b. The child has committed an offense involving the use of power, control, threat, coercion, or intimidation;
 - c. The child has committed an offense in which there was at least a three (3) year age difference between the offender and the victim;
 - d. The child has a documented pattern of deviant sexualized behavior, sexual misconduct, or sexually maladaptive behaviors as indicated by the psychosexual assessment.

Child Placement Agencies: Therapeutic Foster Care – Sexual Rehabilitative Programs

4. Children admitted to the program shall have the cognitive ability to benefit from the treatment program.
5. Each child shall have a medical exam within one (1) year before admission, or an appointment scheduled within one (1) week after admission.
6. Each child shall have proof of current immunizations, or a letter of exemption, in accordance with the Arkansas Department of Health, or an appointment scheduled within one (1) week after admission.
7. The agency shall obtain written authority from the parent(s), guardian(s), or court before placement, or within seventy-two (72) hours if an emergency placement.
8. The agency shall obtain written authority for medical care for the child from the placing agent at the time of admission.
9. The agency shall comply with the Interstate Compact on the Placement of Children when placing/admitting children from outside Arkansas.
10. The agency shall have written policies regarding description of the target population, admission/exclusion criteria, and discharge criteria.
11. The agency shall have a written policy describing children with sexually maladaptive behaviors' risk levels it will accept for admission, and therapeutic interventions it will utilize for each risk level.

403**Intake & Assessment**

1. Intake information shall be completed on each child in care within ten (10) working days after admission.
2. The intake information shall include:
 - a. Demographic information on the child and parent(s), including name, address, birth date, gender, race, and religious preference;
 - b. A factual description of the circumstances requiring placement;
 - c. A brief social history of the family;
 - d. The child's current legal status/custody;
 - e. Any history of previous placements outside the family, if applicable;

Child Placement Agencies: Therapeutic Foster Care – Sexual Rehabilitative Programs

- f. An assessment of services needed to ensure the health and welfare of the child, including medical history and psychological history;
 - g. Description of the offense or sexually maladaptive behavior, including police reports and victim statements (if available);
 - h. Psychosexual assessment (if available);
 - i. Discharge summary from previous rehabilitative-specific treatment (if applicable and available).
3. The agency shall obtain copies of legal documents within thirty (30) days of admission, or shall document their attempts to obtain the documents. The legal documents shall include, but not be limited to, birth certificates, social security cards and court orders.
4. A psychosexual evaluation shall be conducted by a licensed mental health professional (as recognized by Arkansas Medicaid) that is a member of the Association for the Treatment of Sexual Abusers or has forty (40) hours of sexual rehabilitative treatment training. The evaluation shall be completed within the past twelve (12) months, or within seven (7) days following admission of the child.
5. Each child shall have been evaluated for intellectual ability, learning disabilities, and/or language disorders within the past eighteen (18) months. If a child is admitted without an evaluation, the evaluation shall be completed within thirty (30) days of admission.
6. A plan of safe care shall be developed for all children with physical limitations, medical conditions, or behaviors that are indicative of harm to self or others; to include, but not limited to: arson, physical aggression, sexual aggression, suicidal behaviors or other self-harming tendencies. This plan shall identify the behavior/problem, and shall specify the safeguards that are to be implemented. A copy of the plan shall be provided to the direct caregiver(s), as well as a copy placed in the child's case file.

404 Treatment Planning

1. The agency shall develop a treatment plan for each child that includes tasks appropriate to the needs of the child as identified in the intake information and psychosexual assessment.
2. The child's treatment plan shall include a diagnosis related to their sexually maladaptive behavior.

Child Placement Agencies: Therapeutic Foster Care – Sexual Rehabilitative Programs

3. When a placement agency places a child with another placement agency the receiving agency shall develop a treatment plan for each child received for care.
4. The treatment plan shall be developed within thirty (30) days after placement.
5. The child's treatment plan shall contain, at the minimum:
 - a. Specific needs of the child;
 - b. Plan for meeting child's needs;
 - c. Special treatment issues (e.g., psychotropic medications, sexual misconduct, and neurological disorders) shall be identified, with a statement of how the special needs shall be met;
 - d. A plan to ensure that the child's educational needs are met according to applicable state law;
 - e. Visitation plan, if applicable;
 - f. Date of next review of the treatment plan.
6. If independence is a goal, the treatment plan shall include training in independent living skills.
7. Foster parents shall be included in treatment planning for each child
8. Foster parents shall be provided a copy of the child's current treatment plan.
9. A copy of the treatment plan shall be made available to the parent(s), guardian(s), court, or other agencies involved in case plan services delivery, if applicable.
10. The child's treatment plan shall be reviewed quarterly, and shall be updated to reflect the child's progress.
11. If treatment services are contracted, there shall be evidence of participation by the contracted therapist in treatment planning reviews and individualized program implementation.

Children's Records

1. The agency shall keep a confidential case record for each child that includes the following:
 - a. Demographic information;
 - b. Plan of safe care, if applicable;

Child Placement Agencies: Therapeutic Foster Care – Sexual Rehabilitative Programs

- c. A complete intake;
 - d. Consents, including consent for medical care and authority to place the child;
 - e. Interstate Compact information, if applicable;
 - f. Treatment plans and treatment plan reviews;
 - g. Copies of legal documents (e.g., birth certificate, social security card, court orders), or documentation of their attempts to obtain the documents;
 - h. Physical exams and immunization records, or documentation of their attempts to obtain the documents;
 - i. Psychological reports, if applicable;
 - j. Psychosexual evaluation;
 - k. Educational reports, if applicable;
 - l. Disciplinary and incident reports, if applicable;
 - m. Records of visitation and family contacts, if applicable;
 - n. Documentation of casework services and child contact, current to within one (1) month of occurrence;
 - o. Discharge statement.
2. Records for each child shall be kept for five (5) years from the date of discharge, unless otherwise specified by Arkansas law.
 3. The agency shall have a written plan providing for appropriate supervision of children during activities away from the foster home. A copy of the plan shall be provided to the direct caregiver(s), as well as a copy placed in the child's record.

406 Behavior Management

1. The agency shall have a written discipline policy that is consistently followed.
2. Discipline shall be directed toward teaching the child acceptable behavior and self-control.
3. Discipline shall be appropriate to the child's age, development, and history, including trauma history.
4. The following actions shall not be used, including as discipline:

Child Placement Agencies: Therapeutic Foster Care – Sexual Rehabilitative Programs

- a. Denial of meals, sleep, shelter, essential clothing, or case plan activities;
 - b. Denial of parental visits or regular phone/mail contact with family. Non-disciplinary case planning issues are accepted;
 - c. Lewd or obscene language;
 - d. Derogatory comments about the child, the child's family, race, or gender;
 - e. Restriction to a room for more than a short period of time without periodic observation;
 - f. Restriction to a dark room or area;
 - g. Locked isolation;
 - h. Physical injury or threat of bodily harm;
 - i. Humiliating or degrading action;
 - j. Extremely strenuous work or exercise;
 - k. Mechanical/chemical restraints.
5. Physical restraint shall be initiated only by a trained person, and only to prevent injury to the child, other people or property, and shall not be initiated solely as a form of discipline.
 6. A child shall not be allowed to administer discipline, except teen parents may discipline their own children.
 7. Searches of a child or a child's personal property shall be for reasons limited to safety and security of children and foster family, or in cases of suspected theft.
 8. Any searches requiring removal of clothing shall be done in privacy.

407 Foster Parent Qualifications

1. In a two-parent home, both shall be joint applicants, each sign the application, and participate in the approval process.
2. Foster parents shall be at least twenty-one (21) years of age.
3. The stability of the foster family shall be evaluated and determined to be appropriate.
4. Foster parents shall be physically, mentally, and emotionally capable of caring for children with sexual behavioral problems or issues.

Child Placement Agencies: Therapeutic Foster Care – Sexual Rehabilitative Programs

5. The physical health of the foster parents shall be equal to the stress inherent in the care of special needs children, as evidenced by the physician's statement.
6. The foster family shall provide documentation of sufficient financial resources to meet their needs.
7. All family members under the age of eighteen (18) in the household shall have proof of current health immunizations, or an exemption in accordance with the Arkansas Department of Health.
8. When routine child care is needed, foster children shall attend licensed child care or have a caregiver approved by the agency.

Content of the Home Study

1. The agency shall complete a home study for each foster home.
2. The agency shall conduct at least two (2) visits in person with the foster parent applicants, including at least one (1) visit to the home.
3. The agency shall interview every age-appropriate member of the household.
4. The home study shall include the following information:
 - a. Motivation: The individual's motivation for becoming foster parents;
 - b. Household Composition: The full legal names of everyone residing in the home, birth dates, relationships to one another, and a brief physical description;
 - c. Housing: Address and location, type of structure, length of time at residence, upkeep and housekeeping standards, future residence plans, and sleeping arrangements;
 - d. Safety Hazards: An assessment of the safety of the home and grounds including water hazards, swimming pools, hot tubs, dangerous pets, and other hazardous items and areas;
 - e. Income and Expenses: Employment history for the last six (6) years (duration, salary, duties, title, degree of job security, hours), other sources of income, monthly living expenses, outstanding debts, and insurance;
 - f. Health: Current health of each family member, prior illnesses or medical problems, disabilities, clinic or doctor utilized and frequency of use, counseling (when and purpose), and hospitalization for alcohol abuse, drug abuse, or mental illness;

Child Placement Agencies: Therapeutic Foster Care – Sexual Rehabilitative Programs

- g. Education: Parents' educational attainment, future educational plans, parenting classes attended;
- h. Childcare Arrangements or Plans: Current arrangement or proposed arrangement as it relates to their working hours and income;
- i. Child Rearing Practices: Purpose of behavior management, behavior guidance practices, how they show affection, how they handle stress, allowance, chores, and homework;
- j. Daily Schedule;
- k. Social History: Highlights and verification regarding action of marriages and divorces, children, relationships' support system, future plans, any significant extended family members not living in the home, and any significant personal, developmental, personality or legal problems;
- l. Family Activities: Religious interests, social organizations, activities with children, and family roles;
- m. Impressions, Conclusions and Recommendations: Evaluate the family's situation and ability to provide for a child based on the information obtained during the home study;
- n. Approval: If the agency approves the foster parent(s), the agency shall recommend in the home study the number, age, gender, and other characteristics of children for whom the home is approved to provide care.

409

Physical Requirements of the Home

1. A sexual rehabilitative foster home shall not be located within one thousand (1000) feet of an elementary school, child care center, or child care family home.
2. The foster home shall be accessible to community resources needed by foster children.
3. The foster home shall be clean and free of hazards.
4. The foster home shall have a continuous supply of sanitary drinking water. If the source is not a municipal water system, the water shall be tested and approved by the Arkansas Department of Health annually. This approval shall be kept in the foster home case record.
5. The foster home shall have at least one (1) flush toilet, one sink with running water, and one bathtub or shower with hot and cold running water.

Child Placement Agencies: Therapeutic Foster Care – Sexual Rehabilitative Programs

6. There shall be operational smoke detectors within ten (10) feet of the kitchen and each bedroom.
7. There shall be an operational chemical fire extinguisher, readily accessible, near the cooking area of the home.
8. The foster parents shall practice and document emergency evacuation drills with each new child entering the home, and at least quarterly thereafter.
9. All heating units with hot external areas shall be screened or otherwise shielded.
10. The home shall have at least one (1) exterior door that exits directly to the outside, or the home shall have an alternate fire escape route.
11. The home shall have an operational telephone. Working cell phones kept on the premises are acceptable. The phone shall be accessible for children.
12. Each child shall have adequate space for storing clothing and personal belongings.
13. All household pets shall have proof of current rabies vaccinations as required by Arkansas law.
14. All firearms shall be maintained in a secure, locked location or secured by a trigger lock.
15. All ammunition shall be secured and locked separately from firearms, with the exception of ammunition locked in a long gun safe (ex. Rifle, shotgun, muzzle loaders).
16. The foster home record shall contain an agency approved safety plan for any noted hazards. The safety plan shall be signed by all caregivers in the foster home and an agency representative.
17. A current floor plan of the home with room dimensions for all rooms used for sleeping shall be in the foster home record.
18. Manufactured homes, used as foster homes, shall have an agency approved safety plan for tornado safety. The safety plan shall be signed by all caregivers in the foster home and an agency representative.

410 Sleeping Arrangements

1. Each household occupant shall have a bedroom that provides privacy.

Child Placement Agencies: Therapeutic Foster Care – Sexual Rehabilitative Programs

2. Each bedroom shall have at least fifty (50) square feet of floor space per occupant.
3. Each bedroom used for foster children shall have a window to the outside which is capable of serving as an emergency escape.
4. Bars, grilles, grates, or other items that block access to the window are permitted only if they can be removed from the inside without the use of a key, tool, or force greater than that required for normal operation of the window. In this event, each such bedroom shall have a working smoke detector in the bedroom.
5. Children placed in the foster home shall have individual bedrooms.
6. Each household occupant shall have a bed with a mattress, sheets, pillow, pillowcase, and adequate cover, all in good condition.
7. No child under age six (6) years shall occupy a top bunk.
8. Bedding shall be changed at least weekly, more often if needed.

411**Approval of Foster Homes**

1. A foster home can be approved only by one (1) agency.
2. At least three (3) positive personal references shall be obtained on the foster family from non-relatives.
3. Each member of the foster family shall have a physical exam within twelve (12) months before the initial approval.
4. Foster parents shall be trained in crisis prevention and intervention before a child is placed in the home.
5. Prior to the placement of children in their home, foster parents shall complete at least thirty (30) hours of skill-based pre-service training (excluding CPR and First Aid) consistent with the agency's treatment methodology and the needs of the population served.
6. Foster parents shall complete fifteen (15) hours of sexual rehabilitative training in addition to their thirty (30) hours of pre-service training.
7. At least one (1) hour of training on the program's safety plan shall be provided before placement of children into the foster home.
8. Foster parent(s) shall be currently certified in hands-on, skill based CPR and First Aid before a child is placed in the home. Training and certification that is provided solely on-line will not be accepted.

Child Placement Agencies: Therapeutic Foster Care – Sexual Rehabilitative Programs

9. Foster parents shall provide documentation that they carry homeowner's or renter's insurance and general liability insurance.
10. Foster homes shall not also operate as Child Care Family Homes.
11. Foster homes shall not provide compensated care for any non-related adults in the foster home, unless providing transitional care for a person placed in care prior to age eighteen (18).
12. There shall be an annual approval letter from the approving agency in the foster home record.
13. If a foster home moves from one placement agency to another all requirements for opening a new foster home shall be met.

Selection of Foster Home

1. The agency shall select the home that is in the best interest of the child, the least restrictive possible, and is matched to the child's physical and emotional needs. The placement decision shall be based on an individual assessment of the child's needs.
2. No children shall be placed in a foster home unless there is an approval letter in the record from the approving agency.
3. The agency shall place children only in approved foster homes.
4. When a placement agency places a child with another placement agency the receiving agency shall maintain a record for and provide casework services to the children placed into their foster homes.
5. All children placed in the foster home shall be admitted to the Therapeutic Sexual Rehabilitative Program, except in the case of siblings.
6. Foster homes shall not have more than two (2) children under the age of two (2) years, including the foster parent's own children.
7. The number of children placed into one therapeutic sexual rehabilitative foster home shall not exceed two (2). There shall be no more than five (5) total children in the home, including the foster parent's children. This includes placement or respite care. In the case of an emergency respite placement that would exceed capacity, the agency shall notify the Licensing Unit the next business day.
8. Before placing more than one (1) child in a home, the agency shall consider extraordinary problems and needs of each child (e.g., violent behavior, sexual offenses, and seizure disorders). Justification of the

Child Placement Agencies: Therapeutic Foster Care – Sexual Rehabilitative Programs

appropriateness of placing a child in a home with another child shall be documented.

9. No new placements of children shall occur with foster parents who have not satisfied the annual training requirements. Administrative-level staff, designated by the agency director, may grant an exemption to this restriction for up to sixty (60) days. The administrator shall review the quality of care provided by the foster parents, and the reasons for failing to complete the training on time, in deciding whether to grant an exception.

413 Continued Training of Foster Parents

1. Each foster parent shall complete at least twenty-four (24) hours of skill based training annually, excluding CPR and First Aid.
2. Documentation verifying annual training shall be dated indicating the number of hours, the name of the source, and topic/title.
3. Each foster parent shall maintain a current certificate of successful completion of hands-on, skill based CPR and First Aid. Training and certification that is provided solely on-line will not be accepted.
4. All foster parents shall receive at least ten (10) hours of sexual rehabilitative training annually, which may be included in the required twenty four (24) hours of annual training.

414 Foster Parent Responsibilities

1. Foster Parents shall be responsible for providing the level of supervision, care, and treatment necessary to ensure the safety and well-being of each child placed into their home, taking into account the child's age, individual differences and abilities, surrounding circumstances, hazards and risks.
2. Foster parents shall provide each child with adequate and nutritious food.
3. Foster parents shall provide regular activities to promote the physical, social, intellectual, spiritual, and emotional development of the children in care.
4. Foster parents shall provide each child their own clothing that is clean, well-fitted, seasonal, appropriate to age and gender, and comparable to community standards.
5. Foster parents shall allow foster children to acquire and keep personal belongings.

Child Placement Agencies: Therapeutic Foster Care – Sexual Rehabilitative Programs

6. Foster parents shall fully cooperate with the child placement agency's case plan for each foster child, including visitation.
7. Foster parents shall provide routine transportation for each child.
8. Foster parents shall participate in case planning and case plan reviews.
9. Foster parents shall attend school conferences concerning a foster child, and shall notify the placing agency of any situations that may affect the case plan or require agency involvement.
10. Foster parents shall notify the child placement agency promptly of serious illness, injury, or unusual circumstances affecting the health, safety, or welfare of the foster child.
11. Foster parents shall cooperate with the child placement agency and the Licensing Unit in conducting inspections and investigations, and shall provide information required to verify compliance with rules.
12. Foster parents shall maintain absolute confidentiality of private information about each foster child and the birth family.
13. The foster parents shall give advance notice to the agency of any major changes that affect the life and circumstances of the foster family, including a change of residence, whenever possible.
14. Foster parents shall keep periodic photographs, a record of the child's memberships, activities, and participation in extracurricular school or church activities, trophies, awards, ribbons, etc. for each foster child. These items shall be offered and or returned to the child upon change in placement.
15. The foster parents shall be provided with a written list of duties clearly detailing their responsibilities.
16. Foster parents shall be responsible for implementing in-home treatment strategies specified in each child's treatment plan.
17. Foster parents shall keep an ongoing written record of each child's behavior and progress toward treatment goals.
18. The foster parents shall ensure that each child has sufficient sleep for his/her age and physical condition.
19. Each child shall be instructed in good grooming and personal hygiene habits.
20. The foster parents shall ensure each child is provided with opportunities for regular recreational activities and exercise.

Child Placement Agencies: Therapeutic Foster Care – Sexual Rehabilitative Programs

21. The foster parents shall ensure each child shall be provided with age-appropriate activities and equipment.
22. The use of television, videos, computer games and other screen time activities shall be monitored and time limited.

415 Medications

1. The agency shall have an intervention policy that is non-medical, unless a specific medical condition is indicated.
2. When psychotropic medications are prescribed by a physician they shall be used in concert with other interventions.
3. Foster parents shall administer medications only in accordance with directions on the label.
4. All over-the-counter medications shall be stored in an area not readily accessible to children, and all prescription medications excluding Epi-pens, inhalers, and Glucagon kits shall be locked. An age-appropriate and developmentally capable child may be provided, or have access to non-narcotic prescriptions with an approved safety plan. Examples include, but are not limited to, birth control, acne cream, topical creams.
5. Medication shall be stored in accordance with pharmaceutical recommendations.
6. Foster parents shall be aware of possible side effects of all medications administered to foster children.
7. All medication shall be logged by the foster parent at the time the medication is administered.
8. The medication logs shall include:
 - a. Child's name;
 - b. Time and date;
 - c. Medication and dosage;
 - d. Initials of the person administering the medication.
9. All currently prescribed medication shall be provided at placement.

416 Transportation

1. Foster families shall have their own transportation available.
2. Any vehicles used to transport foster children shall be maintained in compliance with motor vehicle laws, and be insured.
3. Children shall be transported only by foster parents or approved persons possessing a valid driver's license.

400 Child Placement Agencies: Therapeutic Foster Care – Sexual Rehabilitative Programs

4. Children shall be transported according to Arkansas law, including, but not limited to, use of safety belts, child safety seats, and smoking restrictions.

417 Visitation

1. The agency that has legal responsibility for the child shall develop a visitation plan that specifies when and how visits will occur between the child and the parents.
2. The child placement agency shall carry out the visitation plan to meet the terms of the plan.
3. Foster parents shall allow foster children and their families to communicate according to the child’s treatment plan.

418 Staffing Requirements, Staff Training & Support

1. Primary responsibilities of program staff shall include treatment planning, leadership of the treatment team, case management, clinical and administrative supervision, twenty-four (24) hour crisis intervention, and discharge planning.
2. The agency shall have a Clinical Director who shall be clearly responsible for implementation of treatment planning and service delivery. The Clinical Director shall be qualified by a master’s degree in a human service field, and shall have:
 - a. Two (2) years’ experience in placement or treatment;
 - b. Not less than forty (40) hours of sexual rehabilitative treatment training;
 - c. A minimum of two (2) years of sexual rehabilitative treatment experience. Certification as a sexual rehabilitative treatment trainer may be substituted for the required experience;
 - d. A current license in Arkansas as a mental health professional (as recognized by Arkansas Medicaid).
3. The agency shall have a therapist who is a licensed mental health professional (as recognized by Arkansas Medicaid) and has at least one (1) of the following:
 - a. At least two (2) years of experience in a sexual rehabilitative treatment program and at least forty (40) hours of sexual rehabilitative treatment training; or

Child Placement Agencies: Therapeutic Foster Care – Sexual Rehabilitative Programs

- b. At least three (3) years of experience in sexual rehabilitative specific treatment; or
 - c. Maintains current membership in, or is actively working toward fulfilling the requirements for membership from, the Association for the Treatment of Sexual Abusers.
4. The agency shall employ at least one caseworker who shall coordinate the implementation of the treatment plan. The caseworker shall be qualified by a bachelor's degree in a human service field, or shall be a mental health paraprofessional, and shall be supervised by the Clinical Director.
5. All casework staff shall be trained in crisis prevention and intervention, CPR, and First Aid within the first sixty (60) days of employment.
6. All casework staff shall be provided with eight (8) hours of orientation, either prior to employment or within the first week of employment, which shall provide an overview of the following areas:
 - a. The agency's policies and procedures;
 - b. The client's rights, including confidentiality;
 - c. How to handle medical and non-medical emergencies;
 - d. The caseworker's clinical limitations;
 - e. How to document clinical information in the child's and family's records;
 - f. General information regarding commonly prescribed medications and their side effects.
7. The agency shall provide twenty-four (24) hour on-call crisis intervention support to supplement that provided by the caseworker.
8. Therapy services shall be provided by a licensed mental health professional (as recognized by Arkansas Medicaid) who has at least one (1) of the following:
 - a. At least two (2) years of experience in a sexual rehabilitative treatment program and at least forty (40) hours of sexual rehabilitative treatment training;
 - b. At least three (3) years of experience in sexual rehabilitative specific treatment;
 - c. Maintains current membership in, or is actively working toward fulfilling the requirements for membership from, the Association for the Treatment of Sexual Abusers.

419 Agency Responsibilities

1. The agency shall provide the foster parents with the information necessary to provide adequate care to each foster child.
2. The agency shall provide foster parents with instructions for contacting agency personnel any time.
3. Each agency shall assign a caseworker to each child who is responsible for doing assessments, case planning, and casework services.
4. The agency shall ensure that casework staff visit with the child face-to-face at least once per week during the first three months after the child's placement with the agency, and at least every other week thereafter.
5. The agency shall ensure that each child in foster care has a medical exam at least annually. Medical exams need not be repeated during the year if a child moves from one facility or agency to another, provided the results of the exam are available to the receiving facility or agency.
6. The child placement agency shall remain legally responsible for the supervision and decision making regarding foster children. Foster parents have daily responsibility for the care of the children.
7. The child placement agency shall have a written plan that provides for timely reimbursements to foster parents for costs of care and fees for services.
8. The agency shall develop respite care and babysitting policies.
9. Respite care shall occur in an agency approved foster home and shall not exceed fourteen (14) consecutive days.
10. Caseworkers shall be responsible for managing no more than twelve (12) children's cases.
11. The agency shall have a written program description that is available to residents and parents/guardians. The following information shall be included:
 - a. Program philosophy and mission;
 - b. Services and treatment modalities;
 - c. Treatment planning procedures;
 - d. Behavior management program and expectations of each child;
 - e. Admission, exclusion, and discharge criteria;

Child Placement Agencies: Therapeutic Foster Care – Sexual Rehabilitative Programs

- f. Aftercare services.
12. The agency shall keep documentation that includes:
 - a. Prior treatment documents and intake information;
 - b. Assessments;
 - c. Master treatment plan;
 - d. Treatment plan review;
 - e. Ongoing observations;
 - f. Medication and physician's instructions, if applicable;
 - g. Progress notes.
13. The agency shall establish procedures for hearing children's grievances.
14. The agency shall have written policies governing the supervision and monitoring of children in the home, on the grounds, and in the community.
15. The agency shall have written policies to protect children in the program and to ensure public safety.
16. If the child placement agency receives a report of non-compliance with licensing standards, the agency shall investigate to learn if the foster home remains in compliance. A report of findings and any corrective action shall be maintained in the foster home record. The investigation shall be completed within 60 days of receiving the report of non-compliance, unless good cause is documented.
17. The agency shall maintain a record for each foster family that contains all information and documentation required by licensing standards. To include:
 - a. Complete and signed application;
 - b. Approval letter;
 - c. Home Study;
 - d. Minimum age verification;
 - e. Three (3) positive references, from a non-relative;
 - f. Initial physical exam;
 - g. Pre-service training verification;
 - h. Initial and current criminal, Child Maltreatment, and FBI checks, as required;
 - i. Initial and current CPR and First Aid certification;

Child Placement Agencies: Therapeutic Foster Care – Sexual Rehabilitative Programs

- j. Current health immunizations of children or exemption;
 - k. Current auto insurance;
 - l. Current homeowner's or renter's insurance and general liability insurance;
 - m. Current rabies vaccinations for household pets as required by law;
 - n. Documentation of annual training;
 - o. Social media confidentiality documentation;
 - p. Surveillance documentation, if applicable;
 - q. Safety plans;
 - r. Floor plan;
 - s. Approved annual water system test, if applicable;
 - t. Approved alternative fire escape route, if applicable;
 - u. Documentation of quarterly monitoring visits, including unannounced visits;
 - v. Documentation of annual re-evaluations;
 - w. Reports of non-compliance with licensing standards including findings, and any corrective actions;
 - x. Closing summary.
18. The agency shall prepare a closing summary, including reasons, if the home closes.
 19. The agency shall promptly notify the Arkansas office of the Interstate Compact on the Placement of Children upon discharging a child from outside Arkansas.
 20. The agency shall approve and document the use of all surveillance devices used in the home.

420 Monitoring & Re-evaluation

1. The agency shall monitor the foster home at least quarterly for continued compliance with licensing standards for foster homes.
2. At least one unannounced quarterly visit shall be conducted annually and shall be documented as unannounced in the foster home record.
3. The agency shall conduct an annual re-evaluation of the foster family home. Any foster home that does not substantially comply with the

Child Placement Agencies: Therapeutic Foster Care – Sexual Rehabilitative Programs

standards for approval shall not be approved for placement until compliance is achieved.

4. The agency shall keep documentation of quarterly monitoring visits and annual re-evaluations in the foster home record signed and dated by the person conducting the visit and the foster parent.
5. If the foster family experiences any major life changes (e.g., marriage, divorce, separation, health problems, death, change of residence, change of household composition), the child placement agency shall re-evaluate the home at that time.
6. If a home is inactive or closed for one (1) year or more, the agency shall:
 - a. Conduct a re-evaluation to ensure Licensing requirements are met;
 - b. Ensure new background checks are conducted;
 - c. Ensure CPR/First Aid is current;
 - d. Evaluate any major changes. i.e. (420.5).

421 Discharge

1. The discharge shall be planned by agency staff.
2. The agency may discharge a child on an emergency basis if failure to do so could result in harm to the child, other persons, or significant property damage.
3. A child shall be discharged to the custody of the child's parent or a person with authorization from the parent, guardian, or a person authorized by court order to assume custody of the child.
4. The agency shall complete a discharge statement on each child that includes the discharge date and reason for discharge and provide a copy of it to the child's custodian.
5. Documentation of the discharge shall be maintained in the child's record.

500 CHILD PLACEMENT AGENCIES: ADOPTIONS

In addition to all standards in Section 100, the following standards shall be met:

501 Selection of Adoptive Home

1. The agency shall select the home that is in the best interest of each child and is matched to the child's physical and emotional needs. The placement shall be based on an individual assessment of each child's needs.
2. The agency shall place children only in approved adoptive homes. All adoptive homes shall be approved prior to placement.
3. The agency shall have an established fee schedule for adoption services. The agency is not required to charge the same fees for all adoptions, but a sliding fee schedule shall have specified conditions and be equally applied. The fee schedule may take into consideration the income of the adoptive family and relevant factors such as children that are considered hard to place.
4. The agency shall have a foster care license in order to place children in short-term foster care while awaiting an adoptive placement.

502 Approval Process of Prospective Homes

1. In a two-parent home, both shall actively participate in the approval process.
2. An adoptive parent shall be at least twenty-one (21) years old.
3. The agency shall ensure there is a completed home study for each prospective adoptive family to determine if they should be approved as an adoptive home.
4. The Licensed Certified Social Worker or agency caseworker conducting the home study shall have at least two (2) visits in person with the prospective adoptive family during the initial approval process. One of the visits shall be in the home of the prospective adoptive family.
5. The caseworker shall have a separate, face to face interview with each prospective adoptive parent.

Child Placement Agencies: Adoption

6. The caseworker shall interview each age-appropriate member of the household in person.
7. Each member of the adoptive household shall have a physical exam within twelve (12) months prior to the approval by the social worker or agency conducting the home study, and annually thereafter until placement to ensure that no person has a health condition or disability that would interfere with the family's ability to care for a child.
8. The Licensed Certified Social Worker or agency shall notify applicants in writing within sixty (60) days of completion of the final home visit concerning the acceptance, reason for further delay, or denial of their application.

503**Contents of the Home Study**

1. A home study shall be conducted by a caseworker of the agency or a Licensed Certified Social Worker.
2. The adoptive home study shall contain the following information, current to within one (1) year prior to each adoptive placement:
 - a. The family's motivation for adoption and the desired characteristics of the child or children to be adopted;
 - b. Each family member's attitudes toward adoption;
 - c. Attitudes of the applicants toward the birth parents(s), including parent search issues;
 - d. Resolution of any infertility issues;
 - e. The mental health, emotional stability, and maturity of the applicants;
 - f. The physical health of all household members, including a physician's statement, to the social worker or agency conducting the home study, that a medical exam was performed;
 - g. The financial status and stability of the family including proof to the social worker or agency conducting the home study of income and employment;
 - h. At least three (3) positive personal references from non-relatives on the family. The references do not need to be updated unless this is a new adoption in the family or there have been significant changes;
 - i. The family's ability to cope with stress, loss, and crisis;
 - j. Adjustment and well-being of any minors residing in the home;

- k. The family's child-caring skills and willingness to acquire additional skills;
- l. The family's discipline practices;
- m. Religious affiliation;
- n. A description of the home, its location, and its environment;
- o. An assessment of the safety of the home, including all water hazards, dangerous pets, and firearm safety;
- p. A statement in the home study narrative or an addendum that the adoptive parents report to the social worker or agency conducting the home study that they have or have not been denied approval as an adoptive home in the past, and if so, why;
- q. A statement regarding the availability and results from criminal records and child maltreatment central registry checks, dated to within one (1) year prior to placement;
- r. The stability of the adoptive family and their marriage, if applicable, shall be discussed and determined to be appropriate;
- s. A recommendation regarding adoption, including the age, gender, characteristics, and special needs of children best served by this family;
- t. If the adoptive family experiences any major life changes (e.g., marriage, divorce, separation, health changes, change of residence, change of household composition), the social worker or agency shall re-evaluate the family prior to placement of a child. An additional home visit is required if there has been a change of residence.

504**Services to the Adoptive Parents**

1. The agency shall provide information to the adoptive applicants regarding the potential risks associated with adoption.
2. The agency shall provide a written statement of exclusion (e.g., single parents, unwed couples), if applicable, to adoptive applicants before a home study is conducted.
3. The following information (if available) shall be provided to adoptive parents regarding the child being considered for adoption:
 - a. Specific and accurate information about the needs and characteristics of the child;

Child Placement Agencies: Adoption

- b. The health/medical history of the child and the child's biological family;
 - c. The health status of the child at the time of placement;
 - d. Genetic and social history of biological relatives, including:
 - i. Medical history;
 - ii. Health status, if alive;
 - iii. Cause of and age at death, if deceased;
 - iv. Height, weight, eye and hair color;
 - v. Levels of education and professional achievement;
 - vi. Ethnic origins;
 - vii. Religion.
4. The agency caseworker shall ensure that at least two (2) face to face post-placement visits are made within six (6) months after the placement of the child. One of the visits shall be in the home of the adoptive family. If a finalized decree of adoption has been issued then post placement visits are not required.
 5. The agency shall have a plan for caring for children in case the placement disrupts before the issuance of a decree of adoption.
 6. The agency shall offer supportive services to the adoptive family for at least six (6) months following placement.

505**Services to Birth Parents**

1. If the agency is providing casework services to either birth parent an intake shall be completed within thirty (30) days to identify services needed.
2. Counseling for both parents (if applicable) shall be offered to include the following:
 - a. Information, rights, options, and obligations regarding the adoption process;
 - b. Issues related to grief and loss.
3. Financial assistance to the birth mother may only be provided during the time of the pregnancy and after the pregnancy during the time the birth mother requires inpatient or outpatient postpartum care. This does not apply to future social services provided by an agency that offers a broader range of services other than adoptions.
4. All financial assistance to the birth mother shall be documented, including the amount and purpose of payment. This documentation shall be maintained in the individual file of the birth mother.

506 Birth Parent Records

1. If the agency has provided casework services to the birth parents, the following information shall be kept in a confidential file:
 - a. The parents' intake information, including any reviews and updates;
 - b. All correspondence with the birth parents;
 - c. All signed documents between the agency and the birth parents;
 - d. Documentation of all casework services provided before and after the adoption, current to within one (1) month of occurrence.

507 Agency Responsibilities

1. The agency shall provide written policy that includes a complete description of all types of the birth mother's expenses that may be passed through to the adoptive parents. The policy shall include notice to the adoptive parents that they may be responsible for unforeseeable medical and legal expenses.
2. The agency shall inform the adoptive parents in writing that a birth mother may choose not to relinquish a child for adoption, including the applicable postpartum period during which the birth mother may withdraw her consent for placement of her child.
3. The agency shall have a clear, written policy on refunds that is provided, explained, and signed by the prospective adoptive parents during the application process.
4. The agency shall apprise prospective adoptive parents in writing that any financial assistance given to the birth parent(s) is not recoverable if the birth parent(s) should decide not to complete an adoption plan. The only exception is if intent to defraud the prospective adoptive parents can be proven.
5. If the agency closes or ceases to provide adoption services, all adoption records including adoptive parents, birth mother (if applicable), and children placed shall be transferred to a licensed adoption agency by written agreement.
6. The closing agency shall provide written notification to the Licensing Unit regarding the transfer of records.

508 Adoptive Family Records

1. The agency shall keep a confidential case record for each family that received a child for adoption. The record shall contain:
 - a. The application to adopt;
 - b. The completed home study;
 - c. Criminal Record checks and Child Maltreatment Central Registry checks;
 - d. A copy of the information given to the adoptive parents regarding the child they received;
 - e. Copies of all legal documents concerning the adoption.

509 Record Maintenance

1. The agency shall maintain a permanent file on any adoption finalized, which shall be accessed according to Arkansas law.
2. If the agency establishes or contracts with a Mutual Consent Voluntary Adoption Registry, it shall be maintained according to Arkansas law.

510 Branch Offices

1. Any agency licensed in Arkansas shall provide the following information to the Licensing Unit prior to opening a branch office in Arkansas:
 - a. The address, telephone numbers (if available), and office hours for the branch office;
 - b. The name(s), qualifications, and contact information of the person(s) responsible for the day-to-day operations of the branch office and the child placement activities at the branch;
 - c. The name and contact information of the person responsible for providing services in case of emergencies or child-placement crises.

600 CHILD PLACEMENT AGENCIES: RESIDENTIAL

In addition to all applicable standards in section 100, the following standards shall be met:

1. The agency shall select the placement that is in the best interest of the child and is matched to the child's physical and emotional needs, based on an individual assessment.
2. A child placement agency shall only place a child into a licensed or exempt facility; documentation of current license is required for any out-of-state placement.
3. The agency shall maintain a record of all placements to include:
 - a. Child's name;
 - b. Date of placement;
 - c. Placement providers;
 - d. Person making referral, placing child, or assisting with placement.
4. The agency shall maintain a list of personnel involved in child placement activities.
5. The agency shall maintain a personnel record for each employee involved in child placement activities. Agencies providing mental health or other services that do not require a placement license shall not have their personnel records subject to review.

Appendix A: Definitions

1. **"Adoption agency"** means a child placement agency which places, plans for or assists in the placement of an unrelated minor in a household of one (1) or more persons which has been approved to accept a child for adoption.
2. **"Adoptive home"** means a household of one (1) or more persons that has been approved by a licensed child placement agency to accept a child for adoption;
3. **"Adverse action"** means any petition by the Department of Human Services before the Child Welfare Agency Review Board to take any of the following actions against a licensee or applicant for a license:
 - a. Revocation of license;
 - b. Suspension of license;
 - c. Conversion of license from regular or provisional status to probationary status;
 - d. Imposition of a civil penalty;
 - e. Denial of application; or
 - f. Reduction of licensed capacity;
4. **"Alternative compliance"** means approval from the Child Welfare Agency Review Board to allow a licensee to deviate from the letter of a regulation, provided that the licensee has demonstrated how an alternate plan of compliance will meet or exceed the intent of the regulation;
5. **"Board"** means the Child Welfare Agency Review Board;
6. **"Boarding school"** means an institution that is operated solely for educational purposes and that meets each of the following criteria:
 - a. The institution is in operation for a period of time not to exceed the minimum number of weeks of classroom instruction required of schools accredited by the Department of Education;
 - b. The children in residence must customarily return to their family homes or legal guardians during school breaks and must not be in residence year round, except that this provision does not apply to students from foreign countries; and
 - c. The parents of children placed in the institution retain custody and planning and financial responsibility for the children;
7. **"Child"** means a person who is:

- a. From birth to eighteen (18) years of age; or
 - b. Adjudicated dependent-neglected, dependent, or a member of a family in need of services before eighteen (18) years of age and for whom the juvenile division of a circuit court retains jurisdiction under the Arkansas Juvenile Code of 1989, § 9-27-301 et seq.;
8. **"Child placement agency"** means a child welfare agency, not including any person licensed to practice medicine or law in the State of Arkansas that engages in any of the following activities:
- a. Places a child in a foster home, adoptive home, or any type of facility licensed or exempted by this subchapter;
 - b. Plans for the placement of a child into a foster home, adoptive home, or any type of facility licensed or exempted by this subchapter; or
 - c. Assists the placement of a child in a foster home, adoptive home, or any type of facility licensed or exempted by this subchapter; or
 - d. Places, plans or assists in the placement of a child victim of human trafficking in a home or any type of shelter or facility.
9. **"Child welfare agency"** means any person, corporation, partnership, voluntary association, or other entity or identifiable group of entities having a coordinated ownership of controlling interest, whether established for profit or otherwise, that engages in any of the following activities:
- a. Receives a total number of six (6) or more unrelated minors for care on a twenty-four- hour basis for the purpose of ensuring the minors receive care, training, education, custody, or supervision, whether or not there are six (6) or more children cared for at any single physical location;
 - b. Places any unrelated minor for care on a twenty-four-hour basis with persons other than themselves; or
 - c. Plans for or assists in the placements described in subdivision (8)(B) of this section; or
 - d. Places, plans or assists in the placement of a child victim of human trafficking in a home or any type of shelter or facility:
10. **"Church-related exemption"** means:
- a. Any church or group of churches exempt from the state income tax levied by § 26-51-101 et seq. when operating a child welfare agency shall be exempt from obtaining a license to

operate the facility by the receipt by the Child Welfare Agency Review Board of written request therefore, together with the written verifications.

- b. A written request shall be made by those churches desiring exemption to the board, which is mandated under the authority of this subchapter to license all child welfare agencies.
 - c. In order to maintain an exempt status, the child welfare agency shall state every two (2) years in written form signed by the persons in charge that the agency has met the fire, safety, and health inspections and is in substantial compliance with published standards that similar nonexempt child welfare agencies are required to meet.
 - d. Visits to review and advise exempt agencies shall be made as deemed necessary by the board to verify and maintain substantial compliance with all published standards for nonexempt agencies.
11. **"Emergency child care"** means any residential child care facility that provides care to children on a time-limited basis, not to exceed ninety (90) days;
12. **"Emergency Family Style Care"** means any child welfare agency that provides twenty-four (24) hour custodial care, in a home like setting, for six (6) or more unrelated children or a child victim of human trafficking on an emergency basis, not to exceed ninety (90) days.
13. **"Emergency Residential Child Care Facility"** means any child welfare agency that provides twenty-four (24) hour custodial care for six (6) or more unrelated children or a child victim of human trafficking on an emergency basis, not to exceed ninety (90) days. Any child admitted as an emergency placement shall be designated as such and shall be discharged within ninety (90) days.
14. **"Exempt child welfare agency"** means any person, corporation, partnership, voluntary association or other entity, whether established for profit or otherwise, that otherwise fits the definition of a child welfare agency but that is specifically exempt from the requirement of obtaining a license under this subchapter. Those agencies specifically exempt from the license requirement are:
- a. A facility or program owned or operated by an agency of the United States Government;
 - b. Any agency of the State of Arkansas that is statutorily authorized to administer or supervise child welfare activities.

In order to maintain exempt status, the state child welfare agency shall state every two (2) years in written form signed by the persons in charge that their agency is in substantial compliance with published state agency child welfare standards. Visits to review and advise exempt state agencies shall be made as deemed necessary by the Child Welfare Agency Review Board to verify and maintain substantial compliance with the standards;

- c. A facility or program owned or operated by or under contract with the Department of Correction;
 - d. A hospital providing acute care licensed pursuant to § 20-9-201 et seq.;
 - e. Any facility governed by the Department of Human Services State institutional System Board or its successor;
 - f. Human development centers regulated by the Board of Developmental Disabilities Services pursuant to § 20-48-201 et seq.;
 - g. Any facility licensed as a family home pursuant to § 20-48-601 et seq.;
 - h. Any boarding school as defined in this section;
 - i. Any temporary camp as defined in this section;
 - j. Any state-operated facility to house juvenile delinquents or any serious offender program facility operated by a state designee to house juvenile delinquents. Those facilities shall be subject to program requirements modeled on nationally recognized correctional facility standards that shall be developed, administered, and monitored by the Division of Youth Services of the Department of Human Services;
 - k. Any child welfare agency operated solely by a religious organization that elects to be exempt from licensing and that complies within the conditions of the exemption for church-operated agencies as set forth in this subchapter;
 - l. The Division of Developmental Disabilities Services of the Department of Human Services; and
 - m. Any developmental disabilities services waiver provider licensed under § 2048-208 or § 20-48-601 et seq.;
15. **"Foster Care Placement Agency"** means a child placement agency which places plans for or assists in the placement of an unrelated minor in a private residence of one (1) or more family members for care and

Child Placement Agencies: Residential

supervision on a twenty-four (24) hour basis; or places, plans or assists in the placement of a child victim of human trafficking in a home.

16. **"Foster home"** means a private residence of one (1) or more family members that receives from a child placement agency any child who is unattended by a parent or guardian in order to provide care, training, education, or supervision on a twenty-four-hour basis, not to include adoptive homes. **"Foster home"** does not include a home suspended or closed by a child placement agency;
17. **"Transitional Living"** means any child welfare agency that provides specialized services in adult living preparation in a structured setting for persons eighteen (18) years of age or older who have been admitted into the agencies residential program prior to the age of 18.
18. **"Independent Living"** means a child welfare agency that provides specialized services in adult living preparation in an experiential home like setting for persons sixteen (16) years of age or older.
19. **"Independent Living Family Style Care"** means a child welfare agency that provides specialized services in adult living preparation in an experiential home like setting for persons sixteen (16) years of age or older.
20. **"Minimum standards"** means those rules and regulations as established by the Child Welfare Agency Review Board that set forth the minimum acceptable level of practice for the care of children by a child welfare agency;
21. **"Placement Residential"** means a child placement agency which places, plans for, or assists in the placement of an unrelated minor into a residential child care facility or a child victim of human trafficking in any type of shelter or facility. The agency may be licensed for any or all types of licenses, depending on the types of services it provides.
22. **"Provisional foster home"** means a foster home opened for no more than six (6) months by the Division of Children and Family Services of the Department of Human Services for a relative or fictive kin of a child in the custody of the Division of Children and Family Services of the Department of Human Services after it:
 - a. Conducts a health and safety check, including a central registry check and a criminal background check or a check with local law enforcement, of the relative's home; and

- b. Performs a visual inspection of the home of the relative to verify that the relative and the home will meet the standards for opening a regular foster home;
23. **"Probationary"** means a type of license issued to an agency that has not maintained compliance with minimum licensing standards, but the Board believes that compliance can be restored and subsequently maintained. This license may be issued for up to one (1) year, at the discretion of the Board.
24. **"Psychiatric residential treatment facility"** means a residential child care facility in a nonhospital setting that provides a structured, systematic, therapeutic program of treatment under the supervision of a psychiatrist, for children who are emotionally disturbed and in need of daily nursing services, psychiatrist's supervision, and residential care but who are not in an acute phase of illness requiring the services of an inpatient psychiatric hospital;
25. **"Relative"** means a person within the fifth degree of kinship by virtue of blood or adoption;
26. **"Religious organization"** means a church, synagogue, or mosque or association of same whose purpose is to support and serve the propagation of truly held religious beliefs;
27. **"Residential child care facility"** means any child welfare agency that provides care, training, education, custody, or supervision on a twenty-four-hour basis for six (6) or more unrelated children, excluding foster homes that have six (6) or more children who are all related to each other but who are not related to the foster parents; or receives a child victim of human trafficking in any type of shelter or facility.
28. **"Residential Family Style Care"** means any child welfare agency that provides care, training, education, custody or supervision, in a home like setting, on a twenty-four (24) hour basis for six (6) or more unrelated minors or receives a child victim of human trafficking in any type of shelter or facility.
29. **"Sexual Rehabilitative Program"** means a treatment program that offers a specific and specialized therapeutic program for children with sexually maladaptive behaviors. A licensed sexual rehabilitative program may be

Child Placement Agencies: Residential

in a residential childcare facility, a therapeutic foster care home, or a psychiatric residential treatment facility.

30. **"Special consideration"** means approval from the Child Welfare Agency Review Board to allow a licensee to deviate from the letter of a rule if the licensee has demonstrated that the deviation is in the best interest of the children and does not pose a risk to persons served by the licensee;
31. **"Substantial compliance"** means compliance with all essential standards necessary to protect the health, safety, and welfare of the children in the care of the child welfare agency. Essential standards include, but are not limited to, those relating to issues involving fire, health, safety, nutrition, discipline, staff-to-child ratio, and space;
32. **"Temporary camp"** means any facility or program providing twenty-four-hour care or supervision to children that meets the following criteria:
 - a. The facility or program is operated for recreational, educational, or religious purposes only;
 - b. No child attends the program more than forty (40) days in a calendar year; and
 - c. The parents of children placed in the program retain custody and planning and financial responsibility for the children during placement;
33. **"Therapeutic Foster Care"** means any child placement agency that places plans for or assists in the placement of an unrelated minor or a child victim of human trafficking in a therapeutic foster home. Therapeutic foster care is intensive therapeutic care for children provided in specially trained family homes supported by licensed mental health professionals (as recognized by Arkansas Medicaid). A therapeutic foster care program is a family-based services delivery approach providing individualized treatment for children, youth, and their families. Treatment is delivered through an integrated set of services with key interventions and supports provided by therapeutic foster parents who are trained, supervised, and supported by qualified program staff. Therapeutic foster care services shall be provided in a separately identified program of a larger agency or be provided by an independent agency.
34. **"Therapeutic Foster Care - Sexual Rehabilitative Program"** means a treatment program that offers a specific and specialized therapeutic program for children with sexually maladaptive behaviors. A licensed

sexual rehabilitative program may be in a residential childcare facility, a therapeutic foster care home, or a psychiatric residential treatment facility.

35. **"Unrelated minor"** means a child who is not related by blood, marriage, or adoption to the owner or operator of the child welfare agency and who is not a ward of the owner or operator of the child welfare agency pursuant to a guardianship order issued by a court of competent jurisdiction.

Appendix B: Prohibited Offences

1. A person who is required to have a criminal records check under the Child Welfare Agency Licensing Act shall be absolutely and permanently prohibited from having direct and unsupervised contact with a child in the care of a child welfare agency if that person has pleaded guilty or nolo contendere to or been found guilty of any of the following offenses by any court in the State of Arkansas, of a similar offense in a court of another state, or of a similar offense by a federal court, unless the conviction is vacated or reversed:

01. Abuse of an endangered or impaired person, if felony,	§ 5-28-103;
02. Arson,	§ 5-28-103;
03. Capital Murder,	§ 5-10-101;
04. Endangering the welfare of an incompetent person in the first degree,	§ 5-27-201;
05. Kidnapping,	§ 5-11-102;
06. Murder in the first degree,	§ 5-10-102;
07. Murder in the second degree,	§ 5-10-103;
08. Rape,	§ 5-14-103;
09. Sexual assault in the first degree,	§ 5-14-124;
10. Sexual assault in the second degree,	§ 5-14-125;

2. A person who is required to have a criminal records check under the Child Welfare Agency Licensing Act shall not be eligible to have direct and unsupervised contact with a child in the care of a child welfare agency if that person has pleaded guilty or nolo contendere to or been found guilty of any of the following offenses by a court in the State of Arkansas, of a similar offense in a court of another state, or of a similar offense by a federal court, unless the conviction is vacated or reversed:

01. Criminal attempt to commit any offenses;	§ 5-3-201;
02. Criminal complicity to commit any offenses;	§ 5-3-202;
03. Criminal conspiracy to commit any offenses ;	§ 5-3-401;
04. Criminal solicitation, to commit any offenses;	§ 5-3-301;
05. Assault in the first, second, or third degree;	§ 5-13-205/207;
06. Aggravated assault;	§ 5-13-204;
07. Aggravated assault on a family or household member,	§ 5-26-306;
08. Battery in the first, second, or third degree,	§ 5-13-201/203;
09. Breaking or entering,	§ 5-39-202;
10. Burglary,	§ 5-39-201;
11. Coercion,	§ 5-13-208;
12. Computer crimes against minors,	§ 5-27-601 et seq;
13. Contributing to the delinquency of a juvenile,	§ 5-27-220;
14. Contributing to the delinquency of a minor,	§ 5-27-209;
15. Criminal impersonation,	§ 5-37-208;
16. Criminal use of a prohibited weapon,	§ 5-73-104;

17. Communicating a death threat concerning a school employee or students:	§ 5-17-101;
18. Domestic battery in the first, second, or third degree,	§5-26-303/305;
19. Employing or consenting to the use of a child in a sexual performance,	§5-27-401;
20. Endangering the welfare of a minor in the first or second degree,	§5-27-205/206
21. Endangering the welfare of an incompetent person in the second degree,	§5-27-202;
22. Engaging children in sexually explicit conduct for use in visual or print media,	§ 5-27-303;
23. False imprisonment in the first or second degree,	§ 5-11-103/104;
24. Felony abuse of an endangered or impaired person,	§ 5-28-103;
25. Felony interference with a law enforcement officer,	§ 5-54-104;
26. Felony violation of the Uniform Controlled Substance Act,	§ 5-64-101 et seq. §5-64-501 et seq.;
27. Financial identity fraud,	§ 5-37-227;
28. Forgery,	§ 5-37-201;
29. Incest,	§ 5-26-202;
30. Interference with court ordered custody,	§ 5-26-502;
31. Interference with visitation,	§ 5-26-501;
32. Introduction of controlled substance into the body of another person,	§ 5-13-210;
33. Manslaughter,	§ 5-10-104;
34. Negligent homicide,	§ 5-10-105;
35. Obscene performance at a live public show,	§ 5-68-305;
36. Offense of cruelty to animals,	§ 5-62-103;
37. Offense of aggravated cruelty to dog, cat, or horse,	§ 5-62-104;
38. Pandering or possessing visual or print medium depicting sexually explicit conduct involving a child,	§ 5-27-304;
39. Sexual solicitation,	§ 5-70-103;
40. Permanent detention or restraint,	§ 5-11-106;
41. Permitting abuse of a minor,	§ 5-27-221;
42. Producing, directing, or promoting a sexual performance by a child,	§ 5-27-403;
43. Promoting obscene materials,	§ 5-68-303;
44. Promoting obscene performance,	§ 5-68-304;
45. Promoting prostitution in the first, second, or third degree,	§ 5-70-104- § 5-70-106;
46. Prostitution,	§ 5-70-102;
47. Public display of obscenity,	§ 5-68-205;
48. Resisting arrest,	§ 5-54-103;
49. Robbery,	§ 5-12-102;
50. Aggravated robbery,	§ 5-12-103;

51. Sexual offenses,	§ 5-14-101 et seq.
52. Simultaneous possession of drugs and firearms,	§ 5-74-106;
53. Soliciting money or property from incompetents,	§ 5-27-229;
54. Stalking,	§ 5-71-229;
55. Terroristic act,	§ 5-13-310;
56. Terroristic threatening,	§ 5-13-301;
57. Theft of public benefits,	§ 5-36-202;
58. Theft by receiving,	§ 5-36-106;
59. Theft of property,	§ 5-36-103;
60. Theft of services,	§ 5-36-104;
61. Transportation of minors for prohibited sexual conduct,	§ 5-27-305;
62. Unlawful discharge of a firearm from a vehicle,	§ 5-74-107; and
63. Voyeurism,	§ 5-16-102.

3. A former or future law of this or any other state or of the federal government that is substantially equivalent to one (1) of the offenses listed in the Child Welfare Licensing Act shall be considered as prohibiting.
4. A person who is required to have a criminal records check under the Child Welfare Agency Licensing Act who has pleaded guilty or nolo contendere to or been found guilty of any of the offenses listed shall be absolutely disqualified from being an owner, operator, volunteer, foster parent, adoptive parent, member of a child welfare agency's board of directors, or employee in a child welfare agency during the period of the person's confinement, probation, or parole supervision unless the conviction is vacated or reversed.
5. Except as provided under the Child Welfare Agency Licensing Act, a person who has pleaded guilty or nolo contendere to or been found guilty of one (1) of the offenses listed shall not work in a child welfare agency unless:
 - (a) The date of a plea of guilty or nolo contendere, or the finding of guilt for a misdemeanor offense is at least five (5) years from the date of the record check; and
 - (b) There have been no criminal convictions or pleas of guilty or nolo contendere of any type or nature during the five-year period preceding the background check request.
6. Except as provided under the Child Welfare Licensing Act:
 - (a) a person who is required to have a criminal records check, who has pleaded guilty or nolo contendere to or been found guilty of any of the offenses listed shall be presumed to be disqualified to be an owner, operator, volunteer, foster parent, adoptive parent, member of a child welfare agency's board of directors, or employee in a child welfare agency after the completion of his or her term of confinement, probation, or parole supervision unless the conviction is vacated or reversed.

- (b) An owner, operator, volunteer, foster parent, adoptive parent, household member of a foster parent or adoptive parent, member of any child welfare agency's board of directors, or an employee in a child welfare agency shall not petition the Child Welfare Agency Review Board unless the agency supports the petition, which can be rebutted in the following manner:
 - (i) The applicant shall petition the Child Welfare Agency Review Board to make a determination that the applicant does not pose a risk of harm to any person;
 - (ii) The applicant shall bear the burden of making such a showing; and
 - (iii) The Child Welfare Agency Review Board may permit an applicant to be an owner, operator, volunteer, foster parent, adoptive parent, member of an agency's board of directors, or an employee in a child welfare agency notwithstanding having pleaded guilty or nolo contendere to or been found guilty of an offense listed in this section upon making a determination that the applicant does not pose a risk of harm to any person served by the facility.

- 7. The Child Welfare Agency Review Board's decision to disqualify a person from being an owner, operator, volunteer, foster parent, adoptive parent, member of a child welfare agency's board of directors, or an employee in a child welfare agency under this section shall constitute the final administrative agency action of the Child Welfare Agency Review Board and is not subject to review.