

EXHIBIT H1



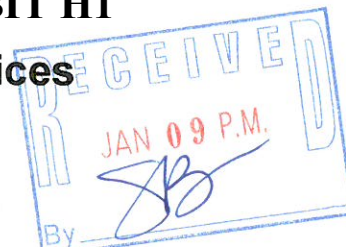
Arkansas Department of Human Services Division of Children and Family Services

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P.O. Box 1437, Slot S560

Little Rock, Arkansas 72203-1437

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January 5, 2017

Varnaria Vickers-Smith, Legislative Analyst
Senate Interim Children and Youth Committee and the
House Aging, Children and Youth, Legislative and Military Affairs Committee
Arkansas Bureau of Legislative Research
One Capital Mall, 5th Floor, Room R-516
Little Rock, AR 72201

RE: Initial Filing - Regular Promulgation

Dear Ms. Vickers-Smith:

Please place the Division of Children & Family Services on the Children & Youth Committee agenda for review of the Rules as listed on the Questionnaire. The public comment period is from January 8, 2017 to February 7, 2017, with a proposed effective date of May 1, 2017.

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

If you have any questions or comments, please contact Christin Harper, Assistant Director, Division of Children and Family Services, P.O. Box 1437, (Slot S570), Little Rock, Arkansas 72203-1437; phone 682-8541; email christin.harper@dhs.arkansas.gov or fax 682-6968.

Sincerely,

A handwritten signature in black ink that reads "Mischa Martin".

Mischa Martin

Director, Division of Children and Family Services

BUREAU OF LEGISLATIVE RESEARCH

DEPARTMENT OF HUMAN SERVICES
Division of Children and Family Services
AMENDING ADMINISTRATIVE REGULATIONS


TITLE: Revised Rule
• **PROCEDURE IV-A1: Family Assessments Using the FAST and the CANS**

PROPOSED EFFECTIVE DATE: May 1, 2017

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

NECESSITY AND FUNCTION: Revised Rule
• **PROCEDURE IV-A1: Family Assessments Using the FAST and the CANS**
○ To update the Division's procedure per federal Public Law 113-183, specifically to add the requirement for Division staff to report minor victims of sex trafficking to local law enforcement within 24 hours if the information gathered through the family assessment indicates a youth is or may be a victim of sex trafficking.

PAGES FILED:



Signature

Name: Mischa Martin Title: Director

Section: Division of Children and Family Services

Department of Human Services

PROMULGATION DATES: January 8, 2017 to February 7, 2017

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

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

DEPARTMENT/AGENCY Department of Human Services
DIVISION Division of Children and Family Services
DIVISION DIRECTOR Mischa Martin
CONTACT PERSON Christin Harper, Assistant Director
ADDRESS P. O. Box 1437, Slot S570, Little Rock, AR 72203-1437
PHONE NO. (501)682-8541 FAX NO. (501) 683-4854 E-MAIL christin.harper@dhs.arkansas.gov
NAME OF PRESENTER AT COMMITTEE MEETING Christin Harper
PRESENTER E-MAIL christin.harper@dhs.arkansas.gov

INSTRUCTIONS

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

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

1. What is the short title of this rule? Procedure Regarding Family Assessments
2. What is the subject of the proposed rule? To update procedure regarding family case assessments to ensure minor victims of sex trafficking are reported to law enforcement per federal Public Law 113-183.
3. Is this rule required to comply with a federal statute, rule, or regulation? Yes No
Federal Public Law 113-183, Section 104
If yes, please provide the federal rule, regulation, and/or statute citation. _____
4. Was this rule filed under the emergency provisions of the Administrative Procedure Act? Yes No
If yes, what is the effective date of the emergency rule? _____
- When does the emergency rule expire? _____

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

Yes

No

5. Is this a new rule? Yes No

If yes, please provide a brief summary explaining the regulation. _____

Does this repeal an existing rule? Yes No

If yes, a copy of the repealed rule is to be included with your completed questionnaire. If it is being replaced with a new rule, please provide a summary of the rule giving an explanation of what the rule does.

Is this an amendment to an existing rule? Yes No

If yes, please attach a mark-up showing the changes in the existing rule and a summary of the substantive changes. **Note: The summary should explain what the amendment does, and the mark-up copy should be clearly labeled "mark-up."**

6. Cite the state law that grants the authority for this proposed rule? If codified, please give the Arkansas Code citation. A.C.A. § 9-28-103

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

PROCEDURE IV-A1: Family Assessments Using the FAST and CANS

• To update the Division's policy and procedure per federal Public Law 113-183, specifically to add the requirement for Division staff to report minor victims of sex trafficking to local law enforcement within 24 hours if the information gathered through the family assessment indicates a youth is or may be a victim of sex trafficking,

8. Please provide the address where this rule is publicly accessible in electronic form via the Internet as required by Arkansas Code § 25-19-108(b).

AR Secretary of State Website

DHS/DCFS CHRIS public:

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

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

If yes, please complete the following:

Date: _____

Time: _____

Place: _____

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

February 7, 2017

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

May 1, 2017

12. Do you expect this rule to be controversial? Yes No

If yes, please
explain. _____

13. Please give the names of persons, groups, or organizations that you expect to comment on these rules? Please provide their position (for or against) if known.

_____ We do not know of any specific groups of persons who would comment.

FINANCIAL IMPACT STATEMENT

PLEASE ANSWER ALL QUESTIONS COMPLETELY

DEPARTMENT Department of Human Services
DIVISION Division of Children and Family Services
PERSON COMPLETING THIS STATEMENT Christin Harper
TELEPHONE NO. (501)682-8541 **FAX NO.** (501) 683-4854 **EMAIL:** christin.harper@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 Procedure Regarding Family Assessments

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

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

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

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

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

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

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

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

<u>Current Fiscal Year</u>		<u>Next Fiscal Year</u>	
General Revenue	0	General Revenue	0
Federal Funds	0	Federal Funds	0
Cash Funds	0	Cash Funds	0

Special Revenue 0

Other (Identify) 0

Special Revenue 0

Other (Identify) 0

Total 0.00

Total 0.00

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

Current Fiscal Year

Next Fiscal Year

General Revenue _____
Federal Funds _____
Cash Funds _____
Special Revenue _____
Other (Identify) _____

General Revenue _____
Federal Funds _____
Cash Funds _____
Special Revenue _____
Other (Identify) _____

Total 0.00

Total 0.00

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

Current Fiscal Year

\$ 0.00

Next Fiscal Year

\$ 0.00

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

Current Fiscal Year

\$ 0.00

Next Fiscal Year

\$ 0.00

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

Yes No

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

- (1) a statement of the rule's basis and purpose;
- (2) the problem the agency seeks to address with the proposed rule, including a statement of whether a rule is required by statute;
- (3) a description of the factual evidence that:
 - (a) justifies the agency's need for the proposed rule; and

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

DCFS SUMMARY OF CHANGES FOR JANUARY 2017 PROMULGATION

SUMMARY OF DCFS REGULAR PROMULGATION

The purpose of this regular promulgation is to revise Division procedure regarding family case assessments (FAST and CANS) to ensure that any identified sex trafficking victims are reported to local law enforcement within 24 hours. This revised rule will ensure the State is in compliance with federal Public Law 113-183.

Procedure IV-A1: Family Assessments Using the FAST and CANS

052/20175

The Family Service Worker will:

- A. Explain the general purpose of the FAST or CANS to the family, as applicable.
- B. Meet several times with the parents, caregivers, children, service providers, and extended family members to conduct a thorough and complete FAST or CANS, as applicable;
 - 1) Complete the FAST at a minimum within 30 days, every three months thereafter, and prior to case closure;
 - 2) Complete, at minimum, the CANS within 30 days of the child entering out-of-home placement or within 30 days of case opening, whichever comes first, every three months thereafter; and prior to case closure;
- C. Explain the overall outputs of the FAST or the CANS to the family, as applicable.
- D. If at any time during the completion of an initial or subsequent FAST or CANS, or at any other point during a protective services or foster care case, there is reason to believe a child involved in a protective services or foster care case is a victim of sex trafficking or at risk of being a sex trafficking victim:
 - 1) Document accordingly in CHRIS and conference with the FSW supervisor to determine appropriate next steps for additional screening related to sex trafficking victims and/or referral to appropriate services, with incorporation of any referrals and/or services into the case plan.
 - 2) Report information on children or youth who have been identified as a sex trafficking victim to local law enforcement immediately, and in no case later than 24 hours after receiving the information.
- C-3) Document in CHRIS contacts when local law enforcement is notified of a child being identified as a sex trafficking victim.
- D-E. Obtain the necessary signatures on the approved FAST or CANS, as applicable;
- E-F. Attach the approved and signed FAST or CANS, as applicable, to the case plan.
- F-G. Provide the caregivers and other parties to the case with a copy of the FAST and/or CANS output document, as applicable.
- G-H. Provide a copy of the FAST and/or CANS output document to anyone else involved in the development of the FAST and/or CANS upon request, within the parameters of A.C.A. 9-28-407 (see Policy I-F: Confidentiality for more information).

The FSW Supervisor will:

- A. Conference with the FSW as necessary during the completion of the FAST or CANS.
 - 1) Approve the FAST at a minimum within 30 days, every three months thereafter, and then prior to case closure but only once the appropriate family assessment instrument has been sufficiently completed;
 - 2) Approve the CANS at a minimum within 30 days of the child entering out-of-home placement or within 30 days of case opening, whichever comes first, every three months thereafter; and prior to case closure, but only once the appropriate family assessment instrument has been sufficiently completed.

Procedure IV-A1: Family Assessments Using the FAST and CANS

05/2017

The Family Service Worker will:

- A. Explain the general purpose of the FAST or CANS to the family, as applicable.
- B. Meet several times with the parents, caregivers, children, service providers, and extended family members to conduct a thorough and complete FAST or CANS, as applicable;
 - 1) Complete the FAST at a minimum within 30 days, every three months thereafter, and prior to case closure;
 - 2) Complete, at minimum, the CANS within 30 days of the child entering out-of-home placement or within 30 days of case opening, whichever comes first, every three months thereafter; and prior to case closure;
- C. Explain the overall outputs of the FAST or the CANS to the family, as applicable.
- D. If at any time during the completion of an initial or subsequent FAST or CANS, or at any other point during a protective services or foster care case, there is reason to believe a child involved in a protective services or foster care case is a victim of sex trafficking or at risk of being a sex trafficking victim:
 - 1) Document accordingly in CHRIS and conference with the FSW supervisor to determine appropriate next steps for additional screening related to sex trafficking victims and/or referral to appropriate services, with incorporation of any referrals and/or services into the case plan.
 - 2) Report information on children or youth who have been identified as a sex trafficking victim to local law enforcement immediately, and in no case later than 24 hours after receiving the information.
 - 3) Document in CHRIS contacts when local law enforcement is notified of a child being identified as a sex trafficking victim.
- E. Obtain the necessary signatures on the approved FAST or CANS, as applicable;
- F. Attach the approved and signed FAST or CANS, as applicable, to the case plan.
- G. Provide the caregivers and other parties to the case with a copy of the FAST and/or CANS output document, as applicable.
- H. Provide a copy of the FAST and/or CANS output document to anyone else involved in the development of the FAST and/or CANS upon request, within the parameters of A.C.A. 9-28-407 (see Policy I-F: Confidentiality for more information).

The FSW Supervisor will:

- A. Conference with the FSW as necessary during the completion of the FAST or CANS.
 - 1) Approve the FAST at a minimum within 30 days, every three months thereafter, and then prior to case closure but only once the appropriate family assessment instrument has been sufficiently completed;
 - 2) Approve the CANS at a minimum within 30 days of the child entering out-of-home placement or within 30 days of case opening, whichever comes first, every three months thereafter; and prior to case closure, but only once the appropriate family assessment instrument has been sufficiently completed.