Arkansas Department of Human Services
Division of Children & Family Services – Division of Youth Services
Cooperation Agreement

This agreement is established to provide the best possible services to the juveniles of Arkansas and their families, and to provide a joint working relationship between the Division of Children and Family Services (DCFS) and the Division of Youth Services (DYS).

For the purposes of this agreement, the term "juvenile" is limited to adjudicated delinquents as defined by the Arkansas Juvenile Code who are committed to DYS, and "days" shall refer to calendar days. This agreement covers juveniles in DCFS custody at the time of commitment or who may enter DCFS custody during the period of commitment. This agreement also covers the unborn infants of pregnant juveniles committed to DYS.

I. Information Sharing

The Divisions shall endeavor to share complete and comprehensive information concerning juveniles concurrently served by both agencies, including pregnant juveniles whose infants will receive post-partum placement or other family services. Shared information shall include medical, psychological, educational, and mental health records, as well as incident reports.

The case tracker shall serve as the DYS point of contact, or the DYS Clinical Director or Intake and Placement Director if the case tracker is unknown. The juvenile's primary caseworker shall serve as the DCFS point of contact, or the appropriate DCFS county supervisor if the caseworker is unknown. If the county of origin is unknown, the DCFS Assistant Director of Community Services or designee shall serve as the initial point of contact in that division. When a juvenile in DCFS custody is committed to DYS, the DCFS caseworker shall immediately notify the Office of Chief Counsel (OCC) Deputy Counsel for County Legal Operations via e-mail, with a copy to the DCFS Assistant Director of Community Services.

Upon notification that a court has committed a juvenile in the legal custody of DCFS to DYS, the DCFS caseworker shall proactively gather all pertinent information relating to the juvenile's needs and history and provide it to the DYS case tracker within two (2) weeks of the juvenile's commitment to DYS. Any residential facility that receives the juvenile will notify the DCFS caseworker or county supervisor within 24 hours of the juvenile's arrival. If the juvenile is diverted to a juvenile detention center (JDC), or transferred from one JDC to another, the case tracker will notify the DCFS caseworker of the juvenile's location.

Throughout the juvenile's period of commitment to DYS, any DYS facility where the juvenile is housed shall provide monthly progress reports to the DCFS caseworker, or to the county supervisor if the caseworker is unknown. The DYS facility will provide notice

to all identified stakeholders of any monthly or special staffings concerning the juvenile, after the initial multidisciplinary staffing discussed below. In addition, the DYS facility shall notify the DCFS caseworker of all family days, so that the caseworker may take steps to ensure family members or other important people in the juvenile's life have the opportunity to visit.

DYS shall make all necessary arrangements with the DHS Internal Affairs Unit to forward all reports of DHS-reportable incidents concerning the juvenile to the DCFS caseworker or county supervisor. The DYS case tracker or DYS facility staff shall notify the DCFS caseworker of any special needs of the juvenile, such as for clothing or personal effects, or for a Medicaid card in the event of overnight hospitalizations. The case tracker shall also notify the DCFS caseworker or county supervisor of any escape attempts from a JDC.

II. Case Staffings

In all concurrent cases, a multidisciplinary staffing shall be held within twenty-one (21) days of the juvenile's commitment. The staffing shall include DYS clinical staff, the DYS case tracker, the DCFS caseworkers and/or supervisor(s), the Office of Chief Counsel (OCC), and other stakeholders. The staffing will include the juvenile unless the DYS case tracker and DCFS caseworker agree the juvenile's participation is not appropriate. In cases in which the juvenile was in the legal custody of DCFS, the DCFS caseworker, supervisor, or both shall decide whether to invite the parents or other family members to the staffing. The purpose of the staffing is to assist in developing the juvenile's initial treatment plan, and to identify responsible parties for each component of the plan.

When a juvenile in the legal custody of DCFS is committed to DYS, the DYS case tracker will contact the juvenile's primary caseworker, or the appropriate county supervisor if the caseworker is unknown. The DYS Records Manager will request all available records and information relating to the juvenile's needs and history, including medical, mental health, and education records; placement history; relationships that need to be maintained; primary and secondary caseworkers; and initial recommendations for discharge placement. The DCFS caseworker must transmit any Medi-Alert information immediately. All other information must be transmitted within two (2) weeks after the initial contact and request, but no later than one (1) week prior to the staffing.

The DYS case tracker will notify the DCFS caseworker of the date and time of the initial staffing. The DCFS caseworker will then notify all stakeholders in the DCFS case of the staffing. At the initial staffing, the parties will identify by name and contact information everyone who should be invited to future staffings. Once that list is established, the DYS facility where the juvenile resides will notify those stakeholders of future staffings.

A comprehensive treatment staffing shall be held within sixty (60) days of the juvenile's commitment. Monthly review staffings will follow throughout the period of commitment. Additional joint staffings with DYS and DCFS workers may be held as needed, including

but not limited to instances when a juvenile is discovered to be pregnant, when DYS anticipates releasing a juvenile under age eighteen (18), and when the DYS program or DCFS services for the juvenile are substantially modified. If issues of a case specific nature cannot be resolved on a local level, the respective Assistant Directors of each Division will staff the case, along with designated staff, to come to an agreement prior to the projected discharge date or the next scheduled court hearing, whichever is first.

The primary caseworker shall participate in the initial staffing. If the juvenile is assigned to a program outside of the primary caseworker's service area, a secondary caseworker may participate in staffings after the initial staffing. The primary caseworker is encouraged to attend additional staffings, and may participate by telephone conference. Every effort shall be made by DYS and DCFS to maintain existing relationships with the child, including relationships with caseworkers.

III. DCFS Visitation Log

A separate log will be maintained at each DYS residential facility, which DCFS employees will sign when visiting juveniles in the custody of DHS. The DCFS Assistant Director of Community Services shall be responsible for developing this log form, distributing the log to DYS facilities, and collecting the logs monthly for maintenance in a central file. Transmission of the logs by facsimile is permitted, so long as all information on the logs is legible. Legibility shall be verified by the employee receiving the transmission prior to filing.

When visiting a juvenile committed to DYS, a DCFS employee shall print his or her name, date, the name of the juvenile, and the purpose of the visit. Copies of each facility's respective monthly logs shall be maintained on site, and shall serve as verification to the DYS case trackers that DCFS family service workers are meeting with their juvenile charges each month. DYS case trackers shall verify this information monthly.

IV. Placement Planning

Both DCFS and DYS will plan for post-discharge placement or aftercare services with the goal of moving the juvenile to an appropriate placement upon completion of the juvenile's treatment goals. DCFS will be notified as soon as a projected discharge date is set, but not less than ninety (90) days prior to the targeted discharge date. Placement planning will take place at pre-release staffings. These staffings will take place 90, 60, and 30 days prior to release. DYS, DCFS, and OCC staff will attend these staffings. All notices of pre-release staffings will be sent to the Deputy Counsel for County Legal Operations for forwarding to the appropriate OCC attorney.

V. Closure of DCFS Case

During a juvenile's commitment to DYS, DCFS shall not pursue closure of that juvenile's dependency/neglect or family in need of services (FINS) case. If the court

closes the dependency/neglect or FINS case on its own motion or the motion of another party, the appropriate DCFS staff will notify the DYS Clinical Director or Assistant Director for Residential Operations within five (5) business days.

VI. Transfer to Foster Care

Before recommending to the court that a juvenile not currently receiving services through DCFS be transferred to foster care, DYS shall confer with the appropriate DCFS Area Manager or designee(s), and representatives of both divisions shall staff the case. Where possible, a recommendation of transfer to foster care should be acknowledged by both divisions as serving the best interests of the child.

If staff of either division becomes aware of circumstances or information that indicates that the court will make such a transfer on its own motion, the staff member receiving such information will notify the appropriate DCFS Area Manager or designee and the DYS Clinical Director or Assistant Director of Residential Operations as soon as possible.

VII. Discharge of Non-DCFS Juveniles

When a juvenile is ready for discharge, DYS must notify the legal custodian at the time of commitment of the targeted discharge date and plan. If the legal custodian is unable or unwilling to allow the juvenile back into the family home and refuses to participate in developing an appropriate plan for the child, this will be reported by DYS to the Child Abuse Hotline as suspected abandonment.

Once an abandonment report is accepted, DCFS has thirty (30) days under Arkansas law to complete the maltreatment investigation and make a finding. If it is determined that the juvenile cannot safely return to the legal custodian due to child maltreatment, DCFS shall notify DYS and the Office of Chief Counsel immediately. OCC will review this material and determine within five (5) days if adequate grounds exist for the filing of a petition for dependency/neglect. DYS will extend the commitment of the juvenile for this review period, not to exceed five (5) days.

If the plan is to petition the court for placement into foster care, DCFS and DYS will work jointly with OCC to develop the necessary documents to petition the court and provide testimony as needed. If the juvenile is placed in foster care, DYS will remain involved to provide appropriate aftercare services consistent with its contracted aftercare procedures. DCFS will provide the juvenile with the contracted services that are provided to children in foster care, such as placement services, medical treatment, mental health treatment, etc.

VIII. Independent Living Services

If a juvenile will turn eighteen (18) years of age within ninety (90) days of the projected discharge date, the above abandonment procedure will not be used. In this type of

situation, where a juvenile is at the point of attaining majority and the legal guardian or custodian refuses to cooperate with the aftercare plan, DYS will arrange a staffing with DCFS personnel. This staffing will be similar to placement planning staffings held in cases involving juveniles in DHS custody, described in Part IV, above. The purpose of the staffing will be to determine whether Independent Living Services (ILP) can be provided upon discharge.

If the juvenile is eligible for and desires assistance from the DCFS ILP program, the appropriate ILP coordinator will be granted access to the juvenile for a critical assessment of the juvenile's life skills prior to the targeted discharge date. If a juvenile refuses to remain in foster care, or otherwise is ineligible for DCFS-sponsored ILP services, DYS may provide its own ILP services according to criteria it sets. The DCFS Central Office Independent Living Coordinator shall provide training to DYS and facility staff to develop DYS-sponsored ILP services.

IX. Juveniles with Disabilities

In all concurrent cases in which the juvenile is diagnosed as having a disability that requires special services, DYS and DCFS will staff and jointly determine the placement that meets the best interest of the juvenile in light of his or her treatment, developmental, and disciplinary needs. The divisions shall make joint referrals to the appropriate agencies for any special services. Any juvenile diagnosed as severely emotionally disturbed will be referred to the regional CASSP Service Team. Juveniles with identified developmental disabilities will be referred to the Division of Developmental Disability Services. Referrals will also be made as appropriate to Together We Can in those counties in which this service is available.

X. Pregnant Juveniles

DCFS and DYS shall coordinate services to ensure that any infant born to a juvenile committed to DYS receives an appropriate placement after discharge from the hospital, and that that placement meets the best interests of the infant and of the juvenile mother.

The DCFS Assistant Director of Community Services is the point of contact in DCFS for any case in which the juvenile is determined to be pregnant. When a juvenile is determined to be pregnant, the DYS case tracker shall notify the DCFS Assistant Director of Community Services, not the county office. The DCFS Assistant Director of Community Services (or designee) is responsible for coordinating the staffing and providing notice to all participants. In addition to DHS staff, clinical staff, legal counsel, and other stakeholders, the juvenile should be included in this staffing unless the DYS case tracker or clinical staff deems the juvenile's participation to be contrary to the juvenile's best interests.

The DYS case tracker shall ensure that the Assistant Director of Community Services receives the following information at least 24 hours prior to the staffing: all information regarding the juvenile's pregnancy status and expected delivery date; all information

obtained from the juvenile regarding the designated caregiver, including county of residence; the juvenile's county of residence prior to commitment to DYS; and the court of record in the juvenile's case. The DCFS Assistant Director of Community Services or designee shall ensure that the appropriate county staff receive this information.

The purpose of the staffing is to determine whether:

1. It is in the best interest of the juvenile to remain housed at DYS during the pregnancy and postpartum, taking into consideration the juvenile's and the unborn infant's projected medical and environmental needs, and the availability of community-based or foster care services which would meet the rehabilitative and disciplinary needs of the juvenile;
2. The juvenile has expressed a preference for a designated caregiver for the infant, the identity of that designated caregiver, names and ages of persons in the household, address, phone number, occupation, relationship to the juvenile, and Social Security numbers;
3. The father of the infant is known, his name, and address; and
4. The juvenile or unborn infant have any special needs, including medical or educational needs (for the juvenile), whether the juvenile is at risk for complications during pregnancy or childbirth and how those risks can be addressed.

In addition, the staffing shall serve as the opportunity to coordinate DYS and DCFS staff and services to assign responsibility for the following tasks:

1. Determine the identity and contact information of the infant's father, if not previously identified;
2. If the juvenile mother will remain in the physical custody of DYS, establish prenatal and infant care plans, including the hospital where the child will be born; the physicians who will provide medical care for the juvenile mother and the infant; and who will be responsible for caring for the infant before and after discharge from the hospital;
3. Determine whether the juvenile's designated caregiver is willing to take custody of the infant at birth and care for the infant until the juvenile mother is released from DYS;
4. Make arrangements to conduct a home study of the designated caregiver within the six (6) months prior to the projected delivery date;
5. File the appropriate petitions with the court pertaining to custody of the child, including any FINS or emergency custody petitions;
6. If no approved or willing caregiver is available for the infant, make foster care or other placement arrangements for the infant; and
7. Coordinate visitation between the juvenile mother and the infant after birth.

In every case involving a pregnant juvenile, the DYS case tracker or assigned facility case manager will confer with the DCFS Assistant Director of Community Services or designee to draft an addendum to the comprehensive treatment plan. The addendum shall address each of the above issues and memorialize the conclusions reached in the staffing. The case plan shall identify the individuals responsible for carrying out each element of

the plan, and a timeline for the accomplishment of each task. Within fourteen (14) days after the staffing, the DYS case tracker shall forward the case plan to the DCFS Assistant Director of Community Services, who will disseminate the case plan to all participants in the staffing, including legal counsel. The DCFS Assistant Director of Community Services or designee will be responsible for notifying anyone who was not present at the staffing of their assigned tasks. DCFS and DYS shall coordinate efforts to have an alternate caregiver approved prior to the birth of the infant.

If DYS sets a projected release date which is earlier than the projected delivery of the infant, DYS and DCFS shall coordinate efforts to provide all necessary services to the juvenile mother to prepare her for the responsibility of caring for an infant. These services may include, but are not limited to:

1. Filing a FINS petition in the appropriate court;
2. Tutoring or other assistance to help the juvenile complete high school or earn her GED;
3. Parenting classes to the juvenile mother or other household members;
4. Childcare assistance;
5. Transportation;
6. Independent Living Services (ILP); and
7. Employment training.

There must be a court guardianship or custody order for every child born to a person committed to DYS. The DCFS Assistant Director for Community Services or designee shall notify the OCC Deputy Counsel of County Legal Operations to assign the case to the appropriate attorney. Except when necessary to protect the best interest of the juvenile mother or the infant, DCFS and DYS should avoid taking actions or making recommendations that will result in DHS taking custody of the infant.

Unless circumstances arise requiring DHS to assume custody of the infant or family services have been ordered by the court, once the designated caregiver has been approved and the petition for guardianship has been filed, DCFS will have no further involvement in the case. Therefore, to the extent possible, DYS staff should be assigned responsibility for coordinating services and overseeing visitation after birth.

The DYS case tracker will notify the DCFS Assistant Director of Community Services when the juvenile enters the hospital for delivery, or immediately after the birth. The case tracker will immediately contact the approved caregiver of the recent or impending birth of the infant. The Assistant Director of Community Services or designee will immediately notify the appropriate county office. The DCFS Assistant Director of Community Services will also notify the OCC of the birth, so that any legal proceedings necessary to effectuate the placement of the infant may be initiated.

XI. Effective Date and Amendments

This agreement shall be effective immediately upon the approval and signature of the Director of Children and Family Services and the Director of the Division of Youth

Services and shall be binding upon the staff of each Division. Each Division shall be responsible for training its staff as to the procedures described in this agreement. The agreement shall be renewed annually and may be cancelled by either party with 30 days' notice. The agreement can be amended at any time by mutual agreement of both Divisions.

Pat Page
Director, DCFS

01/08/08
Date

Director, DYS

01/08/08
Date