

# M A N U A L T R A N S M I T T A L

**Arkansas Department of Human Services**  
 Division of Children and Family Services

Policy     Form     **Policy Directive**

**Issuance Number: FSPP 2007-12**

**Service Programs Policy Manual**

**Issuance Date: Aug 10, 2007**

**From: Pat Page, DCFS Director**

**Expiration Date – Until  
 Superseded**

**Subj.: Executive Directive:** New and Revised DCFS Policy, Procedures, Publications and Forms Based on Legislation Enacted During the 2007 Arkansas Legislative Session

This Executive Directive identifies some of the new and revised DCFS policy, procedures, publications and forms that resulted from new legislation enacted during the 2007 Legislative Session. These new and revised documents were effective July 31, 2007, and will be used by all DCFS staff when conducting official division business, pending completion of their formal promulgation.

Copies of the new or revised documents identified below are **attached**. These new and revised DCFS policies, procedures, publications and forms include the following:

NEW OR REVISED POLICY, PROCEDURE, PUBLICATION OR FORM	SUMMARY
Policy II-E (Child Maltreatment Investigative Determination)	This revised policy is based on a change in Garrett’s Law. It states that a child maltreatment investigation that documents any illegal substance (not just methamphetamine) in the mother or child, as a result of the mother’s knowing use of the illegal substance before the child’s birth, will be founded as “True But Exempt”. The mother’s name will not be placed in the DCFS Central Registry.
Procedure II-E6 (Child Maltreatment Investigative Determination)	This procedure provides more specific information consistent with Policy (II-E) and also says the Family Service Worker (FSW) will take the child into emergency 72-hour custody, but <b>ONLY</b> if it is determined that the child is “at substantial risk of serious harm”.
Policy VIII-C (Termination of Parental Rights)	This revised policy identifies acceptable reporters and directs the use of CFS-312A for notification and the use of CHRIS for documentation. This states that, when a mother or child has tested positive for an illegal substance and she wants to place the child for adoption, the FSW will contact the Office of Chief Counsel (OCC) immediately.
Procedure VIII-C4 (Garrett’s Law, Illegal Substances and Adoption)	Provides more specific information about actions taken when a mother or child has tested positive for an illegal substance and she wants to place the child for adoption, the FSW will contact the Office of Chief Counsel (OCC) immediately.

NEW OR REVISED POLICY, PROCEDURE, PUBLICATION OR FORM	SUMMARY
PUB-357 (Child Maltreatment Assessment Protocol)	PUB-357 adds a new type of neglect and defines it as “causing a child to be born with” an illegal substance (not just methamphetamine) in his or her body as a result of the mother’s knowing use of the illegal substance before the child’s birth.
Form CFS-312A (Child Maltreatment Assessment Determination Notification of the Offender)	CFS-312A was revised by: (1) adding the statement that an offender in a true report has the right to receive notice and request an administrative hearing before his name is placed on the Central Registry; AND (2) the form will <b>ONLY</b> be sent to the offender.
Form CFS-312C (Child Maltreatment Assessment Determination Notification of Others – not the offender)	The CFS-312C is a new form and will be used to notify all the others that are authorized to receive notification of the assessment determination. This new form is <b>not</b> sent to the offender. It will be sent out <b>ONLY</b> after the offender has <b>either</b> not requested an administrative hearing within 30 days <b>or</b> the hearing process has been completed.
<p>Policy VI-A (Out-of-Home Placement Criteria)</p> <p>CFS-363 (Foster/Adoptive Parent or Applicant Smoking Certification)</p>	<p>This revised policy states that foster/adoptive parents and applicants may not smoke or allow others to smoke in the presence of a child in foster. Foster and adoptive parents or applicants must sign the new DCFS form, CFS-363 (Foster Parent Smoking Certification).</p> <p>This new form documents if the Foster and adoptive parents or applicants agree to comply with the new restrictions on smoking in the presence of a child in foster care and not exposing the child to second-hand smoke.</p>
<p>Procedure VI-A1 (Out-Of-Home Placement Criteria)</p> <p>Procedure VIII-F1 (Staffing and Recommendations)</p> <p>Procedure VIII-G2 (Criteria for Adoption)</p> <p>PUB-30 (Family Foster Parent Handbook) Finger-print Based FBI Criminal Background Record Check</p>	<p>A finger print-based FBI Criminal Background check of all foster parents and all members of the household age sixteen (16) years or older, excluding children in foster care; also added more specific procedures on FSW and Central Registry Unit actions when it is necessary to do Central Registry checks in other states.</p> <p>Applicants and all members of their household age sixteen (16) years or older must agree to a fingerprint-based FBI criminal record check.</p> <p>Applicants and all members of their household age sixteen (16) years or older must agree to a fingerprint-based FBI criminal record check.</p> <p>Applicants and all members of their household age sixteen (16) years or older must agree to a fingerprint-based FBI criminal record check.</p>

<b>NEW OR REVISED POLICY, PROCEDURE, PUBLICATION OR FORM</b>	<b>SUMMARY</b>
CFS-316 (Request for CPS Central Registry Check)	This form was revised by adding a section for the FSW to include information about a foster care or adoptive applicant having lived and/or worked outside Arkansas in the past six (6) years.

**THIS EXECUTIVE DIRECTIVE IS EFFECTIVE IMMEDIATELY**  
**Submit inquiries to: DCFS Policy Unit, phone (501) 682-8451**