

MANUAL TRANSMITTAL

Arkansas Department of Human Services
Division of Children and Family Services

Policy Form Policy Directive
Family Service Policy and Procedure Manual

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From: Roy Kindle, DCFS Director

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Superseded

Subj.: Executive Directive: Repeal of the Ban on Homosexuals as Foster Parents

On December 29, 2004, the Pulaski County Circuit Court ruled unconstitutional the regulation 200.3.2, developed by the Child Welfare Agency Review Board that prohibits a person from serving as a foster parent if any adult member of that person's household is a homosexual. As a result of this ruling, the Division of Children and Family Services (DCFS) will no longer use homosexuality as a reason for denial of a family's application to be foster parents. As a result of this ruling, the Division of Children and Family Services (DCFS) can no longer use homosexuality as the sole reason for denying a family to be foster parents.

To ensure the health and safety of all children in foster care and to provide services that will be in the best interest of children, DCFS amends its process for approving prospective foster families.

There can be no cohabitating adults in the home; this means no two adults living together as a couple who are not married. No heterosexual or homosexual cohabitating couples that are not married are eligible to be foster families. DCFS staff is required to determine relationships in the home to ensure that there are no cohabitating adults and to obtain information that can be used for the appropriate placement of children.

There can be no roomers or boarders in the home. Family members are not considered roomers or boarders. All family members residing in the household, that are required to have background checks, must have Central Registry and Criminal background checks. An assessment must be conducted on each family member's impact on the child and the child's impact on the family member.

Policy VI-A (Out-Of-Home Placement Criteria) states: "When a child is in the custody of the Department of Human Services, DCFS shall ensure that the out-of-home placement is in the best interest of the child, is the least restrictive possible and is matched to the child's physical and therapeutic needs." To comply with these criteria, before a foster child can be placed in a foster home where the single adult in the home has identified himself/herself as a homosexual, the child's parent must be notified of the placement and allowed to express any disagreements. If the parent does not agree with the placement, DCFS will CONSIDER the wishes of the parent and ensure that the placement is in the child's best interest.

Foster children aged 10 or older should also be consulted prior to the child being placed in a foster home where the single adult in the home has identified himself or herself as a homosexual.

THIS EXECUTIVE DIRECTIVE IS EFFECTIVE IMMEDIATELY.

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