

MANUAL TRANSMITTAL

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

Policy Form **Policy Directive**
Service Programs Policy Manual

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From: Roy Kindle, DCFS Director

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Subj.: Executive Directive: Marriage and Divorce for Foster Parents

This Executive Directive gives clarification on marriage and divorce criteria for prospective and existing foster parents.

Minimum Licensing Standards for Child Welfare Agencies require that foster parents “In a two-parent home, the husband and wife shall be joint applicants, shall each participate in the approval process, and shall provide verification that they have been married at least two (2) years.” Prospective foster parents must provide a copy of their marriage license to verify marriage for two years. Requests for alternative compliance on the marriage requirement can only be made for relative placements; all other families must provide verification of two years of marriage.

The Child Welfare Licensing Standards do not address specific requirements for a length of time for divorces; however, DCFS has specific requirements for prospective adoptive homes concerning divorce. FSPP Procedure VIII-G2 (Criteria for Adoption) states “A person who is divorced must provide verification of that divorce and must be divorced for at least one (1) year from the date on the court order.” Effective immediately, DCFS will apply this procedure for prospective foster homes. Staff may request an Alternative Compliance if the prospective family has been divorced for less than a year and meet all other licensing standards.

In situations where existing foster families become divorced, a re-evaluation shall be conducted on the family to determine if the family still meets all other licensing standards to ensure the health and safety of the children placed in the home. If the family continues to comply with all standards, an alternative compliance is not needed, however, if there is an area of non-compliance staff will determine a corrective action plan with deadlines. If a corrective action plan is not feasible the case will be referred for alternative compliance.

The CWAL board must grant an alternative compliance in situations where an unmarried foster parent plans to marry. When this situation occurs, staff must ensure that the future spouse is interviewed to discuss his/her compliance with the “Personal Characteristics” outlined in Pub-22 “Standards For Approval Of Family Foster Homes.” The intended spouse must have all background checks completed with the results. Once this is completed, a request for an alternative compliance must be sent to the DCFS Director for approval before the future spouse can be approved for training. The alternative compliance request must include clear documentation concerning the stability of the relationship between the foster parent and future spouse. The DCFS Director will not

approve any request for alternative compliances to go before the licensing board unless there is clear documentation on the stability of the future spouse and stability of the relationship. Some examples of the stability of the relationship are length of time of relationship, length of engagement, where the couple plans to live; whether other children are involved, and the impact of the relationship on the foster children or other children involved. If the DCFS Director approves the alternative compliance to go before the licensing board, the future spouse can be scheduled for Foster Adopt Pride training. All unmarried foster parents must be advised at their approval orientation to notify the division as soon as they are aware of any plans to marry so that the application process can be initiated on the intended spouse. The foster parent must understand that the division must obtain an alternative compliance before the intended spouse can take on the role as a foster parent and reside with foster children.

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