

MANUAL TRANSMITTAL

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

Policy Form Policy Directive

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Service Programs Policy Manual

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From: Roy Kindle, DCFS Director

**Expiration Date – Until
Superseded**

Subj.: Submission of Police Reports when asking for an Alternative Compliance

This Executive Directive gives additional clarification and direction to the Alternative Compliance process.

When an Alternative Compliance is requested on an excluded criminal offense, the police report and/or any other reports on any criminal charges that appear or reports that go along with any convictions of the requesting party must be attached as documentation. The DCFS Director will not review any Alternative Compliance on a criminal offense without the police report.

Child Welfare Licensing requirements state, “Any person who is required to have a criminal check under the law and who pleads guilty or nolo contendere to, or is found guilty of, any of the offenses listed in the licensing standards, unless the conviction is vacated or reversed, shall be presumed to be disqualified to be an owner, operator, volunteer, foster parent, adoptive parent, member of an agency's board of directors, or employee in a child welfare agency after the completion of his or her term of confinement, probation, or parole supervision. This presumption can be rebutted in the following manner:

- The applicant must petition the board to make a determination that the applicant does not pose a risk of harm to any person.
- The applicant shall bear the burden of making such a showing; and
- The board in its discretion may permit an applicant to be an owner, operator, volunteer, foster parent, adoptive parent, member of an agency's board of directors, or an employee in a child welfare agency notwithstanding having been convicted of an offense listed upon making a determination that the applicant does not pose a risk of harm to any person served by the facility.

In making this determination, the board shall consider the following factors:

- (a) The nature and severity of the crime;
- (b) The consequences of the crime;
- (c) The number and frequency of crimes;
- (d) The relation between the crime and the health, safety, and welfare of any person, such as:

- (1) The age and vulnerability of victims of the crime;
- (2) The harm suffered by the victim; and
- (3) The similarity between the victim and persons served by a child welfare agency;
 - (e) The time elapsed without a repeat of the same or similar event;
 - (f) Documentation of successful completion of training or rehabilitation pertinent to the incident; and
 - (g) Any other information that bears on the applicant's ability to care for children or any other relevant information.
- (C) The board's decision to disqualify a person from being an owner, operator, volunteer, foster parent, adoptive parent, member of an agency's board of directors, or an employee in a child welfare agency under this section shall constitute the final administrative agency action and shall not be subject to review. “

The DCFS Director will review all available information concerning a request for an Alternative Compliance to ensure that enough documentation is available to comply with the above requirements.

THIS EXECUTIVE DIRECTIVE IS EFFECTIVE IMMEDIATELY
Inquiries to: Policy Unit 682-8750