



Division of Child Care & Early Childhood Education
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MEMORANDUM

TO: Interested Persons and Providers

FROM: Tonya Williams, Director, Division of Child Care & Early Childhood Education

DATE: September 10, 2020

SUBJ: **Minimum Licensing Standards for Child Welfare Agencies (Placement & Residential)**

As a part of the Arkansas Administrative Procedure Act process, attached for your review and comment are proposed rule revisions.

Public comments must be submitted in writing at the above address or at the following email address: ORP@dhs.arkansas.gov Please note that public comments submitted in response to this notice are considered public documents. A public comment, including the commenter's name and any personal information contained within the public comment, will be made publicly available and may be seen by various people.

If you have any comments, please submit those comments in writing, no later than October 11, 2020.

NOTICE OF RULE MAKING

The Director of the Division of Child Care and Early Childhood Education of the Department of Human Services announces for a public comment period of thirty (30) calendar days a notice of rulemaking for the following proposed rule(s) under one or more of the following chapters, subchapters, or sections of the Arkansas Code: §§ 9-28-405, 20-76-201, 20-78-206, 20-78-215, and 25-10-129.

Effective December 1, 2020:

Background: The Division of Child Care and Early Childhood Education (DCCECE) will revise the Minimum Licensing Standards for Child Welfare Agencies (Placement and Residential) to meet the requirements of the Families First Prevention Services Act (Public Law 115-123) as established for Arkansas. The act reforms Title IV-E and Title IV-B of the Social Security Act and aims to prevent children from entering foster care and to improve the well-being of children already in foster care. The rule impacts the foster families of Arkansas and residential facilities that have direct involvement with Transitional Living.

Minimum Licensing Standards for Child Welfare Agencies (Placement and Residential) changes: DCCECE revises the Minimum Licensing Standards for Child Welfare Agencies (Placement and Residential). The changes to the Placement Standards involve the content of the home study, physical requirements of the home, approval of foster homes, foster parent responsibilities, medications, continued training of foster parents, and sleeping arrangements. The changes for the Residential Standards affect the Transitional Living Section. The following details the changes to each section of the licensing standards for Placement and Residential.

Summary of Changes for Placement Standards:

DCCECE revised sections 207-214, 307-314, 408-411, 413, 415, and made a spelling correction to Appendix B. The revisions to those sections address different foster care situations but contain similar updates throughout as follows.

The Content of Home Study sections now contain provisions for one scheduled home interview and a right to request further documentation. Additions were made to the sections regarding the physical requirements of the foster home. DCCECE added requirements that the home shall be maintained in a clean, safe, and sanitary condition and in a reasonable state of repair, and specified requirements for smoke detectors, the physical structure of the home, indoor appliances, and functioning water, lighting, ventilation, sewage, and electricity. The agency inserted requirements for in-ground, above-ground, and portable pools, including gates, access to the pool, and maintenance. Also added were requirements concerning the home interior and exterior being free from dangerous objects, conditions, and hazardous material, along with requirements for maintenance of emergency supplies and emergency phone number lists. Sections on sleeping arrangement were revised that address requirements for a child's bedroom, bedding standards and condition, and prohibition of parental co-sleeping or sharing a bed with a child. Updates and additions were made both over the counter and prescription medications and limiting access to them.

DCCECE added standards for foster home approval, and foster parent training and responsibility. Approval requirements now include conditions for personal references, topics for pre-service training, and standard for proper communication and functional literacy among parents and children. Parent are required to have ongoing training, and the topics for annual training were specified. Finally, language was

added addressing parental compliance with agency rules and responsibilities, include the drug and alcohol policy.

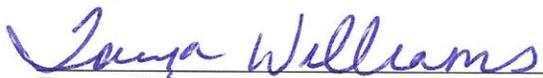
Summary of Changes for Residential Standards:

Sections 800-802 were updated to include the requirement for agencies holding a Transitional Living License to provide a continuum of care for youths that have turned eighteen (18) while in the agency's program, and to clarify a caseworker's responsibilities toward the youth regarding budgeting and monthly home visits. And, DCCECE removed the residential license requirement to allow providers to offer transitional living services to youth that have turned age eighteen (18) while in a licensed or exempt program without the need to operate as a residential facility. Finally, eligibility requirements involving conditions of time and program type related to transfers were updated. Spelling corrections were made to Appendix B.

The proposed rule is available for review at the Department of Human Services (DHS) Office of Rules Promulgation, 2nd floor Donaghey Plaza South Building, 7th and Main Streets, P. O. Box 1437, Slot S295, Little Rock, Arkansas 72203-1437. You may also access and download the proposed rule at <https://humanservices.arkansas.gov/resources/promulgation-of-new-rules>. Public comments must be submitted in writing at the above address or at the following email address: ORP@dhs.arkansas.gov. All public comments must be received by DHS no later than October 11, 2020. Please note that public comments submitted in response to this notice are considered public documents. A public comment, including the commenter's name and any personal information contained within the public comment, will be made publicly available and may be seen by various people.

If you need this material in a different format, such as large print, contact the Office of Rules Promulgation at 501-320-6266.

The Arkansas Department of Human Services is in compliance with Titles VI and VII of the Civil Rights Act and is operated, managed and delivers services without regard to religion, disability, political affiliation, veteran status, age, race, color or national origin. 4501965787



Tonya Williams, Director
Division of Child Care and Early Childhood Education

Content of the Home Study

1. The agency shall complete a home study for each foster home.
2. The agency shall conduct at least ~~two (2) visits in person with the foster parent applicants, including at least one (1) visit to the home.~~ one (1) scheduled in-home interview for each household member to observe family functioning and assess the family's capacity to meet the needs of children in foster care.
3. The agency shall interview every age-appropriate member of the household.
4. The home study shall include the following information:
 - a. Motivation:- ~~t~~The individual's motivation for becoming a foster parents;
 - b. Household Composition: ~~t~~The full legal names of everyone residing in the home, birth dates, relationships to one another, and a brief physical description;
 - c. Housing: ~~a~~Address and location, type of structure, length of time at residence, upkeep and housekeeping standards, future residence plans, and sleeping arrangements;
 - d. Safety Hazards: ~~a~~An assessment of the safety of the home and grounds including water hazards, swimming pools, hot tubs, dangerous pets, and other hazardous items and areas;
 - e. Income and Expenses: ~~e~~Employment history for the last six (6) years (duration, salary, duties, title, degree of job security, hours), other sources of income, monthly living expenses, outstanding debts, and insurance;
 - f. Health: ~~c~~Current health of each family member, prior illnesses or medical problems, disabilities, clinic or doctor utilized and frequency of use, counseling (when and purpose), and hospitalization for alcohol abuse, drug abuse, or mental illness;
 - g. Education: ~~p~~Parents' educational attainment, future educational plans, parenting classes attended;
 - h. Childcare Arrangements or Plans: ~~c~~Current arrangement or proposed arrangement as it relates to their working hours and income;
 - i. Child Rearing Practices: ~~p~~Purpose of behavior management, behavior guidance practices, how they show affection, how they handle stress, allowance, chores, and homework;
 - j. Daily Schedule;

- k. Social History: ~~h~~ Highlights and verification regarding action of marriages, divorces, children, relationships' support system, future plans, any individual significant extended family members not living in the home, and any significant personal, developmental, personality, or legal problems;
 - l. Family Activities: ~~r~~ Religious interests, social organizations, activities with children, and family roles;
 - m. Impressions, Conclusions, and Recommendations: ~~e~~ Evaluate the family's situation and ability to provide for a child based on the information obtained during the home study; and
 - n. Approval: ~~i~~ If the agency approves the foster parent(s), the agency shall recommend in the home study the number, age, gender, and other characteristics of children for whom the home is approved to provide care.
5. The Placement agency may require further documentation or evaluation to determine the suitability of the home.

208 Physical Requirements of the Home

- 1. The foster home shall be accessible to community resources needed by foster children.
 - 2. The foster home shall be clean and free of hazards.
 - 3. The foster home shall have a continuous supply of sanitary drinking water. If the source is not a municipal water system, the water shall be tested and approved by the Arkansas Department of Health annually. The approval shall be kept in the foster home case record.
 - 4. The foster home shall have at least one (1) flush-toilet, one (1) sink with running water, and one (1) bathtub or shower with hot and cold running water.
- ~~There shall be operational smoke detectors within ten (10) feet of the kitchen and each bedroom.~~ There shall be an operational smoke detector in each bedroom.
5. _____
6. There shall be an operational smoke detector on each level of occupancy of the foster home.

7. There shall be an operational chemical fire extinguisher, readily accessible, near the cooking area of the home.
8. ~~8.~~ The foster parents shall practice and document emergency evacuation drills with each new child entering the home, and at least quarterly thereafter.
9. All heating units with hot external areas shall be screened or otherwise shielded.
10. The home shall have at least one (1) exterior door that exits directly to the outside or the home shall have an alternate fire escape route.
11. The home shall have an operational telephone. Working cell phones kept on the premises are acceptable. The phone shall be accessible for children.
12. Each child shall have adequate space for storing clothing and personal belongings.
13. All household pets shall have proof of current rabies vaccinations as required by Arkansas law.
14. All firearms shall be maintained in a secure, locked location or secured by a trigger lock.
15. All ammunition shall be secured and locked separately from firearms unless they are stored in a safe, hand-gun safe, or a long gun safe.
16. The foster home record shall contain an agency approved safety plan for any noted hazards. The safety plan shall be signed by all caregivers in the foster home and an agency representative.
17. A current floor plan of the home with room dimensions for all rooms used for sleeping shall be in the foster home record.
18. Manufactured homes, used as foster homes, shall have an agency approved safety plan for tornado safety. The safety plan shall be signed by all caregivers in the foster home and an agency representative.
19. The foster home shall be a house, mobile home, housing unit, or apartment occupied by an individual or a family.
20. The foster home, grounds, and all structures on the property shall be maintained in a clean, safe, and sanitary condition and in a reasonable state of repair within community standards.

21. The foster home interior and exterior must be free from dangerous objects and conditions, and from hazardous materials.
22. All poisonous materials, cleaning supplies, other hazardous materials, and alcoholic beverages shall be stored in an area not readily accessible to children, as appropriate for the age and development of each child.
23. The foster home shall have proper trash and recycling disposal.
24. The foster home shall be free of rodent and insect infestation.
25. The foster home shall be equipped with a properly operating kitchen that includes a sink with hot and cold running water, refrigerator, stove, and oven.
26. The foster home shall have adequate lighting and ventilation.
27. The foster home shall have a heating, ventilating, and air conditioning source, maintained in safe operating condition, that keeps the temperature a minimum of sixty-five (65) degrees and a maximum of eighty-five (85) degrees.
28. The foster home shall be free of obvious fire hazards such as defective heating equipment or improperly stored flammable materials.
29. There shall be a carbon monoxide detector on each level of occupancy of the foster home and near all sleeping areas.
30. The foster home shall have a safe operating water heater that has a recommended temperature at, or below 120-degree Fahrenheit as tested at the plumbing fixture nearest the water heater.
31. The foster home shall maintain adequate first aid supplies for emergencies.
32. Foster parents shall maintain, and post in a prominent place, a list of emergency telephone numbers, including poison control.
33. Foster parents shall not permit a child to enter a pool area unless accompanied by an adult.
34. The foster home record shall contain a water safety plan for supervision of children during water activities. The plan shall be signed by all caregivers in the foster home and an agency representative.

35. Swimming pools shall be enclosed or shall have an approved manual or power operated child safety cover that meets the standards of the American Society for Testing and Materials (ASTM) adopted by the Consumer Product Safety Commission. Please note that solar pool covers and winter pool covers are not safety covers. The ASTM requires that a pool cover be able to hold a minimum of 485 pounds per five (5) square feet in order to qualify as a safety cover.
36. Inground pools without an approved child safety cover shall be protected by an enclosure (wall, fence, or barrier) that surrounds the pool area.
37. Unless local code provides otherwise, an enclosure shall meet the following:
- a. Entirely enclose the pool area;
 - b. Be at least five (5) feet high;
 - c. Have no openings other than doors or gates through which an object of four (4) inches in diameter can pass;
 - d. Have no openings, handholds, or footholds accessible from the exterior side, that can be used to climb the barrier; and
 - e. Be at least twenty (20) inches from the water's edge.
38. Gates or other methods of access to the pool area shall meet the following:
- a. Open outward from pool;
 - b. Be self-closing;
 - c. Have a latch:
 - 1. Located at least fifty-four (54) inches above the underlying ground;
 - 2. Located on the pool side of the gate with the latch's release mechanism located at least five (5) inches below the top of the gate and no opening greater than one-half (.5) inch within twenty-four (24) inches of the release mechanism; or

3. Located at any height if secured by a padlock or similar device which requires a key, electric opening, or integral combination.

39. The wall of a house or building shall not be used in lieu of a barrier to the pool with the exception of a solid wall that does not have windows, doors, or other openings. When a wall is used as a barrier, the remaining three (3) sides shall be protected by an enclosure (wall, fence, or barrier) that surrounds the pool area or have an approved child safety cover. The enclosure shall meet the following:

a. Entirely encloses the pool area;

b. Be at least five (5) feet high;

c. Have no openings other than doors or gates through which an object of four (4) inches in diameter can pass;

d. Have no openings, handholds, or footholds accessible from exterior side that can be used to climb the barrier;

e. Be at least twenty (20) inches from the water's edge;

f. Provides a gate or method of access to the pool area that shall meet the following:

1. Opens outward from the pool;

2. Be self-closing and self-latching; and

3. Have a latch;

g. Located at least fifty-four (54) inches above the underlying ground;

h. Located on the pool side of the gate with the latch's release mechanism located at least five (5) inches below the top of the gate and no opening greater than on-half (.5) inches within twenty-four (24) inches of the release mechanism; or

i. Located at any height if secured by a padlock or similar device which requires a key, electric opening, or integral combination.

40. All above ground pools shall have non-climbable exterior side walls with a minimum height of four (4) feet and have access ladders or steps that are removable and able to be secured when the pool is not in use.
41. Swimming pools shall be equipped with a life saving device such as a ring buoy.
42. All portable pools (inflatable and wading pools) shall be fenced or emptied and stored after every use.
43. Swimming pools that cannot be emptied after each use shall have a working pump and filtering system.
44. Hot tubs and spas shall have locking safety covers that are locked when not in use.

209 **Sleeping Arrangements**

1. Each household occupant shall have a bedroom that provides privacy.
2. Each bedroom shall have at least fifty (50) square feet of floor space per occupant.
3. Each bedroom used for foster children shall have a window to the outside which ~~is capable of serving~~ can serve as an emergency escape.
4. Bars, grilles, grates, or other items that block access to the window are permitted only if they can be removed from the inside without the use of a key, tool, or force greater than that required for normal operation of the window. In this event, each such bedroom shall have a working smoke detector in the bedroom.
5. No more than four (4) children shall share a bedroom.
6. ~~Each household occupant shall have a bed with a mattress, sheets, pillow, pillowcase, and adequate cover, all in good condition.~~ Each foster child shall be provided a safe bedroom as appropriate for the child's needs and age that includes a bed with a mattress, sheets, pillow, pillowcase, and adequate cover, all in good condition, and similar to other household members.
- 7.6. Children of the opposite sex shall not share the same bedroom if either child is four (4) years old or older, except for a parent in foster care with her child.
- 8.7. No children shall share a bed if either child is four (4) years old or older.
- 9.8. No child under age six (6) years shall occupy a top bunk.

- ~~10.9.~~ Foster children, except infants under age two (2) years, shall not share a sleeping room with adults; this age would increase through age four (4) for a grandparent to the child and a teen parent in foster care with her child.
- ~~11.10.~~ All cribs used for children shall have current certification of compliance with Consumer Product Safety Guidelines (CPSC) standards.
- ~~12.~~ Children twelve (12) months of age and below shall be placed flat on their backs to sleep, in accordance with American Academy of Pediatrics guidelines, to lessen the risk of suffocation and Sudden Infant Death Syndrome. (If a child rolls over on his or her own, the facility is not required to reposition the child.) If there is a medical reason a child cannot sleep on his or her back, a signed statement from the
11. child's physician shall be in the file stating the reason, the sleep position indicated, and the time frame required.
12. Bedding shall be changed at least weekly, more often if needed.
13. Foster parents shall not co-sleep or bed share with a foster child of any age, including infants.

210 Approval of Foster Homes

1. A foster home shall be approved only by one (1) agency.
 2. At least three (3) positive personal references shall be obtained on the foster family ~~from non relatives.~~ including at least one (1) from a relative and one (1) from a non-relative.
 3. Each member of the foster family shall have a physical exam within twelve (12) months before the initial approval.
- ~~The agency shall ensure that the foster parents receive at least ten (10) hours of pre-service training (excluding CPR and First Aid) before placing a child in the home.~~
4. ~~4.~~ Pre--service training shall include the following topics:
 - a. Legal rights;
 - b. Roles, responsibilities, and expectations of foster parents;

- c. Agency structure, purpose, policies, and services;
- d. Laws and regulations as related to foster homes and/or foster children;
- e. The impact of childhood trauma;
- f. Managing child behaviors;
- g. Medication administration; and
- h. The importance of maintaining meaningful connections between the child and parents, including regular visitation.

~~4.5.~~ Foster parent(s) shall have a current certificate of completion of First Aid and CPR before a child is placed in the home. The training shall require hands-on skilled based instruction as well as practical testing. Training and certification that is provided solely on-line will not be accepted.

~~5.6.~~ Foster parents shall provide documentation that they carry homeowner's or renter's insurance and general liability insurance.

~~6.7.~~ Foster homes shall not also operate as Child Care Family Homes.

~~7.8.~~ Foster homes shall not provide compensated care for any non-related adults in the foster home, unless providing transitional care for a person placed in care prior to age eighteen (18).

~~8.9.~~ There shall be an annual approval letter from the approving agency in the foster home record.

~~9.10.~~ A provisional foster home means a foster home opened for no more than six (6) months by the Division of Children and Family Services of the Department of Human Services, on a relative or fictive kin of a child in the custody of the division after the division:

- a. Conducts a health and safety check, including a central registry check and a criminal background check or check with local law enforcement on the relative's or fictive kin's home; and
- b. Performs a visual inspection of the home of the relative or fictive kin to verify that the relative or fictive kin and the home will meet the standards for opening a regular foster home.

~~11.~~ If a foster home moves from one (1) placement agency to another all requirements for opening a new foster home shall be met.

12. Foster parents must be able to communicate with the foster child, the placement agency, health care providers, and other services providers.
- ~~10-13.~~ At least one (1) foster parent in the home must have functional literacy, such as having the ability to read medication labels.

212 Continued Training of Foster Parents

1. Each foster parent shall obtain at least fifteen (15) hours of training each year after the first year. This does not apply to foster parents for infants in short-term foster care awaiting adoptive placement. Such foster parents shall obtain ten (10) hours of training for the primary care giver and five (5) hours of training for the secondary care giver each year.
2. Documentation verifying annual training shall be dated indicating the number of hours, the name of the source, topic, and title.
3. Each foster parent shall maintain a current certificate of successful completion of hands-on, skill-based CPR and First Aid. Training and certification that is provided solely on-line will not be accepted.
4. Foster parents shall participate in ongoing training to receive instruction that supports their parental roles and ensures the foster parent is up to date with agency and licensing requirements.

NOTE: Annual training may include, but is not limited to, child-specific training or issues relevant to the general population of children in foster care.

213 Foster Parents Responsibilities

1. Foster Parents shall be responsible for providing the level of supervision, care, and treatment necessary to ensure the safety and well-being of each child placed into their home, taking into account the child's age, individual differences and abilities, surrounding circumstances, hazards, and risks.
2. Foster parents shall provide each child with adequate and nutritious food.
3. Foster parents shall provide regular activities to promote the physical, social, intellectual, spiritual, and emotional development of the children in care.
4. Foster parents shall provide each child their own clothing that is clean, well-fitted, seasonal, appropriate to age and gender, and comparable to community standards.
5. Foster parents shall allow foster children to acquire and keep personal belongings.
- ~~6.~~ Foster parents shall fully cooperate with the child placement agency's case plan for each foster child, including visitation.
- ~~6.~~
7. Foster parents shall provide routine transportation for each child.
8. Foster parents shall participate in case planning and case plan reviews.
9. Foster parents shall attend school conferences concerning a foster child and shall notify the child placement agency of any situations that may affect the case plan or require agency involvement.
10. Foster parents shall notify the child placement agency promptly of serious illness, injury, or unusual circumstances affecting the health, safety, or welfare of the foster child.
11. Foster parents shall cooperate with the child placement agency and the Licensing Unit in conducting inspections and investigations and shall provide information required to verify compliance with rules.
12. Foster parents shall maintain absolute confidentiality of private information about each foster child and the birth family.

13. The foster parents shall give advance notice to the agency of any major changes that affect the life and circumstances of the foster family, including a change of residence, when possible.
14. Foster parents shall keep periodic photographs, a record of the child's memberships, activities, and participation in extracurricular school or church activities, trophies, awards, ribbons, etc. for each foster child. These items shall be offered ~~and~~ or returned to the child upon change in placement.
15. The foster parents shall ensure that each child has sufficient sleep for his or her age and physical condition.
16. Each child shall be instructed in good grooming and personal hygiene habits.
17. The foster parents shall ensure each child is provided with opportunities for regular recreational activities and exercise.
18. The foster parents shall ensure each child shall be provided with age-appropriate activities and equipment.
19. The use of television, videos, computer games, and other screen time activities shall be monitored and time limited.
20. Foster parents shall comply with the roles and responsibilities of the Placement Agreement developed by the Placement Agency.
21. Foster parents shall not engage in the use of illegal substances, abuse alcohol by consuming excessive amounts, or abuse legal prescription drugs or non-prescription drugs by consuming them in excess amounts or using them contrary to as prescribed or indicated.
- ~~19.~~ 22. Foster parents shall adhere to the Placement agency's reasonable and prudent standard.

214 Medications

1. Foster parents shall administer medications only in accordance with directions on the label.

~~All over the counter medications shall be stored in an area not readily accessible to children, and all prescription medications excluding Epi pens, inhalers, and Glucagon kits shall be locked. An age-appropriate and developmentally capable child may be provided or~~

~~have access to non-narcotic prescriptions with an approved safety plan. Examples include, but are not limited to, birth control, acne cream, topical creams.~~

~~aA.~~ All over-the-counter medications shall be stored in an area not readily accessible to children, according to the age and development of each child in the home.

~~bB.~~ All prescription medications excluding Epi-pens, inhalers, and Glucagon kits shall be locked. An age appropriate and developmentally capable child may be provided or have access to non-narcotic prescriptions with an approved safety plan. Examples include, but are not limited to, birth control, acne cream, and topical creams.

23. Medication shall be stored in accordance with pharmaceutical recommendations.

43. Foster parents shall be aware of possible side effects of all medications administered to foster children.

45. All medications shall be logged by the foster parent at the time the medication is administered.

56. The medication logs shall include:

- a. Child's name;
- b. Time and date;
- c. Medication and dosage;
- d. Initials of the person administering the medication.

6.

All currently prescribed medication shall be provided at placement.

Content of the Home Study

1. The agency shall complete a home study for each foster home.
2. The agency shall conduct at least ~~two (2) visits in person with the foster parent applicants, including at least one (1) visit to the home.~~ one (1) scheduled in-home interview for each household member to observe family functioning and assess the family's capacity to meet the needs of children in foster care.
3. The agency shall interview every age-appropriate member of the household.
4. The home study shall include the following information:
 - a. Motivation: ~~t~~The individual's motivation for becoming foster parents;
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 - e. Income and Expenses: ~~e~~Employment history for the last six (6) years (duration, salary, duties, title, degree of job security, hours), other sources of income, monthly living expenses, outstanding debts, and insurance;
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- n. Approval: ~~i~~ If the agency approves the foster parent(s), the agency shall recommend in the home study the number, age, gender, and other characteristics of children for whom the home is approved to provide care.

5. The Placement agency may require further documentation or evaluation to determine the suitability of the home.

308 Physical Requirements of the Home

- 1. The foster home ~~shall be accessible~~ shall have access to community resources needed by foster children.
- 2. The foster home shall be clean and free of hazards.
- 3. The foster home shall have a continuous supply of sanitary drinking water. If the source is not a municipal water system, the water shall be tested and approved by the Arkansas Department of Health annually. ~~This approval shall be kept in~~ This approval will be added to the foster home case record.
- 4. The foster home shall have at least one (1) flushing toilet, one (1) sink with running water, and one (1) bathtub or shower with hot and cold running water.
- 5. ~~5 There shall be operational smoke detectors within ten (10) feet of the kitchen and each bedroom.~~ An operational smoke detector is required for each bedroom.
- 6. ~~There shall be an~~ An operational chemical fire extinguisher must be readily accessible near the cooking area of the home.

7. The foster parents shall practice and document emergency evacuation drills with each new child entering the home, and at least quarterly thereafter.
8. All heating units with hot external areas shall be screened or otherwise shielded.
9. The home shall have at least one (1) exterior door that exits directly to the outside, ~~or the home shall have~~ an alternate fire escape route.
10. The home shall have an operational telephone that is accessible to the children. Working cell phones kept on the premises are acceptable. ~~The phone shall be accessible for children.~~
- ~~1011.~~ Each child shall have adequate space for storing clothing and personal belongings.
- ~~1112.~~ All household pets shall have proof of current rabies vaccinations as required by Arkansas law.
- ~~1213.~~ All firearms shall be maintained in a secure, locked location or secured by a trigger lock.
- ~~1314.~~ All ammunition shall be secured and locked separately from firearms unless they are stored in a safe, hand-gun safe, or a long gun safe.
- ~~1415.~~ The foster home record shall contain an agency approved safety plan for any noted hazards. The safety plan shall be signed by all caregivers in the foster home and an agency representative.
- ~~1516.~~ A current floor plan of the home with room dimensions for all rooms used for sleeping shall be in the foster home record.
17. Manufactured homes, used as foster homes, shall have an agency approved safety plan for tornado safety. The safety plan shall be signed by all caregivers in the foster home and an agency representative.
18. The foster home shall be a house, a mobile home, housing unit, or apartment occupied by an individual or a family.
19. The foster home, grounds, and all structures on the property shall be maintained in a clean, safe, and sanitary condition and in a reasonable state of repair within community standards.
20. The foster home interior and exterior must be free from dangerous objects and conditions, and from hazardous materials.

21. All poisonous materials, cleaning supplies, other hazardous materials, and alcoholic beverages, shall be stored in an area not readily accessible to children, as appropriate for the age and development of each child.
- 22.1. The foster home shall have proper trash and recycling disposal.
232. The foster home shall be free of rodent and insect infestation.
24. The foster home shall be equipped with a properly operating kitchen that includes a sink with hot and cold running water, refrigerator, stove, and oven.
25. The foster home shall have adequate lighting and ventilation.
26. The foster home shall have a heating, ventilating, and air conditioning source, maintained in safe operating condition, that keeps the temperature a minimum of sixty-five (65) degrees and a maximum of eighty-five (85) degrees.
27. The foster home shall be free of obvious fire hazards such as defective heating equipment or improperly stored flammable materials.
28. There shall be an operational smoke detector on each level of occupancy of the foster home.
29. There shall be a carbon monoxide detector on each level of occupancy of the foster home and near all sleeping areas.
30. The foster home shall have a safe operating water heater that has a recommended temperature at, or below 120-degree Fahrenheit as tested at the plumbing fixture nearest the water heater.
31. The foster home shall maintain adequate first aid supplies for emergencies.
32. Foster parents shall maintain, and post in a prominent place, a list of emergency telephone numbers, including poison control.
33. Foster parents shall not permit a child to enter a pool area unless accompanied by an adult.
34. The foster home record shall contain a water safety plan for supervision of children during water activities. The plan shall be signed by all caregivers in the foster home and an emergency representative.

35. Swimming pools shall be enclosed or shall have an approved manual or power operated child safety cover that meets the standards of the American Society for Testing and Materials (ASTM) adopted by the Consumer Product Safety Commission. Please note that solar pool covers and winter pool covers are not safety covers. The ASTM requires that a pool cover be able to hold a minimum of 485 pounds per five (5) square feet in order to qualify as a safety cover.
36. Inground pools without an approved child safety cover shall be protected by an enclosure (wall, fence, or barrier) that surrounds the pool area.
37. Unless local code provides otherwise, an enclosure shall meet the following:
- a. Entirely enclose the pool area;
 - b. Be at least five (5) feet high;
 - c. Have no openings other than doors or gates through which an object of four (4) inches in diameter can pass;
 - d. Have no openings, handholds, or footholds accessible from the exterior side, that can be used to climb the barrier; and
 - e. Be at least twenty (20) inches from the water's edge.
38. Gates or other methods of access to the pool area shall meet the following:
- a. Open outward from pool;
 - b. Be self-closing; and
 - c. Have a latch:
 - 1. Located at least fifty-four (54) inches above the underlying ground;
 - 2. Located on the pool side of the gate with the latch's release mechanism located at least five (5) inches below the top of the gate and no opening greater than one-half (.5) inch within twenty-four (24) inches of the release mechanism; or

3. Located at any height if secured by a padlock or similar device which requires a key, electric opening, or integral combination.

39. The wall of a house or building shall not be used in lieu of a barrier to the pool with the exception of a solid wall that does not have windows, doors, or other openings. When a wall is used as a barrier, the remaining three (3) sides shall be protected by an enclosure (wall, fence, or barrier) that surrounds the pool area or have an approved child safety cover. The enclosure shall meet the following:

a. Entirely encloses the pool area;

b. Be at least five (5) feet high;

c. Have no openings other than doors or gates through which an object of four (4) inches in diameter can pass;

d. Have no openings, handholds, or footholds accessible from exterior side that can be used to climb the barrier;

e. Be at least twenty (20) inches from the water's edge;

f. Provides a gate or method of access to the pool area that shall meet the following:

1. Opens outward from the pool;

2. Be self-closing and self-latching; and

3. Have a latch;

g. Located at least fifty-four (54) inches above the underlying ground;

h. Located on the pool side of the gate with the latch's release mechanism located at least five inches below the top of the gate and no opening greater than on-half (.5) inches within twenty-four (24) inches of the release mechanism; or,

i. Located at any height if secured by a padlock or similar device which requires a key, electric opening, or integral combination.

40. All above ground pools shall have non-climbable exterior side walls with a minimum height of four (4) feet and have access ladders or steps that are removable and able to be secured when the pool is not in use.
41. Swimming pools shall be equipped with a life saving device such as a ring buoy.
42. All portable pools (inflatable and wading pools) shall be fenced or emptied and stored after every use.
43. Swimming pools that cannot be emptied after each use shall have a working pump and filtering system.
44. Hot tubs and spas shall have locking safety covers that are locked when not in use.

309 **Sleeping Arrangements**

1. Each household occupant shall have a bedroom that provides privacy.
2. Each bedroom shall have at least fifty (50) square feet of floor space per occupant.
3. Each bedroom used for foster children shall have a window to the outside which is capable of serving as an emergency escape.
4. Bars, ~~grilles~~ grilles, grates, or other items that block access to the window are permitted only if they can be removed from the inside without the use of a key, tool, or force greater than that required for normal operation of the window. In this event, each such bedroom shall have a working smoke detector in the bedroom.
5. No more than four (4) children shall share a bedroom.
6. ~~Each household occupant shall have a bed with a mattress, sheets, pillow, pillowcase, and adequate cover, all in good condition.~~ foster child shall be provided a safe bedroom as appropriate for the child's needs and age that includes a bed with a mattress, sheets, pillow, pillowcase, and adequate cover, all in good condition, and similar to other household members.
7. Children of the opposite sex shall not share the same bedroom if either child is four (4) years old or older, except for a parent in foster care with her child.
8. ~~No children shall share a bed if either child is~~ Children four (4) years old or older cannot share the same bed.
9. ~~No child~~ Children under age six (6) years ~~shall~~ cannot occupy a top bunk.

10. Foster children, except infants under age two (2) years, shall not share a sleeping room with adults; this age would increase through age four (4) for a grandparent to the child ~~and~~ or a teen parent in foster care with her child.
11. All cribs used for children shall have current certification of compliance with Consumer Product Safety Commission (CPSC) standards.
12. Children twelve (12) months of age and below shall be placed flat on their backs to sleep, in accordance with American Academy of Pediatrics guidelines, to lessen the risk of suffocation and Sudden Infant Death Syndrome. (If a child rolls over on ~~his/her~~ his or her own, the facility is not required to reposition the child.) If there is a medical reason a child cannot sleep on ~~his/her~~ his or her back, a signed statement from the child's physician shall be in the file stating the reason, the sleep position indicated, and the time frame required.
13. Bedding shall be changed at least weekly, more often if needed.
14. Foster parents shall not co-sleep or share a bed with a foster child of any age, including infants.

310 Approval of Foster Homes

1. A foster home can be approved only by one (1) agency.
2. At least three (3) positive personal references shall be obtained on the foster family ~~from non-relatives.~~ including at least one (1) from a relative and one (1) from a non-relative.
3. Each member of the foster family shall have a physical exam within twelve (12) months before the initial approval.
4. ~~Foster parents shall be trained in crisis prevention and intervention before a child is placed in the home.~~
4. Pre--service training shall include the following topics:
 - a. Legal rights;
 - b. Roles, responsibilities, and expectations of foster parents;
 - c. Agency structure, purpose, policies, and services;

- d. Laws and regulations as related to foster homes or foster children;
 - e. The impact of childhood trauma;
 - f. Managing child behaviors;
 - g. Medication administration; and
 - h. The importance of maintaining meaningful connections between the child and parents, including regular visitation.
5. Prior to the placement of children in their home, foster parents shall complete at least thirty (30) hours of skill-based pre-service training (excluding CPR and First Aid) consistent with the agency's treatment methodology and the needs of the population served.
 6. Foster parent(s) shall have a current certificate of completion of First Aid and CPR before a child is placed in the home. The training shall require hands-on skilled based instruction as well as practical testing. Training and certification that is provided solely ~~on-line~~online will not be accepted.
 - ~~7.~~ Foster parents shall provide documentation that they carry homeowner's or renter's insurance and general liability insurance.
 - ~~7.~~
 8. Foster homes shall not also operate as Child Care Family Homes.
 9. Foster homes shall not provide compensated care for any non-related adults in the foster home, unless providing transitional care for a person placed in care prior to age eighteen (18).
 10. There shall be an annual approval letter from the approving agency in the foster home record.
 11. If a foster home moves from one (1) placement agency to another all requirements for opening a new foster home shall be met.
 12. Foster parents must be able to communicate with the foster child, the placement agency, health care providers, and other services providers.
 - ~~11-13.~~ At least one (1) foster parent in the home must have functional literacy, such as having the ability to read medication labels.

312 Continued Training of Foster Parents

1. Each therapeutic foster parent shall complete at least twenty-four (24) hours of skill-based training annually, excluding CPR and First Aid.
2. Documentation verifying annual training shall be dated and indicate the number of hours, the name of the source, and topic and title.
3. Each foster parent shall maintain a current certificate of successful completion of hands-on, skill-based CPR and First Aid. Training and certification that is provided solely ~~on-line~~ online will not be accepted.
4. Foster parents shall participate in ongoing training to receive instruction that supports their parental roles and ensures the foster parent is up to date with agency and licensing requirements.
- ~~3-5.~~ Annual training may include, but is not limited to, child-specific training or issues relevant to the general population of children in foster care.

313 Therapeutic Foster Parent Responsibilities

1. Foster Parents shall be responsible for providing the level of supervision, care, and treatment necessary to ensure the safety and well-being of each child placed into their home, ~~taking into account~~ considering the child's age, individual differences and abilities, surrounding circumstances, hazards, and risks.
2. Foster parents shall provide each child with adequate and nutritious food.
3. Foster parents shall provide regular activities to promote the physical, social, intellectual, spiritual, and emotional development of the children in their care.
4. Foster parents shall provide each child with their own clothing that is clean, well-fitted, seasonal, appropriate to age and gender, and comparable to community standards.
5. Foster parents shall allow foster children to acquire and keep personal belongings.
6. Foster parents shall fully cooperate with the child placement agency's case plan for each foster child, including visitation.
7. Foster parents shall provide routine transportation for each child.
8. Foster parents shall participate in case planning and case plan reviews.

9. Foster parents shall attend school conferences concerning a foster child and ~~shall~~ notify the placing agency of any situations that may affect the case plan or require agency involvement.
10. Foster parents shall notify the child placement agency promptly of serious illness, injury, or unusual circumstances affecting the health, safety, or welfare of the foster child.
11. Foster parents shall cooperate with the child placement agency and the Licensing Unit in conducting inspections and investigations and shall provide information required to verify compliance with rules.
12. Foster parents shall maintain absolute confidentiality of private information about each foster child and the birth family.
13. Foster parents shall give advance notice to the agency of any major changes that affect the life and circumstances of the foster family, including a change of residence, when possible.
14. Foster parents shall keep periodic photographs, a record of the child's memberships, activities, and participation in extracurricular school or church activities, trophies, awards, ribbons, etc. for each foster child. These items shall be offered ~~and/or~~ returned to the child upon change in placement.
15. Foster parents shall be provided with a written list of duties clearly detailing their responsibilities.
16. Foster parents shall be responsible for implementing in-home treatment strategies specified in each child's treatment plan.
17. Foster parents shall keep an ongoing written record of each child's behavior and progress toward treatment goals.
18. The foster parents shall ensure that each child has sufficient sleep for ~~his/her~~ his or her age and physical condition.
19. Each child shall be instructed in good grooming and personal hygiene habits.
20. The foster parents shall ensure each child is provided with opportunities for regular recreational activities and exercise.
21. The foster parents shall ~~ensure each child shall be provided~~ provide each child with age-appropriate activities and equipment.
22. The use of television, videos, computer games, and other screen time activities shall be monitored and time limited.

23. Foster parents shall comply with the roles and responsibilities of the Placement Agreement developed by the Placement Agency.
24. Foster parents shall not engage in the use of illegal substances, abuse alcohol by consuming in excessive amounts, or abuse legal prescription drugs and/or non-prescription drugs by consuming them in excess or using them contrary to as prescribed or indicated.
- ~~22.~~25. Foster parents shall adhere to the Placement Agency's reasonable and prudent parent standard.

314 Medications

1. The agency shall have an intervention policy that is non-medical, unless a specific medical condition is indicated.
2. When psychotropic medications are prescribed by a physician they shall be used in concert with other interventions.
3. Foster parents shall administer medications only in accordance with directions on the label.

~~All over-the-counter medications shall be stored in an area not readily accessible to children, and all prescription medications excluding Epi pens, inhalers, and Glucagon kits shall be locked. An age appropriate and developmentally capable child may be provided or have access to non-narcotic prescriptions with an approved safety plan. Examples include, but are not limited to, birth control, acne cream, topical creams.~~

- a. All over-the-counter medications shall be stored in an area not readily accessible to children, according to the age and development of each child in the home.
- b. All prescription medications excluding Epi-pens, inhalers, and Glucagon kits shall be locked. An age appropriate and developmentally capable child may be provided or have access to non-narcotic prescriptions with an approved safety plan. Examples

include, but are not limited to, birth control, acne cream, or topical creams.

4. Medication shall be stored in accordance with pharmaceutical recommendations.
5. Foster parents shall be aware of possible side effects of all medications administered to foster children.
6. All medication shall be logged by the foster parent at the time the medication is administered.
7. The medication logs shall include:
 - a. Child's name;
 - b. Time and date;
 - c. Medication and dosage; and
 - a-d. Initials of the person administering the medication.
8. All currently prescribed medication shall be provided at placement.

Content of the Home Study

1. The agency shall complete a home study for each foster home.
2. The agency shall conduct at least ~~two (2) visits in person with the foster parent applicants, including at least one (1) visit to the home.~~ one (1) scheduled in home interview for each household member to observe family functioning and assess the family's capacity to meet the needs of children in foster care.
3. The agency shall interview every age-appropriate member of the household.
4. The home study shall include the following information:
 - a. Motivation: ~~t~~The individual's motivation for becoming foster parents;
 - b. Household Composition: ~~t~~The full legal names of everyone residing in the home, birth dates, relationships to one another, and a brief physical description;
 - c. Housing: ~~a~~Address and location, type of structure, length of time at residence, upkeep and housekeeping standards, future residence plans, and sleeping arrangements;
 - d. Safety Hazards: ~~a~~An assessment of the safety of the home and grounds including water hazards, swimming pools, hot tubs, dangerous pets, and other hazardous items and areas;
 - e. Income and Expenses: ~~e~~Employment history for the last six (6) years (duration, salary, duties, title, degree of job security, hours), other sources of income, monthly living expenses, outstanding debts, and insurance;
 - f. Health: ~~c~~Current health of each family member, prior illnesses or medical problems, disabilities, clinic or doctor utilized and frequency of use, counseling (when and purpose), and hospitalization for alcohol abuse, drug abuse, or mental illness;
 - g. Education: ~~P~~Parents' educational attainment, future educational plans, parenting classes attended;
 - h. Childcare Arrangements or Plans: ~~c~~Current arrangement or proposed arrangement as it relates to their working hours and income;
 - i. Child Rearing Practices: ~~p~~Purpose of behavior management, behavior guidance practices, how they show affection, how they handle stress, allowance, chores, and homework;
 - j. Daily Schedule;

- k. Social History: ~~h~~Highlights and verification regarding action of marriages and divorces, children, relationships' support system, future plans, any significant extended family members not living in the home, and any significant personal, developmental, personality or legal problems;
 - l. Family Activities: ~~r~~Religious interests, social organizations, activities with children, and family roles;
 - m. Impressions, Conclusions, and Recommendations: ~~e~~Evaluate the family's situation and ability to provide for a child based on the information obtained during the home study;- and
 - n. Approval: ~~I~~f the agency approves the foster parent(s), the agency shall recommend in the home study the number, age, gender, and other characteristics of children for whom the home is approved to provide care.
5. The Placement Agency may require further documentation or evaluation to determine the suitability of the home.

409 Physical Requirements of the Home

1. A sexual rehabilitative foster home shall not be located within one thousand (1000) feet of an elementary school, child care center, or child care family home.
2. The foster home shall be accessible to community resources needed by foster children.
3. The foster home shall be clean and free of hazards.
4. The foster home shall have a continuous supply of sanitary drinking water. If the source is not a municipal water system, the water shall be tested and approved by the Arkansas Department of Health annually. This approval shall be kept in the foster home case record.
5. The foster home shall have at least one (1) flushing toilet, one (1) sink with running water, and one (1) bathtub or shower with hot and cold running water.
6. ~~There shall be operational smoke detectors within ten (10) feet of the kitchen and each bedroom.~~ detector in each bedroom.
7. ~~6.~~ There shall be an operational chemical fire extinguisher, readily accessible, near the cooking area of the home.

- ~~8.7.~~ The foster parents shall practice and document emergency evacuation drills with each new child entering the home, and at least quarterly thereafter.
- ~~9.8.~~ All heating units with hot external areas shall be screened or otherwise shielded.
- ~~10.9.~~ The home shall have at least one (1) exterior door that exits directly to the outside, or the home shall have an alternate fire escape route.
- ~~11.10.~~ The home shall have an operational telephone. Working cell phones kept on the premises are acceptable. The phone shall be accessible for children.
- ~~12.11.~~ Each child shall have adequate space for storing clothing and personal belongings.
- ~~13.12.~~ All household pets shall have proof of current rabies vaccinations as required by Arkansas law.
- ~~14.13.~~ All firearms shall be maintained in a secure, locked location or secured by a trigger lock.
- ~~15.14.~~ All ammunition shall be secured and locked separately from firearms unless they are stored in a safe, hand-gun safe or a long gun safe.
- ~~16.15.~~ The foster home record shall contain an agency approved safety plan for any noted hazards. The safety plan shall be signed by all caregivers in the foster home and an agency representative.
- ~~17.16.~~ A current floor plan of the home with room dimensions for all rooms used for sleeping shall be in the foster home record.
- ~~17.~~ Manufactured homes, used as foster homes, shall have an agency approved safety plan for tornado safety. The safety plan shall be signed by all caregivers in the foster home and an agency representative.
- ~~18.~~ The foster home shall be a house, mobile home, housing unit, or apartment occupied by an individual or family.
- ~~19.~~ The foster home, grounds, and all structures on the property shall be maintained in a clean, safe, and sanitary condition and in a reasonable state of repair within community standards.
- ~~20.~~ The foster home interior and exterior must be free from dangerous objects and conditions, and from hazardous materials.
- ~~21.~~ All poisonous materials, cleaning supplies, other hazardous materials, and alcoholic beverages, shall be stored in an area not readily accessible to children, as appropriate for the age and development of each child.

22. The foster home shall have proper trash and recycling disposal.
23. The foster home shall be free of rodent and insect infestation.
24. The foster home shall be equipped with a properly operating kitchen that includes a sink with hot and cold running water, refrigerator, stove, and oven.
25. The foster home shall have adequate lighting and ventilation.
26. The foster home shall have a heating, ventilating, and air conditioning source, maintained in safe operating condition, that keeps the temperature a minimum of sixty-five (65) degrees and a maximum of eighty-five (85) degrees.
27. The foster home shall be free of obvious fire hazards such as defective heating equipment or improperly stored flammable materials.
28. There shall be an operational smoke detector on each level of occupancy of the foster home.
29. There shall be a carbon monoxide detector on each level of occupancy of the foster home and near all sleeping areas.
30. The foster home shall have a safe operating water heater that has a recommended temperature at or below one-hundred twenty (120) degrees Fahrenheit as tested at the plumbing fixture nearest the water heater.
31. The foster home shall maintain adequate first aid supplies for emergencies.
32. Foster parents shall maintain, and post in a prominent place, a list of emergency telephone numbers, including poison control.
33. Foster parents shall not permit a child to enter a pool area unless accompanied by an adult.
34. The foster home record shall contain a water safety plan for supervision of children during water activities. The plan shall be signed by all caregivers in the foster home and an agency representative.
35. Swimming pools shall be enclosed or shall have an approved manual or power operated child safety cover that meets the standards of the American Society for Testing and Materials (ATSM) adopted by the Consumer Product Safety Commission. Please note that solar pool covers and winter pool covers are not

safety covers. The ASTM requires that a pool cover be able to hold a minimum of 485 pounds per five (5) square feet in order to qualify as a safety cover.

36. Inground pools without an approved child safety cover shall be protected by an enclosure (wall, fence, or barrier) that surrounds the pool area.

37. Unless local code provides otherwise, an enclosure shall meet the following:

- a. Entirely enclose the pool area;
- b. Be at least five (5) feet high;
- c. Have no openings other than doors or gates through which an object of four (4) inches in diameter can pass;
- d. Have no openings, handholds, or footholds accessible from the exterior side, that can be used to climb the barrier; and
- e. Be at least twenty (20) inches from the water's edge.

38. Gates or other methods of access to the pool area shall meet the following:

- a. Open outward from pool;
- b. Be self-closing; and
- c. Have a latch:
 1. Located at least fifty-four (54) inches above the underlying ground;
 2. Located on the pool side of the gate with the latch's release mechanism located at least five (5) inches below the top of the gate and no opening greater than one-half (.5) inch within twenty-four (24) inches of the release mechanism; or
 3. Located at any height if secured by a padlock or similar device which requires a key, electric opening, or integral combination.

39. The wall of a house or building shall not be used in lieu of a barrier to the pool with the exception of a solid wall that does not have windows, doors, or other

openings. When a wall is used as a barrier, the remaining three (3) sides shall be protected by an enclosure (wall, fence, or barrier) that surrounds the pool area or have an approved child safety cover. The enclosure shall meet the following:

- a. Entirely encloses the pool area;
- b. Be at least five (5) feet high;
- c. Have no openings other than doors or gates through which an object of four (4) inches in diameter can pass;
- d. Have no openings, handholds, or footholds accessible from exterior side that can be used to climb the barrier;
- e. Be at least twenty (20) inches from the water's edge;
- f. Provides a gate or method of access to the pool area that shall meet the following:
 1. Opens outward from the pool;
 2. Be self-closing and self-latching; and
 3. Have a latch;
- g. Located at least fifty-four (54) inches above the underlying ground;
- h. Located on the pool side of the gate with the latch's release mechanism located at least five (5) inches below the top of the gate and no opening greater than on-half (.5) inches within twenty-four (24) inches of the release mechanism; or.
- i. Located at any height if secured by a padlock or similar device which requires a key, electric opening, or integral combination.

40. All above ground pools shall have non-climbable exterior side walls with a minimum height of four (4) feet and have access ladders or steps that are removable and able to be secured when the pool is not in use.

41. Swimming pools shall be equipped with a life saving device such as a ring buoy.

42. All portable pools (inflatable and wading pools) shall be fenced or emptied and stored after every use.
43. Swimming pools that cannot be emptied after each use shall have a working pump and filtering system.
44. Hot tubs and spas shall have locking safety covers that are locked when not in use.

410 Sleeping Arrangements

1. Each household occupant shall have a bedroom that provides privacy.
2. Each bedroom shall have at least fifty (50) square feet of floor space per occupant.
3. Each bedroom used for foster children shall have a window to the outside which is capable of serving as an emergency escape.
4. Bars, ~~grilles~~grilles, grates, or other items that block access to the window are permitted only if they can be removed from the inside without the use of a key, tool, or force greater than that required for normal operation of the window. In this event, each such bedroom shall have a working smoke detector in the bedroom.
5. Children placed in the foster home shall have individual bedrooms.
6. ~~Each household occupant shall have a bed with a mattress, sheets, pillow, pillowcase, and adequate cover, all in good condition.~~ foster child shall be provided a safe bedroom as appropriate for the child's needs and age, that includes a bed with a mattress, sheets, pillowcase, and adequate cover, all in good condition, and similar to other household members.
7. No child under age six (6) years shall occupy a top bunk.
8. Bedding shall be changed at least weekly, more often if needed.
9. Foster parents shall not co-sleep or bed share with a foster child of any age, including infants.

411 Approval of Foster Homes

1. A foster home can be approved only by one (1) agency.

2. At least three (3) positive personal references shall be obtained on the foster family ~~from non relatives~~. including at least one (1) from a relative and one (1) from a non-relative.
3. Each member of the foster family shall have a physical exam within twelve (12) months before the initial approval.
4. Foster parents shall be trained in crisis prevention and intervention before a child is placed in the home.
5. Prior to the placement of children in their home, foster parents shall complete at least thirty (30) hours of skill-based pre-service training (excluding CPR and First Aid) consistent with the agency's treatment methodology and the needs of the population served.

Pre--service training shall include the following topics:

- a. Legal rights;
 - b. Roles, responsibilities, and expectations of foster parents;
 - c. Agency structure, purpose, policies, and services;
 - d. Laws and regulations as related to foster homes or foster children;
 - e. The impact of childhood trauma;
 - f. Managing child behaviors;
 - g. Medication administration; and
 - h. The importance of maintaining meaningful connections between the child and parents, including regular visitation.
6. Foster parents shall complete fifteen (15) hours of sexual rehabilitative training in addition to their thirty (30) hours of pre-service training.
 7. At least one (1) hour of training on the program's safety plan shall be provided before placement of children into the foster home.
 8. Foster parent(s) shall be currently certified in hands-on, ~~skill-based~~ skill-based CPR and First Aid before a child is placed in the home. Training and certification that is provided solely ~~on-line~~ online will not be accepted.

9. Foster parents shall provide documentation that they carry homeowner's or renter's insurance and general liability insurance.
10. Foster homes shall not also operate as Child Care Family Homes.
11. Foster homes shall not provide compensated care for any non-related adults in the foster home, unless providing transitional care for a person placed in care prior to age eighteen (18).
12. There shall be an annual approval letter from the approving agency in the foster home record.
13. If a foster home moves from one (1) placement agency to another, all requirements for opening a new foster home shall be met.
14. Foster parents must be able to communicate with the foster child, the placement agency, health care providers, and other services providers.
15. At least one (1) parent in the home must have functional literacy, such as having the ability to read medication labels.

413 Continued Training of Foster Parents

1. Each foster parent shall complete at least twenty-four (24) hours of skill-based training annually, excluding CPR and First Aid.
2. Documentation verifying annual training shall be dated indicating the number of hours, the name of the source, and topic/title.
3. Each foster parent shall maintain a current certificate of successful completion of hands-on, skill-based CPR and First Aid. Training and certification that is provided solely on-line will not be accepted.
4. All foster parents shall receive at least ten (10) hours of sexual rehabilitative training annually, which may be included in the required twenty-four (24) hours of annual training.
5. Foster parents shall comply with the roles and responsibilities of the Placement Agreement developed by the Placement Agency.
6. Foster parents shall not engage in the use of illegal substances, abuse alcohol by consuming ~~in~~ excessive amounts, or abuse legal prescription drugs or non-

prescription drugs by consuming them in excessive amounts or using them contrary to as prescribed or indicated.

4.7. Foster parents shall adhere to the Placement Agency's reasonable and prudent parent standard.

415 Medications

1. The agency shall have an intervention policy that is non-medical, unless a specific medical condition is indicated.
2. When psychotropic medications are prescribed by a physician they shall be used in concert with other interventions.
3. Foster parents shall administer medications only in accordance with directions on the label.

~~All over-the-counter medications shall be stored in an area not readily accessible to children, and all prescription medications excluding EpiPen's, inhalers, and Glucagon kits shall be locked. An age-appropriate and developmentally capable child may be provided or have access to nonnarcotic prescriptions with an approved safety plan. Examples include, but are not limited to, birth control, acne cream, topical creams.~~

a. All over-the-counter medications shall be stored in an area not readily accessible to children, according to the age and development of each child in the home.

b. All prescription medications excluding Epi-pens, inhalers, and Glucagon kits shall be locked. An age appropriate and developmentally capable child may be provided or have access to non-narcotic prescriptions with an approved safety plan. Examples include, but are not limited to, birth control, acne cream, or topical creams.

5. Medication shall be stored in accordance with pharmaceutical recommendations.
6. Foster parents shall be aware of possible side effects of all medications administered to foster children.
7. All medication shall be logged by the foster parent at the time the medication is administered.
8. The medication logs shall include:

- a. Child's name;
- b. Time and date;
- c. Medication and dosage; and
- d. Initials of the person administering the medication.

9. All currently prescribed medication shall be provided at placement.

MARK-UP

Appendix B: PROHIBITED OFFENCES ~~OFFENSES~~

1. A person who is required to have a criminal records check under the Child Welfare Agency Licensing Act shall be absolutely and permanently prohibited from having direct and unsupervised contact with a child in the care of a child welfare agency if that person has pleaded guilty or nolo contendere to or been found guilty of any of the following offenses by any court in the State of Arkansas, of a similar offense in a court of another state, or of a similar offense by a federal court, unless the conviction is vacated or reversed:

01. Abuse of an endangered or impaired person, if felony,	§ 5-28-103;
02. Arson,	§ 5- 38-301 28-103;
03. Capital Murder,	§ 5-10-101;
04. Endangering the welfare of an incompetent person in the first degree,	§ 5-27-201;
05. Kidnapping,	§ 5-11-102;
06. Murder in the first degree,	§ 5-10-102;
07. Murder in the second degree,	§ 5-10-103;
08. Rape,	§ 5-14-103;
09. Sexual assault in the first degree,	§ 5-14-124;
10. Sexual assault in the second degree,	§ 5-14-125;

2. A person who is required to have a criminal records check under the Child Welfare Agency Licensing Act shall not be eligible to have direct and unsupervised contact with a child in the care of a child welfare agency if that person has pleaded guilty or nolo contendere to or been found guilty of any of the following offenses by a court in the State of Arkansas, of a similar offense in a court of another state, or of a similar offense by a federal court, unless the conviction is vacated or reversed:

01. Criminal attempt to commit any offenses;	§ 5-3-201;
02. Criminal complicity to commit any offenses;	§ 5-3-202;
03. Criminal conspiracy to commit any offenses ;	§ 5-3-401;
04. Criminal solicitation, to commit any offenses;	§ 5-3-301;
05. Assault in the first, second, or third degree;	§§ 5-13-205 to 207 207;
06. Aggravated assault;	§ 5-13-204;
07. Aggravated assault on a family or household member,	§ 5-26-306;
08. Battery in the first, second, or third degree,	§§ 5-13-201 to 203 203;
09. Breaking or entering,	§ 5-39-202;
10. Burglary,	§ 5-39-201;
11. Coercion,	§ 5-13-208;
12. Computer crimes against minors,	§ 5-27-601 et seq.;
13. Contributing to the delinquency of a juvenile,	§ 5-27-220;

14. Contributing to the delinquency of a minor,	§ 5-27-209;
15. Criminal impersonation,	§ 5-37-208;
16. Criminal use of a prohibited weapon,	§ 5-73-104;

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15. Criminal impersonation,	§ 5-37-208;
16. Criminal use of a prohibited weapon,	§ 5-73-104;
17. Communicating a death threat concerning a school employee or students:	§ 5-17-101;
18. Domestic battery in the first, second, or third degree,	§§ 5-26-303 to - /305;
19. Employing or consenting to the use of a child in a sexual performance,	§ 5-27-401;
17. Communicating a death threat concerning a school employee or students:	§ 5-17-101;
18. Domestic battery in the first, second, or third degree,	§ 5-26-303, /305;
19. Employing or consenting to the use of a child in a sexual performance,	§ 5-27-401;
20. Endangering the welfare of a minor in the first or second degree,	§§ 5-27-205 to - /206
21. Endangering the welfare of an incompetent person in the second degree,	§ 5-27-202;
22. Engaging children in sexually explicit conduct for use in visual or print media,	§ 5-27-303;
23. False imprisonment in the first or second degree,	§§ 5-11-103 to - /104;
24. Felony abuse of an endangered or impaired person,	§ 5-28-103;
25. Felony interference with a law enforcement officer,	§ 5-54-104;
26. Felony violation of the Uniform Controlled Substance Act,	§ 5-64-101 et seq.;
	§ 5- 64-501 et seq.;
27. Financial identity fraud,	§ 5-37-227;
28. - Forgery,	§ 5-37-201;
29. Incest,	§ 5-26-202;
30. Interference with court ordered custody,	§ 5-26-502;
31. Interference with visitation,	§ 5-26-501;
32. Introduction of controlled substance into the body of another person,	§ 5-13-210;
33. - Manslaughter,	§ 5-10-104;
34. Negligent homicide,	§ 5-10-105;
35. Obscene performance at a live public show,	§ 5-68-305;
36. Offense of cruelty to animals,	§ 5-62-103;
37. Offense of aggravated cruelty to dog, cat, or horse,	§ 5-62-104;
38. Pandering or possessing visual or print medium depicting sexually explicit conduct involving a child,	§ 5-27-304;
39. Sexual solicitation,	§ 5-70-103;

40. Permanent detention or restraint,	§ 5-11-106;
41. Permitting abuse of a minor,	§ 5-27-221;
42. Producing, directing, or promoting a sexual performance by a child,	§ 5-27-403;
43. Promoting obscene materials,	§ 5-68-303;
44. Promoting obscene performance,	§ 5-68-304;
45. Promoting prostitution in the first, second, or third degree,	§ 5-70-104— § 5-70-106;
46. Prostitution,	§ 5-70-102;
47. Public display of obscenity,	§ 5-68-205;
48. Resisting arrest,	§ 5-54-103;
49. Robbery,	§ 5-12-102;
50. Aggravated robbery,	§ 5-12-103;

Appendix B: Prohibited ~~Offences~~ Offenses

45. Promoting prostitution in the first, second, or third degree,	§§ 5-70-104 to -106;
46. Prostitution,	§ 5-70-102;
47. Public display of obscenity,	§ 5-68-205;
48. Resisting arrest,	§ 5-54-103;
49. Robbery,	§ 5-12-102;
50. Aggravated robbery,	§ 5-12-103;
51. Sexual offenses,	§ 5-14-101 et seq.;
52. Simultaneous possession of drugs and firearms,	§ 5-74-106;
53. Soliciting money or property from incompetents,	§ 5-27-229;
54. Stalking,	§ 5-71-229;
55. Terroristic act,	§ 5-13-310;
56. Terroristic threatening,	§ 5-13-301;
57. Theft of public benefits,	§ 5-36-202;
58. Theft by receiving,	§ 5-36-106;
59. Theft of property,	§ 5-36-103;
60. Theft of services,	§ 5-36-104;
61. Transportation of minors for prohibited sexual conduct,	§ 5-27-305;
62. Unlawful discharge of a firearm from a vehicle,	§ 5-74-107; and
63. Voyeurism,	§ 5-16-102.

3. A former or future law of this or any other state or of the federal government that is substantially equivalent to one (1) of the offenses listed in the Child Welfare Licensing Act shall be considered as prohibiting.

4. A person who is required to have a criminal records check under the Child Welfare Agency Licensing Act who has pleaded guilty or nolo contendere to or been found guilty of any of the offenses listed shall be absolutely disqualified from being an owner, operator, volunteer, foster parent, adoptive parent, member of a child welfare agency's board of directors, or employee in a child welfare agency during the period of the person's confinement, probation, or parole supervision unless the conviction is vacated or reversed.
5. Except as provided under the Child Welfare Agency Licensing Act, a person who has pleaded guilty or nolo contendere to or been found guilty of one (1) of the offenses listed shall not work in a child welfare agency unless:
 - a. The date of a plea of guilty or nolo contendere, or the finding of guilt for a misdemeanor offense is at least five (5) years from the date of the record check; and
 - b. There have been no criminal convictions or pleas of guilty or nolo contendere of any type or nature during the five-year period preceding the background check request.
6. Except as provided under the Child Welfare Licensing Act:

Appendix B: Prohibited Offenses

- ea a person who is required to have a criminal records check, who has pleaded guilty or nolo contendere to or been found guilty of any of the offenses listed shall be presumed to be disqualified to be an owner, operator, volunteer, foster parent, adoptive parent, member of a child welfare 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 unless the conviction is vacated or reversed.

Appendix B: Prohibited Offences

- b An owner, operator, volunteer, foster parent, adoptive parent, household member of a foster parent or adoptive parent, member of any child welfare agency's board of directors, or an employee in a child welfare agency shall not petition the Child Welfare Agency Review Board unless the agency supports the petition, which can be rebutted in the following manner:
 - i The applicant shall petition the Child Welfare Agency Review Board to make a determination that the applicant does not pose a risk of harm to any person;

ii. The applicant shall bear the burden of making such a showing;
and

iii. The Child Welfare Agency Review Board 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 pleaded guilty or nolo contendere to or been found guilty of an offense listed in this section upon making a determination that the applicant does not pose a risk of harm to any person served by the facility.

7. The Child Welfare Agency Review Board's decision to disqualify a person from being an owner, operator, volunteer, foster parent, adoptive parent, member of a child welfare agency's board of directors, or an employee in a child welfare agency under this section shall constitute the final administrative agency action of the Child Welfare Agency Review Board and is not subject to review.

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607 Ratio & Supervision

1. The facility shall not exceed its total licensed capacity.
2. There shall be a staff/child ratio of at least 1:9 during waking hours and at least 1:12 during sleeping hours. Staff members' children shall be counted in the ratio.
3. If any child is under age six (6) years, the ratio shall be at least 1:7 at all times.
4. Only staff who directly supervises children shall be counted in this ratio.
5. Child caring staff shall be responsible for providing the level of supervision, care, and treatment necessary to ensure the safety and well-being of each child at the facility, taking into account the child's age, individual differences and abilities, surrounding circumstances, hazards, and risks.
6. All child caring shift-staff, counted in the staff to child ratio, shall remain awake at all times. House parents are excluded from this requirement.
7. The facility shall maintain a daily census report to include the child's name and room or building assignment.

608 Health & Medical Care

1. Each child shall have a medical exam at least annually. Health exams need not be repeated during the year if a child moves from one (1) facility or agency to another, provided the results of the exam are available to the receiving facility or agency.
2. Staff shall supervise the administering of all medications.
3. The administering of all medications, including over-the-counter, shall be logged at the time the medication is given, by the person administering the medication.
4. The medication log shall include:
 - a. The child's name;
 - b. Time and date;
 - c. Medication dosage; and
 - d. Initials of the person administering the medication.
5. All medications excluding Epi-pens, inhalers, and Glucagon kits shall be kept securely locked, and stored according to pharmaceutical recommendations. An age-appropriate and developmentally capable child may be provided, or have access to non-narcotic prescriptions, with an approved safety plan. Examples include, but are not limited to, birth control, acne cream, topical creams.

6. Keys to medication storage areas shall be on the premises and readily accessible by staff at all times.
7. Currently prescribed medications belonging to children shall be returned to the parent or custodian upon discharge.

MARK-UP

800 TRANSITIONAL LIVING

In addition to all standards in Sections 100, the following standards shall be met:

Agencies holding a Transitional Living license will provide a continuum of care for youths that have turned eighteen (18) while in ~~the agency's residential program.~~ a licensed or exempt program.

801 Agency Responsibilities

- ~~1. The agency shall have maintain a residential license in good standing.~~
1. ~~The agency shall have~~The agency's written policies and procedures specific to the Transitional Living program; ~~which~~ shall include:
 - ~~a. Written rules of conduct and potential consequences for rule violations;~~
 - ~~a.~~
 - b. Transportation for residents; and
 - c. Medication management.
2. ~~The agency shall assign a specific caseworker to each~~Each youth in the Transitional Living program will be assigned a specific caseworker who will be responsible for to complete casework services according to the case plan.
3. The case plan shall be updated to reflect current goals.
4. ~~The case plan shall show a complete budget for the youth. This budget shall be~~ must include a budget that is developed jointly by the youth and the caseworker.
5. ~~The case plan,~~The case plan shall include written rules of conduct for the youth and shallthat include, but are not limited to, an agreement to abide by all federal, state, and local laws including curfew ordinances.
6. Written policies shall include emergency and crisis intervention procedures, including the youth's twenty-four (24)-hour ability to contact the agency.
7. ~~The assigned caseworker will~~shall visit the youth's residence at least once per month, andmonth and shall document the visit and observations in the case record. ~~The assigned caseworker shall visit the youth in the youth's residence not less than once per month. This visit and observations shall be documented in the case record.~~

802 Eligibility Requirements

1. ~~For a child to be eligible~~Eligibility for placement into the Transitional Living program include, the agency shall document:

a. — An evaluation by the caseworker or administrative staff to determine that placement in the Transitional Living program does not present a health or safety risk to the youth or the community;

~~b.a.~~ _____

e.b. _____ The resident youth is at least eighteen (18) years of age and is being transferred ~~directly from the residential~~ a licensed or exempt program into the Transitional Living program ~~without a break in the care given by the same agency. This applies to residents transferred after September 1, 2016.~~

~~d.c.~~ _____ The resident is knowledgeable in basic life-skills, including, but not limited to:

i. _____ money management;

ii. _____ food management;

iii. _____ personal appearance;

iv. _____ personal hygiene/health/birth control;

v. _____ housekeeping;

vi. _____ transportation;

vii. _____ emergency and safety skills;

viii. _____ knowledge of community resources;

ix. _____ interpersonal skills;

x. _____ legal skills;

xi. _____ housing;

xii. _____ educational planning; and

~~+~~xiii. _____ job-seeking and job maintenance skills.

e.d. _____ The resident is actively engaged in an educational program such as high school, GED, vocational training, or post-secondary education, including college. ~~If~~ When the youth has completed all educational requirements according to state law, ~~he/she~~ he or she shall be employed or actively involved in a supervised job search program.

803

Living Unit - Health & Safety

1. Each living unit shall have a bathroom, a kitchen, and other standard features for living independently.- Any exceptions (e.g., laundry arrangements) shall be noted in the case plan or accompanying documentation.
2. The living unit shall be accessible to community resources, including public transportation, if necessary.
3. Living units shall not be shared by different license types.
4. There shall be no more than four (4) residents in a living unit. ~~Facilities licensed before September 1, 2016, shall come into compliance through attrition.~~
5. The living unit shall be clean, safe, and in good repair.
6. There shall be operational smoke alarms within ten feet (10') ~~feet~~ of the kitchen and each bedroom.
7. There shall be an operational chemical fire extinguisher readily accessible near the cooking area of the living unit and the youth shall be instructed in its use.
8. The living unit shall have an operable telephone, or the youth shall be provided with an alternative means of emergency communication (e.g., cell phone).
9. Any pets shall be approved by the caseworker and shall have rabies vaccinations as required by law.
10. No firearms, dangerous weapons, or illegal substances shall be permitted in any living unit.
11. If the participating youth is the parent of a child living in ~~his/her~~ his or her care, the parent shall have current CPR ~~and~~ and First Aid certification and an approved child-care plan.
12. Each living unit shall be occupied by members of the same gender.
13. Overnight guests shall have prior approval of the caseworker and cannot include unrelated members of the opposite gender.

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OFFENSES

1. A person who is required to have a criminal records check under the Child Welfare Agency Licensing Act shall be absolutely and permanently prohibited from having direct and unsupervised contact with a child in the care of a child welfare agency if that person has pleaded guilty or nolo contendere to or been found guilty of any of the following offenses by any court in the State of Arkansas, of a similar offense in a court of another state, or of a similar offense by a federal court, unless the conviction is vacated or reversed:

01. Abuse of an endangered or impaired person, if felony,	§ 5-28-103;
02. Arson,	§ 5- 328-301 403 ;
03. Capital Murder,	§ 5-10-101;
04. Endangering the welfare of an incompetent person in the first degree,	§ 5-27-201;
05. Kidnapping,	§ 5-11-102;
06. Murder in the first degree,	§ 5-10-102;
07. Murder in the second degree,	§ 5-10-103;
08. Rape,	§ 5-14-103;
09. Sexual assault in the first degree,	§ 5-14-124;
10. Sexual assault in the second degree,	§ 5-14-125;

2. A person who is required to have a criminal records check under the Child Welfare Agency Licensing Act shall not be eligible to have direct and unsupervised contact with a child in the care of a child welfare agency if that person has pleaded guilty or nolo contendere to or been found guilty of any of the following offenses by a court in the State of Arkansas, of a similar offense in a court of another state, or of a similar offense by a federal court, unless the conviction is vacated or reversed:

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02. Criminal complicity to commit any offenses;	§ 5-3-202;
03. Criminal conspiracy to commit any offenses ;	§ 5-3-401;
04. Criminal solicitation, to commit any offenses;	§ 5-3-301;
05. Assault in the first, second, or third degree;	§§ 5-13-205 to 207 ;
06. Aggravated assault;	§ 5-13-204;
07. Aggravated assault on a family or household member,	§ 5-26-306;
08. Battery in the first, second, or third degree,	§§ 5-13-201 to 203 ;

09. Breaking or entering,	§ 5-39-202;
10.—Burglary,	§ 5-39-201;
11.—Coercion,	§ 5-13-208;
12. Computer crimes against minors,	§ 5-27-601 et seq;
13. Contributing to the delinquency of a juvenile,	§ 5-27-220;
14. Contributing to the delinquency of a minor,	§ 5-27-209;

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12. Computer crimes against minors,	§ 5-27-601 et seq.;
13. Contributing to the delinquency of a juvenile,	§ 5-27-220;
14. Contributing to the delinquency of a minor,	§ 5-27-209;
15. Criminal impersonation,	§ 5-37-208;
16. Criminal use of a prohibited weapon,	§ 5-73-104;
17. Communicating a death threat concerning a school employee or students:	§ 5-17-101;
18. Domestic battery in the first, second, or third degree,	§§ 5-26-303 to — /305;
19. Employing or consenting to the use of a child in a sexual performance,	§ 5-27-401;
20. Endangering the welfare of a minor in the first or second degree,	§§ 5-27-205 to — /206;
21. Endangering the welfare of an incompetent person in the second degree,	§ 5-27-202;
22. Engaging children in sexually explicit conduct for use in visual or print media,	§ 5-27-303;
23. False imprisonment in the first or second degree,	§§ 5-11-103 to — /104;
24. Felony abuse of an endangered or impaired person,	§ 5-28-103;
25. Felony interference with a law enforcement officer,	§ 5-54-104;
26. Felony violation of the Uniform Controlled Substance Act,	§ 5-64-101 et seq.;
27. Financial identity fraud,	§ 5-37-227;
28.—Forgery,	§ 5-37-201;
29. Incest,	§ 5-26-202;
30. Interference with court ordered custody,	§ 5-26-502;
31. Interference with visitation,	§ 5-26-501;
32. Introduction of controlled substance into the body of another person,	§ 5-13-210;
33.—Manslaughter,	§ 5-10-104;
34. Negligent homicide,	§ 5-10-105;
35. Obscene performance at a live public show,	§ 5-68-305;
36. Offense of cruelty to animals,	§ 5-62-103;
37. Offense of aggravated cruelty to dog, cat, or horse,	§ 5-62-104;
38. Pandering or possessing visual or print medium depicting sexually explicit conduct involving a child,	§ 5-27-304;

39. Sexual solicitation,	§ 5-70-103;
40. Permanent detention or restraint,	§ 5-11-106;
41. Permitting abuse of a minor,	§ 5-27-221;
42. Producing, directing, or promoting a sexual performance by a child,	§ 5-27-403;
43. Promoting obscene materials,	§ 5-68-303;
44. Promoting obscene performance,	§ 5-68-304;
45. Promoting prostitution in the first, second, or third degree,	§ 5-70-104- § 5-70-106;
46. Prostitution,	§ 5-70-102;
47. Public display of obscenity,	§ 5-68-205;
48. Resisting arrest,	§ 5-54-103;
49. Robbery,	§ 5-12-102;

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45. Promoting prostitution in the first, second, or third degree,	§§ 5-70-104 to -106;
46. Prostitution,	§ 5-70-102;
47. Public display of obscenity,	§ 5-68-205;
48. Resisting arrest,	§ 5-54-103;
49. Robbery,	§ 5-12-102;
50. Aggravated robbery,	§ 5-12-103;
51. Sexual offenses,	§ 5-14-101 et seq.;
52. Simultaneous possession of drugs and firearms,	§ 5-74-106;
53. Soliciting money or property from incompetents,	§ 5-27-229;
54. Stalking,	§ 5-71-229;
55. Terroristic act,	§ 5-13-310;
56. Terroristic threatening,	§ 5-13-301;
57. Theft of public benefits,	§ 5-36-202;
58. Theft by receiving,	§ 5-36-106;
59. Theft of property,	§ 5-36-103;
60. Theft of services,	§ 5-36-104;
61. Transportation of minors for prohibited sexual conduct,	§ 5-27-305;
62. Unlawful discharge of a firearm from a vehicle,	§ 5-74-107;
63. Voyeurism,	§ 5-16-102.

3. A former or future law of this or any other state or of the federal government that is substantially equivalent to one (1) of the offenses listed in the Child Welfare Licensing Act shall be considered as prohibiting.
4. A person who is required to have a criminal records check under the Child Welfare Agency Licensing Act who has pleaded guilty or nolo contendere to or been found guilty of any of the offenses listed shall be absolutely disqualified from being an owner, operator, volunteer, foster parent, adoptive parent, member of a child welfare agency's board of directors, or

employee in a child welfare agency during the period of the person's confinement, probation, or parole supervision unless the conviction is vacated or reversed.

5. Except as provided under the Child Welfare Agency Licensing Act, a person who has pleaded guilty or nolo contendere to or been found guilty of one (1) of the offenses listed shall not work in a child welfare agency unless:
 - a. The date of a plea of guilty or nolo contendere, or the finding of guilt for a misdemeanor offense is at least five (5) years from the date of the record check; and
 - b. There have been no criminal convictions or pleas of guilty or nolo contendere of any type or nature during the five-year period preceding the background check request.

Appendix B: Prohibited Offenses

7.6. Except as provided under the Child Welfare Licensing Act:

- a. a person who is required to have a criminal records check, who has pleaded guilty or nolo contendere to or been found guilty of any of the offenses listed shall be presumed to be disqualified to be an owner, operator, volunteer, foster parent, adoptive parent, member of a child welfare 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 unless the conviction is vacated or reversed.

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- b. An owner, operator, volunteer, foster parent, adoptive parent, household member of a foster parent or adoptive parent, member of any child welfare agency's board of directors, or an employee in a child welfare agency shall not petition the Child Welfare Agency Review Board unless the agency supports the petition, which can be rebutted in the following manner:

- i. The applicant shall petition the Child Welfare Agency Review Board to make a determination that the applicant does not pose a risk of harm to any person;

- ii. The applicant shall bear the burden of making such a showing; and

ii.iii. The Child Welfare Agency Review Board 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 pleaded guilty or nolo contendere to or been found guilty of an offense listed in this section upon making a determination that the applicant does not pose a risk of harm to any person served by the facility.

7. _____ The Child Welfare Agency Review Board's decision to disqualify a person from being an owner, operator, volunteer, foster parent, adoptive parent, member of a child welfare agency's board of directors, or an employee in a child welfare agency under this section shall constitute the final administrative agency action of the Child Welfare Agency Review Board and is not subject to review.

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