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## MEMORANDUM

TO: Interested Persons and Providers

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

DATE: February 13, 2022

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

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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](mailto: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 **March 14, 2022**.

## NOTICE OF RULE MAKING

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, and 25-10-129.

### **Effective June 1, 2022:**

**Background:** The Child Welfare Agency Review Board, through the Director of 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. DCCECE also makes revisions to incorporate Acts 269, 673, and 772 of the Arkansas 93<sup>rd</sup> General Assembly. The acts amended the law concerning criminal record and child welfare checks, corporal punishment, and licensing of Psychiatric Residential Treatment Centers (PRTC).

**Minimum Licensing Standards for Child Welfare Agencies (Placement and Residential) changes:** Revisions are being issued to the Minimum Licensing Standards for Child Welfare Agencies (Placement and Residential). Both manuals incorporate the Child Welfare Agency Review Board prohibition on corporal punishment, FBI background check requirements, and technical and format corrections. The changes to the Placement Standards also 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:**

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. Also added were 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. Similarly 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 to pool safety measures include a requirement for adult supervision as well as a water safety plan for supervision of children during water activities. Updates and additions were made both over the counter and prescription medications and limiting access to them.

Also added were 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. Spelling corrections were made to Appendix B.

### **Summary of Changes for Residential Standards:**

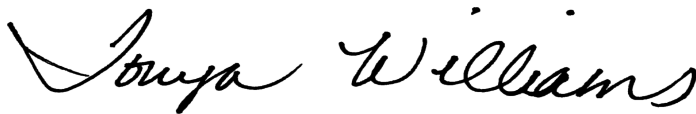
Sections were updated to include the requirement for agencies holding a Transitional Living License to provide a continuum of care for youths that have turned eighteen (18) while in the agency's program, and to clarify a caseworker's responsibilities toward the youth regarding budgeting and monthly home visits. The residential license requirement was removed 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. Additional revisions include provisions from Act 772 concerning termination for non-operating licensees; termination for non-compliance for six consecutive months; and permit and license requirements for new license or expanding capacity. 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/do-business-with-dhs/proposed-rules/>. Public comments must be submitted in writing at the above address or at the following email address: [ORP@dhs.arkansas.gov](mailto:ORP@dhs.arkansas.gov). All public comments must be received by DHS no later than March 14, 2022. 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.

A public hearing by remote access only through a Zoom webinar will be held on March 2, 2022, at 11:00 a.m. and public comments may be submitted at the hearing. Individuals can access this public hearing at <https://us02web.zoom.us/j/82429136830>. The webinar ID is 824 2913 6830. If you would like the electronic link, "one-tap" mobile information, listening only dial-in phone numbers, or international phone numbers, please contact ORP at [ORP@dhs.arkansas.gov](mailto:ORP@dhs.arkansas.gov)

If you need this material in a different format, such as large print, contact the Office of Rules Promulgation at 501-534-4138.

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. 4502028114



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

**Minimum Licensing  
Standards**  
**for**  
**Child Welfare Agencies**



Child Welfare Agency Review Board

&

Arkansas Department of Human Services

Division of Child Care and Early Childhood Education

**Placement and Residential Licensing Unit**



PLACEMENT

**PUB 04 (R 06/01/2022)**

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# INTRODUCTION

“The Child Welfare Licensing Act,” (Ark. Code Ann. § 9-28-401 et. seq.), ~~(the Act)~~ is the legal authority under which the Child Welfare Agency Review Board establishes minimum licensing standards for child welfare agencies, as defined under the statute.

## Child Welfare Agency Review Board

The Child Welfare Agency Review Board (~~B~~the board) shall promulgate and publish rules setting minimum standards governing the granting, revocation, refusal, conversion, and suspension of licenses for a child welfare agency and the operation of a child welfare agency.

The ~~Board~~board may consult with such other agencies, organizations, or individuals as it ~~shall~~deems proper.

The ~~b~~Board shall take any action necessary to prohibit any person, partnership, group, corporation, organization, or association not licensed or exempted from licensure pursuant to this ~~chapter~~regulation from advertising, placing, planning for, or assisting in the placement of any unrelated minor for purposes of adoption or for care in a foster home. The prohibition against advertising shall not apply to persons who are seeking to add to their own family by adoption.

The ~~Board~~board may amend the rules promulgated pursuant to this section, from time to time, in accordance with the rule promulgation procedures in the Arkansas Administrative Procedure Act, § 25-15-201 et seq.

The ~~Board~~board shall promulgate rules that:

1. Promote the health, safety, and welfare of children in the care of a child welfare agency~~;~~;
2. Promote safe and healthy physical facilities~~;~~;
- ~~3.~~—Ensure adequate supervision of the children by capable, qualified, and healthy individuals~~;~~;

3.\_\_\_\_\_

4. Ensure appropriate educational programs and activities for children in the care of a child welfare agency~~§~~~~2~~
5. Ensure adequate and healthy food service~~§~~~~2~~
6. Include procedures for the receipt, recordation, and disposition of complaints regarding allegations of violations of this subchapter, of the rules promulgated under the Child Welfare Agency Licensing Act, or of child maltreatment laws~~§~~~~2~~
- 7.\_\_\_\_\_ Include procedures for the assessment of child and family needs and for the delivery of services designed to enable each child to grow and develop in a permanent family setting~~§~~~~2~~

7.\_\_\_\_\_

~~8.~~ Ensure that criminal record checks and central registry checks are completed on owners, operators, employees, volunteers, foster parents, adoptive parents, and other persons in the homes as set forth in this subchapter~~§,§~~

~~8.~~

~~9.~~ Require the compilation of reports and making those reports available to the division when the board determines it is necessary for compliance determination or data compilation~~§,§~~

~~9.~~

~~10.~~ Ensure that a child placement agency:

~~10.~~

~~—~~ Treats clients seeking or receiving services in a professional manner, as defined by rules promulgated pursuant to this act; and

a.

~~b.a.~~ Provides clients seeking or receiving services from a child placement agency that provides adoption services with the phone number and address of the Child Welfare Agency Licensing Unit of the Department of Human Services where complaints can be lodged.

~~1.~~ Require that all child placement agencies that provide adoption services fully apprise in writing all clients involved in the process of adopting a child of the agency's adoption program or services, including all possible costs associated with the adoption program~~§, and And~~

~~11.~~

~~—~~ Establish rules governing retention of licensing records maintained by the division.

~~12.~~

A licensed child placement agency may adopt and apply internal operating procedures that meet or exceed the minimum standards required by the board.

~~The~~ Arkansas Administrative Procedure Act, Ark. Code Ann. § 25-15-201 et seq., shall apply to all proceedings brought to the ~~Board~~board under this subchapter, except that the following provisions shall control during adverse action hearings to the extent that they conflict with the Arkansas Administrative Procedure Act:

1. All parties to an adverse action shall be entitled to engage in and use formal discovery as provided for in Rules 26, 28, 29, 30, 31, 32, 33, 34, and 36 of the Arkansas Rules of Civil Procedure including:



~~Introduction~~INTRODUCTION

- a. Requests for admission;
  - b. Request for production of documents and things;
  - c. Written interrogatories; and
  - ~~a.~~—Oral and written depositions.
  - d.—
2. All evidentiary rulings in an adverse action hearing shall be governed by the Arkansas Rules of Evidence<sub>2</sub> with respect to the following types of evidence:
  - ~~a.~~—The requirements of personal knowledge of a witness as required by Rule 602;

- a. \_\_\_\_\_
- b. The admissibility of character evidence as set forth by Rules 608 and 609;
- c. The admissibility of character evidence as set forth by Rules 701- 703; and
- d. The admissibility of hearsay evidence as set forth by Rules 801-806.

## Child Placement Agencies Requiring Licensure

Any person, organization, corporation, partnership, voluntary association, or other entity ~~which~~ that places, plans for, or assists in the placement of any unrelated minor for care in a foster home, adoptive home, or residential facility, or a child victim of human trafficking in a home or any type of shelter or facility, ~~and that~~ is not otherwise exempt by Child Welfare Agency Licensing Act~~the Act~~, requires a license.

The Child Welfare Agency Review Board (~~b~~Board) shall take any action necessary to prohibit any person, partnership, group, corporation, organization, or association not licensed or exempted from licensure from advertising, placing, planning for, or assisting in the placement of any unrelated minor for the purposes of adoption or for care in a foster home. The prohibition against advertising shall not apply to persons who are seeking to add to their own family by adoption.

The ~~Board~~board may impose a civil penalty upon any person, partnership, group, corporation, organization, or association not licensed or exempt from licensure as a child welfare agency in the State of Arkansas that advertises, places, plans for, or assists in the placement of any unrelated minor for purposes of adoption or for care in a foster home. The prohibition against advertising does not apply to persons who are seeking to add to their own family by adoption.

## Placement Types of Licenses

### Foster Care

A child placement agency ~~which~~ that places, plans for, or assists in the placement of an unrelated minor or a child victim of human trafficking in a home or in a private residence of one (1) or more family members for care and supervision on a ~~twenty-four (24) hour~~ twenty-four-hour basis.

### Therapeutic Foster Care

~~Any~~ child placement agency that places, plans for, or assists in the placement of an unrelated minor in a therapeutic foster home. Therapeutic foster care is intensive therapeutic care for children that is provided in specially trained family homes and

## IntroductionINTRODUCTION

supported by licensed mental health professionals (as recognized by Arkansas Medicaid). A therapeutic foster care program is a family-based services delivery approach providing individualized treatment for children, youth, and their families. Treatment is delivered through an integrated set of services with key interventions and supports provided by therapeutic foster parents who are trained, supervised, and supported by qualified program staff. ~~Therapeutic~~

Therapeutic foster care services shall be provided in a separately identified program of a larger agency or be provided by an independent agency.

## **Therapeutic Foster Care - Sexual Rehabilitative Program**

A treatment program that offers a specific and specialized therapeutic program for children with sexually maladaptive behaviors. A licensed sexual rehabilitative program may be in a residential childcare facility, a therapeutic foster care home, or a psychiatric residential treatment facility.

## **Adoption**

A child placement agency ~~which~~ that places, plans for, or assists in the placement of an unrelated minor in a household of one (1) or more persons ~~which has been~~ that who are approved to accept a child for adoption.

## **Placement Residential**

A child placement agency ~~which~~ that places, plans for, or assists in the placement of an unrelated minor into a residential ~~child care~~ childcare facility or a child victim of human trafficking in any type of shelter or facility. The agency may be licensed for any or all types of licenses, depending on the types of services it provides.

## **License Status**

The ~~Board~~ board shall issue all licenses to child placement agencies upon majority vote of members present during each properly ~~called~~ board meeting at which a quorum is present. The ~~Board~~ board shall have the power to deny an application to operate a child welfare agency or to revoke or suspend a previously issued license to operate a child welfare agency. The ~~Board~~ board may also issue letters of reprimand or caution to a child welfare agency. ~~Any denial of application or revocation or suspension of a license shall be effective when made. Any revocation of a license, suspension of a license, or denial of application for a license shall be effective when made.~~

## **Provisional**

Issued to a newly licensed agency for a ~~one (1) year~~ one-year period, to give the agency time to demonstrate substantial compliance with minimum licensing standards. At the

discretion of the ~~Board~~ board, a provisional license may be issued up to an additional year.

## **Probationary**

Issued to an agency that has not maintained compliance with minimum licensing standards, but the ~~Board~~ board believes that compliance can be restored and subsequently maintained. This license may be issued for up to one (1) year, at the discretion of the ~~Board~~ board.

## **Regular**

Issued either to a previously licensed agency that continues to meet all minimum licensing standards, ~~or~~standards or issued to an agency that meets all essential standards and has a favorable compliance history, (which that predicts full compliance with all standards within a reasonable time). A regular license shall remain open and effective until closed at the request of the agency or ~~Board~~board action.

## **Suspended**

Board action taken when an agency has failed to maintain compliance with minimum licensing standards, but the violations do not warrant revocation. A license may not be suspended for longer than one (1) year at a time. The ~~Board~~board may issue a probationary or regular license when compliance is restored.

## **Closed**

Action taken when the agency requests that the license be closed.

## **Termination**

The board shall terminate the license of a licensee that has not been in operation for a consecutive twelve-month period.

## **Revoked**

Board action taken when an agency has failed to maintain compliance with minimum licensing standards. The agency may not apply for a new license for at least one (1) year from the date of revocation.

## **Status Change**

After a ~~Board~~board action, an amended license shall be issued any time there is a change in

the agency's program that affects the license type, status, capacity, ages of children served, name change or an address change.

A license to operate a child placement agency shall apply only to the address and location stated on the application and license issued, and it shall be transferable from one holder of the license to another or from one place to another.

Whenever ownership of a controlling interest in the operation of a child placement agency is sold, the following procedures shall be followed:

1. The seller shall notify the division of the sale at least thirty (30) days prior to the completed sale;
2. The seller shall remain responsible for the operation of the agency until such time as the agency is closed or a license is issued to the buyer;
3. The seller shall remain liable for all penalties assessed against the agency that are imposed for violations or deficiencies occurring before the transfer of a license to the buyer;
4. The buyer shall be subject to any corrective action notices to which the seller was subject; and
5. The provisions of subsection (a) of this section, including those provisions regarding obtaining licenses or permits from the Office of Long-Term Care of the Division of Medical Services of the Department of Human Services and regarding obtaining any permits from the Health Services Permit Agency or the Health Services Permit Commission, shall apply in their entirety to the new owner of the child welfare agency.

~~1. —~~

~~The seller shall remain responsible for the operation of the agency until such time as the agency is closed or a license is issued to the buyer;~~

~~2. The seller shall remain liable for all penalties assessed against the agency which that are imposed for violations or deficiencies occurring before the transfer of a license to the buyer;~~

~~3. The buyer shall be subject to any corrective action notices to which the seller was subject; and~~

~~4. The provisions of subsection (a) of this section, including those provisions regarding obtaining licenses or permits from the Office of Long-Term Care of the Division of Medical Services of the Department of Human Services and regarding obtaining any permits from the Health Services Permit Agency or the Health Services Permit Commission, shall apply in their entirety to the new owner of the Child Welfare Agency child welfare agency.~~

The ~~Child Placement Agency~~ child placement agency shall inform current and potential clients if their license has been suspended, ~~or~~ revoked, or if they have voluntarily surrendered their license.

## How To Apply The Standards

Section 100 of the *Minimum Licensing Standards for Child Welfare Agencies* applies to all agencies. Subsequent sections apply to specific types of child placement agencies. Agencies shall meet the license requirements for each license type held.

### Special Consideration

The ~~Board~~board may approve an agency's request for special consideration to allow a licensee to deviate from the letter of a rule if the licensee has demonstrated that the deviation is in the best interest of the children and does not pose a risk to persons served by the licensee.

If the ~~Board~~board grants a request for special consideration, the child welfare agency's practice as described in the request shall be the compliance terms under which the child welfare agency will be held responsible and violations of those terms shall constitute a rule violation.

The ~~Board~~board has authorized the ~~Managers~~managers and ~~Supervisorssupervisors~~ of the Licensing Unit to make temporary rulings regarding special consideration requests when the best interests of a child requires an immediate decision, subject to final approval at the next regularly scheduled meeting of the ~~Board~~board.

### Alternative Compliance

The ~~Board~~board may grant an agency's request for alternative compliance upon a finding



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that the agency does not meet the letter of a rule promulgated under the Child Welfare Agency Licensing Act, but that the agency meets or exceeds the intent of that rule through alternative means.

## INTRODUCTION~~Introduction~~INT

If the ~~Board~~board grants a request for alternative compliance, the agency's practice as described in the request for alternative compliance shall be the compliance terms under which the agency will be held responsible and violations of those terms shall constitute a rule violation.

The ~~Board~~board has authorized the ~~Managers~~managers and ~~Supervisorss~~supervisors of the Licensing Unit to make temporary rulings regarding Alternative Compliance requests when the best interests of a child requires an immediate decision, subject to final approval at the next regularly scheduled meeting of the ~~Board~~board.

Alternative Compliance requests granted in the areas listed below shall be time limited and shall not exceed two (2) years in length. These alternative compliances shall be monitored on an ongoing basis for compliance and shall be reviewed by the ~~Board~~board every two (2) years.

~~2.1.~~ Staff to ~~Child~~child ratio;

~~3.2.~~ Capacity;

~~4.~~ Sleeping arrangements; ~~and~~

~~3.~~

~~5.4.~~ Bathrooms.

MARK-UP

~~101~~100 **GENERAL REQUIREMENTS**

*The standards in Section 100 apply to all agencies unless otherwise indicated.*

~~102~~101 **Applications & Licensing Procedure**

1. The owner or board shall prepare and furnish an application packet for a license that contains the following:
  - a. A completed application form;
  - b. A letter from the agency's board or owner (as applicable) authorizing a person to sign the application;
  - c. A copy of the Articles of Incorporation, bylaws, and current board roster, if applicable, including names, addresses, and contact information of officers. Out of state agencies shall have legal authorization from the Arkansas Secretary of State to do business in Arkansas;
  - d. A personnel list with verifications of qualifications and experience;
  - e. Substantiation of the agency's financial soundness. This shall include without limitation; ~~but is not limited to~~: a budget showing sufficient resources to operate for a period of six (6) months, either with resources on hand or with projected revenue from verifiable sources; verifiable ~~Verifiable~~ letters of financial support and ~~or~~ monthly bank account statements may be included to project income;
  - f. Proof of general and professional liability insurance (does not apply to ~~State-state~~ agencies);
  - g. A written description of the agency's program of care, including intake policies, types of services offered, and a written plan for providing health care services to children in care; and
  - h. Any additional information requested by the Licensing Specialist to verify compliance with these standards and to make a recommendation regarding the granting of a license.
2. Once a completed application packet has been received, the ~~Division~~ division shall complete a licensing study and recommendation within ninety (90) days. If a recommendation is not made within ninety (90) days, the applicant may appear before

the ~~b~~Board to request a license.

3. Any ~~Child Placement Agency~~ child placement agency licensed in Arkansas shall provide the following information to the Licensing Unit prior to opening a branch office:

- 
- a. The address, telephone numbers (if available), and office hours for the branch office;
  - b. The name(s), qualifications, and contact information of the person(s) responsible for the day-to-day operation of the branch office and the child-placement activities at the branch; and
  - ~~e.~~ The name and contact information of the person responsible for providing services in case of emergencies or child-placement crises.
  - c.

## ~~103~~102 Organization & Administration

- 1. The child placement agency shall obtain a license before placing; or planning for the placement of; children in a foster home, adoptive home, or residential facility.
- 2. The purpose and mission of the agency, including treatment philosophy, services provided, and characteristics of children it is designed to serve, shall be stated in writing.
- 3. The following policies of the agency shall be current and available to all employees of the agency and the Licensing Specialist:
  - a. Personnel policies;
  - b. Volunteer policy;
  - c. Student intern policy;
  - d. Admission policy;
  - e. Intake policy;
  - f. Behavior Management policy; Corporal punishment is prohibited for all placement licenses. See Arkansas code §9-28-405 (d) (1) e;
  - g. Crisis Management policy;
  - h. Child Maltreatment/Mandated Reporter policy; according to Arkansas law, including, procedures to ensure that alleged, suspected, or witnessed incidents of maltreatment are reported to the Child Maltreatment Hotline, and documented as required by these or other applicable rules or laws;

~~General Requirements~~GENERAL

- i. Child Exploitation policy;
- j. Visitation policy;
- k. Public Safety policy (~~S~~sexual ~~R~~rehabilitative ~~P~~programs only);
- l. ~~Target Population, and Admission, Exclusion Criteria, and Discharge Criteria~~ policy (~~S~~sexual ~~R~~rehabilitative ~~P~~programs only); and

1.

- m. Emergency, Respite Care, and Disruption policy (~~P~~lacement ~~A~~gencies only).
4. The agency shall be legally authorized to conduct business in Arkansas by state law and local ordinance.
  5. The agency shall meet all federal, state, and local laws and ordinances that apply to child welfare agencies and to the proper care of children in such facilities.
  6. The agency shall provide copies of all programmatic licenses, certifications, and accreditations it holds. ~~held by the agency.~~
  7. The ~~O~~owner ~~and/or~~ Board of Directors, or both, shall be responsible for operating the facility and shall have final responsibility to ensure that the facility meets licensing requirements. Names and addresses of ~~Board~~board members shall be provided to the Licensing Specialist annually.
  8. The agency shall maintain a current organizational chart showing the administrative structure of the organization.
  9. The agency shall notify the Licensing Unit within five (5) days of any change of Administrator, Social Service Director, or Clinical Director.
  10. The agency shall establish and follow written policies and procedures that meet or exceed the Minimum Licensing Standards for Child Welfare Agencies.
  11. All agencies applying for an Arkansas license shall provide proof that they are licensed in good standing in their home state, if applicable, and are in good standing in all other states where they are licensed. If an agency is being disciplined or sanctioned in another jurisdiction, the ~~Board~~ board shall be notified.
  12. All agencies licensed in Arkansas after January 18, 2002, shall have an office in Arkansas.
  13. All agencies licensed in Arkansas shall maintain all required files for licensing review as needed. They may choose to:
    - a. Maintain these files in their office in Arkansas; or
    - b. Arrange to provide the required files to the licensing staff.
  14. All agencies licensed in Arkansas shall have a qualified person on call to supervise emergency services. ~~[Pursuant to 104]~~
  15. If electronic records are kept, these records shall be made available to the Licensing Specialist for purposes of monitoring and investigation.



16. Any disciplinary action taken against the agency by another jurisdiction shall be reported to the Licensing Unit.
- ~~17. If an agency is inactive for one (1) year the license shall be closed in good standing if an agency is inactive for one (1) year, unless the agency requests annually in writing that the license remains open/active. This request shall be approved by the Board board. The Child Welfare Agency Review Board shall allow a license to close/terminate the license of a licensee that has not been operational in operation for the past consecutive twelve-month period 12 months.~~
- ~~18.~~ 17. The agency shall not permit, aid, or abet an unlicensed person to perform activities requiring a license.
- ~~19.~~ The agency shall not misrepresent the type or status of education, training, expertise, licensure, or professional affiliations.
- ~~18.~~

### **104103 Central Registry & Criminal Record Checks**

1. The agency shall conduct background checks, as required by the Child Welfare Agency Licensing Act (§ 9-28-409), using forms approved by the Licensing Unit. Background checks conducted by or for other licensing authorities (~~e.g., for example,~~ -Office of ~~Long-Term~~ Long-Term Care, Division of Developmental Disabilities Services, et.al) do not meet the requirement of this standard.
2. The following persons in a child placement agency shall be checked with the Child Maltreatment Central Registry in ~~his~~their state of residence, if available, and any state of residence in which the person has lived for the past five (5) years and in the person's state of employment, if different, for reports of child maltreatment:
  - a. Employees, having direct and unsupervised contact with children;
  - b. Volunteers, mentors, sponsors, and student interns having direct and unsupervised contact with children;
  - c. Foster parents and each member of the household ~~age~~ fourteen (14) years of age and older, excluding children in foster care. These checks shall be made prior to approval and shall be repeated every two (2) years thereafter;
  - ~~d.~~ Adoptive parents, and each member of the household ~~age~~ fourteen (14) years of age and older, residing in Arkansas, excluding children in foster care. Adoptive

parents and each member of the household ~~age-fourteen~~

- d. (14) years of age and older, excluding children residing in out-of-state~~out of state~~ foster care, ~~residing out of state~~ shall provide Child Maltreatment Central Registry Checks from their state of residence, if available. These checks shall be made prior to approval and shall be repeated every two (2) years until the adoption decree has been issued;
- e. Owners having direct and unsupervised contact with children; or

- f. Members of the agency's board of directors having direct and unsupervised contact with children.
3. Persons required to have the Child Maltreatment Central Registry Check shall repeat the check every two (2) years.
4. Any person found to have a record of child maltreatment shall be reviewed by the owner or administrator of the agency, in consultation with the ~~Board~~board or its designee, to determine corrective action. Corrective action may include without limitation, but is not limited to, counseling, training, probationary employment, non-selection for employment, or termination.
5. The following persons in a ~~Child Placement Agency~~ child placement agency shall be checked with the Identification Bureau of the Arkansas State Police for convictions of offenses listed in Arkansas Code Annotated § 9-28-409:
- a. Employees, having direct and unsupervised contact with children;
  - b. Volunteers, mentors, sponsors, and student interns having direct and unsupervised contact with children;
  - c. Foster parents, and each member of the household ~~age~~ of age eighteen (18) years and older, excluding children in foster care. The foster parent shall certify in writing annually whether or not household members ~~age~~ of age fourteen (14) ~~thru~~ through seventeen (17) years of age have criminal records;
  - d. Adoptive parents and each member of the household ~~age~~ of age eighteen (18) years and older residing in Arkansas. Adoptive parents and each member of the household ~~age~~ of age eighteen (18) years and older residing out of state shall provide State Police Criminal Record Checks from their state of residence, if available. The out of state adoptive families do not need to do an Arkansas State Police Check if they have never resided in Arkansas;
  - ~~a.~~ Owners having direct and unsupervised contact with children; and
  - ~~e.~~
  - ~~b.~~ Members of the agency's board of directors having direct and unsupervised contact with children.
  - f. Individuals required to submit to a criminal background check with the Identification Bureau of the Arkansas State Police shall also complete a background check with the Federal Bureau of Investigations.

1. Federal Bureau of Investigations criminal background checks shall not be

required if:

i. the adoption is an international adoption where the criminal background checks have been performed by the United States Citizenship and Immigration Services, or

ii. The adoptive parents and each member of the household age eighteen and one-half (18½) have continuously resided in another state for at least five (5) years before the adoption; and the state -of- residence criminal check is available

~~6. — If aAny person (listed in #5 above)qualifying as a, b, c, d, e, or f (see .5, section 103, current), has not resided in Arkansas continuously for the past five (5) years, shall complete a record check with the Federal Bureau of Investigation (FBI) shall be completed. (These record checks are not required for international adoptions as background checks are already part of United States Citizenship and Immigration Services (USCIS) requirements for adoption.) Adoptive parents, residing outside of Arkansas, who have lived in their state of residence continuously for the past five (5) years, do not need to do the FBI checks.~~

~~7.6.~~ A child in the custody of the Department of Human Services shall not be placed in an approved home of any foster parent or adoptive parent unless all household members eighteen and one half (18 1/2) years of age and older, excluding children in foster care, have had a fingerprint-based criminal background check performed by the Federal Bureau of Investigation (FBI). The check shall be initiated within thirty (30) days of the household member's eighteenth birthday.

~~— (30) days of the household member's eighteenth birthday.~~

~~8.7.~~ All persons required to be checked with the Department of Arkansas State Police under this subsection shall repeat the check at a minimum of every five (5) years, except that adoptive parents ~~(who reside in Arkansas)~~ shall repeat the check every year pending court issuance of a final decree of adoption, at which point repeat checks ~~shall~~ will no longer be required.

~~9.8.~~ A child in the custody of the Department of Human Services shall not be placed in an approved home of any foster parent or adoptive parent unless all household members eighteen and one half (18 1/2) years and of age and older, ~~(excluding children in foster care)~~, have been checked with the Identification Bureau of the Department of Arkansas State Police at a minimum of every two (2) years. The check shall be initiated within thirty (30) days of the household member's eighteenth birthday.

~~10.9.~~ Child Maltreatment Central Registry Checks and Arkansas State Police ~~or~~ Federal Bureau of Investigation (FBI) Criminal Record Checks shall be initiated within ten (10) days of employment.

~~11.10.~~ The agency shall maintain on file evidence that background checks have been initiated as required and results of the completed checks.

~~12.11.~~ The agency shall provide a copy of the Federal Bureau of Investigation Criminal Record Check form and the Arkansas State Police Criminal Record Check form to the Licensing Office upon initiation.

~~13.~~ No person guilty of an excluded criminal offense pursuant to A.C.A. § 9-28-409 shall be permitted to have direct and unsupervised contact with children, except as provided in the statute. The child placement agency shall immediately notify the Licensing Unit when an individual is found to have a record of an excluded criminal offense.

~~The child placement agency shall immediately notify the Licensing Unit when a person(s) listed in #5- above is found to have a record of an excluded criminal offense.~~

## **~~105~~104 General Personnel Requirements**

*All personnel employed on or after April 12, 1999, shall meet the following requirements:*

1. The agency shall have an administrator who shall be responsible for the general management of the agency, possessing at least one of the following qualifications:
  - a. A doctorate degree;
  - b. A master's degree in a human services field (child development, psychology, sociology, social work, guidance and counseling, divinity, education), administration, business, or a related field; or
  - c. A bachelor's degree in a human services field, administration, business, or a related field, and at least two (2) years of work experience in a human services agency.
- ~~2.~~ The agency shall have a Social Services Director who shall supervise child placement activities and ~~or~~ casework services by the agency, possessing at least one (1) of the following qualifications (Therapeutic foster care see section 320.2 and Sexual Rehabilitative Program see 422.2):
  - ~~2.~~
    - a. A master's degree or higher in a human services field (child development, psychology, sociology, social work, counseling and guidance, divinity, or education);
    - b. A bachelor's degree in a human services field and two (2) years of work experience in a child welfare agency; or
    - c. Anyone permitted to supervise child placement or casework services shall meet the qualifications for Social Services Director.
3. Each agency shall have a caseworker who is responsible for doing assessments, case planning, and casework services, possessing at least one (1) of the following (Therapeutic foster care see section 320.3 and Sexual Rehabilitative Program see 422.3):
  - a. A bachelor's degree in a human services field; or
  - b. A bachelor's degree and two (2) years' work experience in a human services field.
4. If casework services are contracted, the agency shall maintain all required personnel information on the contracted caseworkers.

## ~~106~~105 Qualifications & Training

1. The Administrator, Social Services Director, and each caseworker of a child welfare agency shall have twenty-four (24) hours of job-related continuing education each year.

2. ~~All Owners, /~~operators, employees, foster parents, or volunteers in a child welfare agency ~~shall be~~are responsible for ensuring the proper care, treatment, safety, and supervision of the children they supervise.
3. ~~All Owners, /~~operators, employees, foster parents, or volunteers in a child welfare agency shall not engage in behavior that could be viewed as sexual, dangerous, exploitative, or physically harmful to children.
4. Documentation verifying annual training shall be dated indicating the number of hours, the name of the source, and topic or /title.
5. The agency shall maintain a personnel file for each employee that ~~, which~~ shall include:
  - a. A resume or application;
  - b. Date of hire;
  - c. Verifications of qualifications;
  - d. Documentation of required annual training;
  - e. Criminal Record Check and Child Maltreatment Central Registry Check information as required by law;
  - f. Documentation that applicable employees are informed that they are mandated reporters of suspected child maltreatment, according to A.C.A § 12-18-402, and are provided the information needed to make a report;
  - g. A functional job description; and
  - h. At least three (3) positive personal references from non-relatives.

## **107106 Volunteers & Student Interns**

1. The agency shall ~~have~~create a policy clearly defining the qualifications, duties, and supervision of volunteers and student interns.
2. Volunteers and student interns ~~shall~~will be supervised by an appropriate and designated staff person.
3. A volunteer or student intern who works unsupervised and substitutes as staff shall meet the qualifications required for a paid employee in that position.



## ~~108~~107 Exploitation of Children

1. The agency shall not require a child to acknowledge dependency, destitution, or neglect or to make public statements about ~~his/her~~their background.

2. The agency shall not use, or allow to be used, any reports, pictures, or any other information from which a child can be identified, except under the following conditions:
  - a. The child and the parent or guardian sign a consent form that describes the purposes for which the identification is being made;
  - b. The signed consent shall say in which publication or broadcast the identification will appear; and
  - c. The parent ~~/or~~ guardian and child shall be informed that the consent may be withdrawn.
3. All information regarding children and their families shall be kept strictly confidential and may only be released with the consent of a parent ~~/or~~ guardian, except to authorized persons or agencies.
4. The agency shall document that the foster parents have been made aware of the need to protect the confidentiality of foster children in the use of social media.

## **109108 Ethical Standards**

1. The ~~Board~~ board sets forth this section as a Code of Ethics/Standards for Practice for all child welfare agencies within the State of Arkansas. Violations of the following shall be grounds for disciplinary action:
  - a. Confidentiality: In providing services, a child welfare agency shall safeguard information given by clients. A child welfare agency shall obtain the client's informed written consent before releasing confidential information, except when consent to disclose is permitted by law or required by judicial order. If the client is a minor, then the written consent shall be made with the minor and their legal representative or guardian;
  - b. Responsibility: A child placement agency shall provide a clear, written description of what the client may expect in the way of services, reports, risks, fees, billing, estimated schedules, and grievance procedures;
  - c. Misrepresentation: A child welfare agency shall not misrepresent its program services or experience; or and
  - d. Client Relationships: Relationships with clients shall not be exploited by the child welfare agency staff for personal gain.

## **110109 Unprofessional Conduct**

1. Unprofessional conduct in the practice of child welfare activities ~~shall include~~ without limitation; ~~but is not limited to the following:~~
  - a. Permitting, aiding, or abetting an unlicensed person ~~to in~~ performing activities ~~that requiring require~~ a professional license;
  - b. Misrepresenting type or status of education, training, expertise, licensure, or professional affiliations;
  - c. Failing to maintain confidentiality, except as otherwise required or permitted by law, of all information that has been received from a client in confidence during the course of services;
  - d. Violating the ethical standards adopted by the ~~Board~~ board;
  - e. Failing to report to the Licensing Unit any disciplinary action taken against the child welfare agency by another jurisdiction, ~~domestic or international,~~ or ~~failing to report to the Licensing Unit~~ the surrender of a license or loss of authorization to practice child welfare activities in another jurisdiction;
  - f. Failing to comply with any stipulation or agreement with the ~~Board~~ board - involving probation or a settlement of any disciplinary matters; and
  - g. Engaging in behavior that could be viewed as sexual, dangerous, exploitative, or physically harmful to children.

## **111110 Inspections, Investigations & Corrective Action**

1. The Licensing Specialist shall conduct inspections to ensure continued compliance with licensing standards.
2. The Licensing Specialist shall investigate complaints of alleged violation of licensing standards against all placement agencies; and may participate in investigations of alleged child maltreatment.
3. The agency shall cooperate with the Licensing Unit in conducting inspections and investigations; and shall provide information required to verify compliance with rules.
4. Inspections and investigations may be scheduled or unscheduled, at the discretion of the Licensing Specialist, and may be conducted outside regular working hours.
5. The frequency of inspections ~~shall be~~ are at the discretion of the Licensing Unit; and may

be based on the agency's compliance history.

MARK-UP

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6. At the discretion of the Licensing Unit, a multi-disciplinary team may be asked to advise the Licensing Specialist during initial approval or during inspections. This team may include a professional in the appropriate field.
  7. Upon finding any violations of licensing standards, the Licensing Specialist shall issue to the agency a corrective action notice that, ~~which~~ shall state:
    - a. A factual description of the conditions that constitute a violation of the standard;
    - b. The specific law or standard violated; and
    - ~~c.~~ c. A reasonable time frame within which the violation shall be corrected.
  8. The agency shall provide a written corrective action plan, when requested to do so, by the Licensing Specialist in a corrective action notice.
  9. Any owner~~/~~2 operator, employee, foster parent, or volunteer in a child welfare agency shall immediately notify the Child Abuse Hotline if ~~he or she has~~ they have reasonable cause to suspect that a child has:
    - a. ~~B~~been subjected to child maltreatment~~;~~;
    - b. ~~or has~~ Died as a result of child maltreatment~~;~~ or
    - 9.c. ~~If~~ they observe a child being subjected to conditions or circumstances that would reasonably result in child maltreatment.
  10. If a complaint of child maltreatment is filed against any owner~~/~~2 operator, employee, foster parent, volunteer, or other person in a child welfare agency, the agency administration shall evaluate the risk to children and determine the suitability of the person(s) to supervise, be left alone with children, have disciplinary control over children, or remain in the child placement agency until the allegations are determined to be true or unsubstantiated. Any interim corrective action measures shall be approved by the Licensing Unit.
  11. The agency shall maintain a log or file of all calls to the child abuse hotline.
  12. The agency shall notify the Licensing Unit by the next business day when a report of child maltreatment is accepted by the child abuse hotline against the owner~~/~~2 operator, employee, foster parent, volunteer, child, or other person in a child welfare agency.
  13. The agency and all staff shall cooperate fully with investigators during a child maltreatment investigation.

14. The agency shall take steps to prevent harm or retaliation against the child while an allegation of child maltreatment is being investigated.
- ~~15.~~ Any person with a true finding of child maltreatment shall ~~have a~~be reviewed by the owner or administrator of the agency, in consultation with the Child Welfare Agency Review Board or its designee, to determine corrective action. Corrective

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15. action may include without limitation,~~but is not limited to,~~ counseling, training, probationary employment, non-selection for employment, or termination.
16. Any employee who has been sanctioned by any licensing or certifying entity for any reason pertaining to child safety shall be reviewed by the owner or administrator of the agency, in consultation with the Child Welfare Agency Review Board or its designee, to determine corrective action. Corrective action may include without limitation,~~but is not limited to,~~ counseling, training, probationary employment, non-selection for employment, or termination.
17. The agency shall notify the Licensing Unit by the next business day of serious injuries requiring emergency medical treatment, agency vehicle accidents, arrests, elopements, suicide attempts, or deaths, and maintain documentation of the incident and notification.
18. The agency shall maintain reports on all incidences that cause injury, property damage, or disruption to routine operation or services.

## 200 CHILD PLACEMENT AGENCIES: FOSTER CARE

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

### 201 Admission

1. Each agency shall establish written criteria for admitting<sup>4</sup>, as well as excluding, children.
2. The agency shall not admit any child for whom the agency cannot provide adequate care.
3. Each child shall have a medical examination within one (1) year before admission, or an appointment scheduled within one (1) week after admission.
4. Each child shall have proof of current immunizations, or a letter of exemption, in accordance with the Arkansas Department of Health, or an appointment scheduled within one (1) week after admission.
5. The agency shall obtain written authority from the parent(s), guardian(s), or court before placement, or within seventy-two (72) hours if it is an emergency placement.
- ~~6.~~ The agency shall obtain written authority for medical care for the child from the parent(s), guardian(s), or court at the time of placement, or within seventy-two
6. (72) hours in an emergency placement.
7. The agency shall comply with the Interstate Compact on the Placement of Children when placing<sup>4</sup> or admitting children from outside Arkansas.
8. A dependent juvenile of a parent who is in the custody of the Division of Child and Family Services (DCFS) shall be subject to all rules regarding space, ratio, health, and safety.



## 202 Intake & Assessment

1. Intake information shall be completed on each child in care within ten (10) working days after admission.
2. The intake information shall include:
  - a. Demographic information on the child and parent(s), including name, address, birth date, gender, race, and religious preference;
  - b. A factual description of the circumstances requiring placement;
  - c. A brief social history of the family;

- ~~d.~~—The child's current legal status or ~~/~~ custody;
  - ~~d.~~\_\_\_\_\_
  - e. Any history of previous placements outside the family, if applicable; and
  - f. An assessment of services needed to ensure the health and welfare of the child, including medical history and psychological history.
3. The agency shall obtain copies of legal documents within thirty (30) days of admission, or shall document their attempts to obtain the documents. The legal documents shall include without limitation, ~~but not be limited to~~, birth certificates, social security cards, and court orders.
4. A plan of safe care shall be developed for all children with physical limitations, medical conditions, or behaviors that are indicative of harm to self or others; to include without limitation; ~~but not limited to~~: arson, physical aggression, ~~/ or~~ sexual aggression, ~~and/or~~ suicidal behaviors, or other self-harming tendencies. This plan shall identify the behavior/ or problem, and shall specify the safeguards that are to be implemented. A copy of the plan shall be provided to the direct caregiver(s), as well as a copy placed in the child's record.

## 203 Case Planning

1. A case plan shall be developed for each child placed into a foster home by a child placement agency. The plan shall address the child's needs as identified in the intake information.
2. When a placement agency places a child with another placement agency, the receiving agency shall develop a case plan for each child received for care.
3. The case plan shall be developed within thirty (30) days after placement.
4. The child's case plan shall contain, at the minimum:
  - a. Specific needs of the child;
  - b. Plan for meeting the child's needs;
  - c. Special treatment issues (e.g., for example, psychotropic medications, sexual misconduct, and neurological disorders) ~~shall be identified~~, with a statement of how the special needs shall be met;

- d. A plan to ensure that the child's educational needs are met according to applicable state law;
- e. Visitation plan, if applicable; and
- f. Date of next review of the case plan.

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5. If independence is a goal, the case plan shall include training in independent living skills.
  6. Foster parents shall be included in case planning for each child.
  7. A copy of the case plan shall be made available to the parent(s), guardian(s), court, or other agencies involved in the delivery of case plan services ~~delivery~~, if applicable.
  8. The child placement agency shall review the case plan ~~shall be reviewed~~ at least semi-annually and shall be updated to reflect the child's progress.

## 204 Children's Records

1. The agency shall keep a confidential case record for each child that includes the following:
  - a. Demographic information;
  - b. Plan of safe care, if applicable;
  - c. A complete intake;
  - d. Consents, including consent for medical care, and authority to place the child;
  - e. Interstate Compact information, if applicable;
  - f. Case plans and case plan reviews;
  - g. Copies of legal documents (~~e.g., for example,~~ birth certificate, social security card, or court orders), or documentation of their attempts to obtain the documents;
  - h. Physical exams and immunization records, or documentation of their attempts to obtain the documents;
  - i. Psychological reports, if applicable;
  - j. Educational reports, if applicable;
  - k. Disciplinary and incident reports, if applicable;
  - l. Records of visitation and family contacts, if applicable;

- m. Documentation of casework services and child contact; and
- n. Discharge statement.

~~1.2.~~ Records for each child shall be kept for five (5) years from the date of discharge, unless otherwise specified by Arkansas law.

## 205 Behavior Management

1. The agency shall have a written discipline policy that is consistently followed.
  2. Discipline shall be directed toward teaching the child acceptable behavior and self-control.
  3. Discipline shall be appropriate to the child's age, development, and history; ~~(including trauma history).~~
  4. The following actions are prohibited~~shall not be used, including as discipline:~~
    - a. Denial of meals, sleep, shelter, essential clothing, or case plan activities;
    - b. Denial of parental visits or regular phone~~/ and~~ mail contact with family. Non-disciplinary case planning issues are accepted;
    - c. Lewd or obscene language;
    - d. Derogatory comments about the child, the child's family, race, or gender;
    - e. Restriction to a room for more than a short period of time without periodic observation;
    - f. Restriction to a dark room or area;
    - g. Locked isolation;
    - h. Physical injury or threat of bodily harm;
    - i. Humiliating or degrading action;
    - j. Extremely strenuous work or exercise; ~~nor~~
    - k. Mechanical/ or chemical restraints; nor:
    - k-1. Corporal punishment.
- ~~2-5.~~ Physical restraint shall be initiated only by a trained person;~~;~~~~and~~ only to prevent injury to the child, other people, or property;~~;~~ and shall not be initiated solely as a form of discipline.
- ~~3-6.~~ A child shall not be allowed to administer discipline, except teen parents may discipline their own children under the supervision and guidance of the foster parent.

4.7. Searches of a child or a child's personal property shall be for reasons limited to safety and security of children and their foster family, or in cases of suspected theft.

5.8. Any searches requiring removal of clothing shall be done in privacy.

## 206 Foster Parent Qualifications

1. In a two-parent home, both ~~shall be~~are joint applicants, each sign the application, and participate in the approval process.
2. Foster parents ~~shall be~~are at least twenty-one (21) years of age.
3. The stability of the foster family ~~shall be~~is evaluated and determined to be appropriate.
4. Foster parents ~~shall be~~are physically, mentally, and emotionally capable of caring for children.
5. The foster family shall provide documentation of sufficient financial resources to meet their needs.
6. All family members, under ~~the age of~~ eighteen (18) years of age, in the household shall have proof of current health immunizations, or an exemption in accordance with the Arkansas Department of Health.
7. When routine child-care is needed, foster children shall attend licensed child-care or have an agency-approved caregiver ~~approved by the agency~~.

## 207 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~~he individual's motivation for becoming a foster parents;



- b. Household Composition: ~~T~~he full legal names, ~~of everyone residing in the home,~~  
birth dates, relationships to one another, and a brief physical description of  
everyone residing in the home;
- c. Housing: ~~A~~ddress and location, type of structure, length of time at residence,  
~~upkeep and housekeeping standards, future residence plans, and sleeping~~  
~~arrangements;~~ Address, location, and type of structure, as well as the upkeep and  
housekeeping standards, sleeping arrangements, length of time at residence, and  
future residence plans of the facility's occupants;
- d. Safety Hazards: ~~A~~n 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, and hours), other sources of income, monthly living expenses, outstanding debts, and insurance;
- f. Health: ~~C~~current health of each family member, including prior illnesses or medical problems; disabilities; clinics or doctors utilized and frequency of use; counseling (~~when-dates~~ and purposes); and hospitalization for alcohol abuse, drug abuse, or mental illness;
- g. Education: ~~P~~parents' educational attainment, future educational plans, and 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; and 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<sup>2</sup> 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~~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.

n.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.

2.

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 annually 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.
- ~~5. There shall be operational smoke detectors within ten (10) feet of the kitchen and each bedroom.~~ 5. There shall be an operational smoke detector in each bedroom.
- 5.
- ~~6.~~ 6. There shall be an operational smoke detector on each level of occupancy of the foster home.
- ~~6.7.~~ There shall be an operational chemical fire extinguisher, readily accessible, near the cooking area of the home.
- ~~7.8.~~ The foster parents shall practice and document emergency evacuation drills with each new child entering the home, and repeat at least quarterly thereafter.
- ~~8.9.~~ All heating units with hot external areas shall be screened or otherwise shielded.
- ~~9.10.~~ 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.
- ~~10.11.~~ The home shall have an operational telephone that is accessible for children. Working cell phones kept on the premises are acceptable. ~~The phone shall be accessible for children.~~
- ~~11.12.~~ Each child shall have adequate space for storing clothing and personal belongings.
- ~~12.13.~~ All household pets shall have proof of current rabies vaccinations, as required by Arkansas law.
- ~~13.14.~~ All firearms shall be maintained in a secure, ~~ly~~ locked location or be secured by a trigger lock.
- ~~14.15.~~ All ammunition shall be secured and locked separately from firearms, unless they are stored in a safe, (for example, a hand-gun safe, or a long gun safe).

- ~~15.~~16. The foster home record shall contain an ~~agency~~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.
- ~~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.

18. Manufactured homes, used as foster homes, shall have an ~~agency~~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 family.

20. The foster home, grounds, and all structures on the property shall be maintained in a clean, safe, and sanitary condition and be in a reasonable state of repair within community standards.

21. The foster home interior and exterior must be free from dangerous objects ~~and~~, dangerous 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~~ functional kitchen that includes a sink with hot and cold running water, a refrigerator, a stove, and an 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 degrees (65°) ~~degrees~~ and a maximum of eighty-five degrees (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, one-hundred and twenty ~~120~~ -degrees (120°) ~~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, and shall post it in a prominent place.

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 adopted by the Consumer Product Safety Commission. Please note that solar pool covers and winter pool covers are not safety covers. The American Safety for Testing and Materials (ASTM) (1996) 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. In ground 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 4 feet high;
  - c. Swimming pools must have their methods of access through the barrier equipped with a safety device, such as a bolt lock.
38. The wall of a house or other building shall not be used in lieu of barrier to the pool with the exception of a solid wall that does not contain any doors. When a wall is used as a barrier the remaining three 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 4 feet high;
  - c. –Swimming pools must have their methods of access through the barrier equipped with a safety device, such as a bolt lock.
39. All above ground pools shall have non-climbable exterior side walls with a minimum height of 4 feet and have access ladders or steps that are removable and able to be secured when the pool is not in use.

- 40. Swimming pools shall be equipped with a life saving device such as a ring buoy.
- 41. All portable pools (inflatable and wading pools) shall be fenced or emptied after every use.
- 42. Swimming pools that cannot be emptied after each use shall have a working pump and filtering system.
- 43. Hot tubs and spas shall have locking safety covers that are locked when not in use.

17.

## 209 Sleeping Arrangements

- 1.—Each household occupant shall have a bedroom that provides privacy.
- 1.
- 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 that 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 age and needs) and age that includes a bed with a mattress, sheets, a pillow, a pillowcase, and adequate cover, all in good condition, and similar to those provided to other household members.~~
- ~~7.6.~~ Children of the opposite sex shall not share the same bedroom if either child is four (4) years of age ~~old~~ or older, except for a teen parent in foster care with her child.
- ~~8.7.~~ No children shall share a bed if either child is four (4) years ~~old of age~~ of age or older.
- ~~9.8.~~ No child under ~~age~~ six (6) years of age shall occupy a top bunk.
- ~~10.9.~~ Foster children, except infants under ~~age~~ two (2) years of age, shall not share a sleeping room with adults; this age would increase through ~~age~~ four (4) years of age for a

[Type here]



grandparent to the child ~~and~~ or 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.

~~12.11.~~ 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 their own, the facility is not required to reposition the child.)~~ If there is a medical reason a child cannot sleep on his/her/their 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.

12. Bedding shall be changed at least weekly, or 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 only 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. 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. 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.i.~~ 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-skill~~-based instruction, as well as practical testing. Training and certification that is provided solely ~~on-line~~ online will not be accepted.
- ~~6.5.~~ Foster parents shall provide documentation that they carry homeowner's or renter's insurance and general liability insurance.

~~7.6.~~ Foster homes shall not also operate as ~~Child Care Family Homes~~ child-care family homes.

~~8.7.~~ 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) years of age.

~~9.8.~~ There shall be an annual approval letter from the approving agency in the foster home record.

~~10.9.~~ 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, and operated by ~~on~~ a relative or fictive kin of a child in the custody of the division after the division does the following:

- 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.

- \_\_\_\_\_
- \_\_\_\_\_
10. If a foster home moves from one (1) placement agency to another, all requirements ~~for~~ opening for opening a new foster home shall be met.
11. Foster parents must be able to communicate with the foster child, the placement agency, health care providers, and other service providers.
- ~~11.~~12. At least one (1) foster parent in the home must have functional literacy, such as having the ability to read medication labels.

## 211 Selection of Foster Home

1. The agency shall select the home that is in the best interest of the child, is the least restrictive possible, and is matched to the child's physical and emotional needs. The placement decision shall be based on an individual assessment of the child's needs.
2. No children shall be placed in a foster home unless there is an approval letter in the record from the approving agency.
3. The agency shall place children only in approved foster homes.
4. When a placement agency places a child with another placement agency, the receiving agency shall maintain a record for and provide casework services to the children placed into their foster homes.
5. Foster homes shall not have more than five (5) foster children in care. A foster home shall not have more than eight (8) children in their home, including their own children.- This includes placement or respite care.
6. Foster homes shall not have more than two (2) children under ~~the age of~~ two (2) years of age, including the foster parent's own children.
- ~~7.~~ No new placements of children shall occur with foster parents who have not satisfied the annual training requirements. Administrative-level staff, designated by the agency director, may grant an exemption to this restriction for up to sixty (60) days. The administrator shall review the quality of care provided by the foster parents, and the reasons for failing to complete the training on time, in deciding whether to grant an exception.

## 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 who are 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~~ indicate the date, indicating the number of hours, the name of the source, the topic, and the title.

2.

3. Each foster parent shall maintain a current certificate of successful completion of hands-on, ~~skill-based~~skill-based CPR, and First Aid. Training and certification that is provided solely ~~on-line~~ online will not be accepted.

3.4. 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 without limitation, ~~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~~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 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.

7.

8. Foster parents shall participate in case planning and case plan reviews.
9. Foster parents shall attend school conferences concerning a foster ~~child, and~~ 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~~ 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. ~~F~~~~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~~provided to the child upon change in placement.
15. ~~F~~~~The~~ foster parents shall ensure that each child has sufficient sleep for ~~his/her~~their age and physical condition.
16. ~~Foster parents~~~~Each child~~ shall ~~be~~ instruct ~~each child~~ in good grooming and personal hygiene habits.
17. ~~F~~~~The~~ foster parents shall ~~ensure each child is provided~~ provide each child with opportunities for regular recreational activities and exercise.
18. ~~F~~~~The~~ foster parents shall ensure each child shall be provided with age-appropriate activities and equipment.
19. Foster parents shall monitor and time limit ~~t~~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 ~~rules~~rules 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 Pplacement agency's reasonable and prudent standard.

## 214 Medications

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

1.

- ~~2.~~ ~~All over the counter medications shall be stored in an area not readily accessible~~

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~~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.

a. \_\_\_\_\_

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 without limitation, but are not limited to birth control, acne creams, and topical creams.~~

~~3. —~~Medication shall be stored in accordance with pharmaceutical recommendations.

2. \_\_\_\_\_

~~4.3.~~ Foster parents shall be aware of possible side effects of all medications administered to foster children.

~~5.4.~~ All medications shall be logged by the foster parent at the time the medication is administered.

~~6.5.~~ 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.

~~a. —~~Child's name;

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

b. ~~Time and date;~~

c. ~~Medication and dosage;~~

d. ~~Initials of the person administering the medication.~~

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

## 215 Transportation

1. Foster families shall have their own transportation available.
2. Any vehicle used to transport foster children shall be maintained in compliance with motor vehicle laws, and be insured.
3. Children shall be transported only by foster parents or persons approved ~~persons by the foster parents who~~ possessing a valid driver's license.
4. Children shall be transported according to Arkansas law, including without limitation, ~~but not limited to~~, use of safety belts, child safety seats, and smoking restrictions.

## 216 Visitation

*The standards in 216 do not apply to children in short-term foster care awaiting adoptive placement.*

1. The agency that has legal responsibility for the child shall develop a visitation plan that specifies when and how visits will occur between the child and the parents.
2. The child placement agency shall carry out the visitation plan to meet the terms of the plan.
3. Foster parents shall allow foster children and their families to communicate according to the child's case plan.

Child Placement

## 217 Agency Responsibilities

1. The child placement agency (agency) shall provide the foster parents with the information necessary to provide adequate care to each foster child.
- ~~2.~~ The agency shall provide foster parents with instructions for contacting agency personnel at any time~~e.e.~~

2.

3. The agency shall assign a caseworker to each child who is responsible for doing assessments, case planning, and casework services.
4. An agency caseworker shall not have more than twenty-five (25) children's cases at a time.
5. An agency caseworker shall visit the child in person at least monthly while the child is in foster care.
6. The agency shall ensure that each child in foster care has a medical exam at least annually. Medical exams need not be repeated during the year if a child moves from one facility or agency to another; (provided the results of the exam are available to the receiving facility or agency).
7. ~~The child placement~~ agency shall remain legally responsible for the supervision and decision-making regarding foster children. Foster parents have daily responsibility for the care of the children.
8. ~~The child placement~~ agency shall have a written plan that provides foster parents with ~~for~~ timely reimbursements ~~to foster parents~~ for costs of care and fees for services.
9. The agency shall develop respite care and babysitting policies.
10. Respite care shall occur in an agency--approved foster home and shall not exceed fourteen (14) consecutive days.
11. If ~~the child placement~~ agency receives a report of non-compliance with licensing standards, the agency shall investigate ~~to learn if the foster home remains in compliance.~~ the report of non-compliance. A report of findings and any corrective action shall be maintained in the foster home record. The investigation shall be completed within sixty (60) days of receiving the report of non-compliance, unless good cause is documented.
12. The agency shall maintain a record for each foster family that contains all information and documentation required by licensing standards. This record shall include:
  - a. Complete and signed application;
  - b. Approval letter;
  - c. Home Study;
  - d. Minimum age verification;
  - e. Three (3) positive references;

- f. Initial physical exam;
- ~~g.~~ Pre-service training verification;

g.

- h. Initial and current criminal background, Child Maltreatment Central Registry, and Federal Bureau of Investigation (FBI) checks, as required;
- i. Initial and current CPR and First Aid certification;
- j. Current health immunizations of children or exemption;
- k. Current auto insurance;
- l. Current homeowner's or renter's insurance and general liability insurance;
- m. Current rabies vaccinations for household pets, as required by law;
- n. Documentation of annual training;
- o. Safety plans;
- p. Social media confidentiality documentation;
- q. Surveillance documentation, if applicable;
- r. Floor plan;
- s. Annual water test results, if applicable;
- t. Approved alternative fire escape route, if applicable;
- u. Documentation of quarterly monitoring visits, including unannounced visits;
- v. Documentation of annual re-evaluations;
- w. Reports of non-compliance with licensing standards, including findings, and any corrective actions; and
- x. Closing summary.

13. If the home closes, The agency shall prepare a closing summary, including reasons for closure, if the home closes.
14. The agency shall promptly notify ~~the~~Arkansas' Office of the Interstate Compact on the Placement of Children (ICPC) upon discharging a child from outside Arkansas.
15. The agency shall approve and document the use of all surveillance devices used in the home.

## 218 Monitoring & Re-evaluation

1. The agency shall monitor the foster home at least quarterly for continued compliance with licensing standards for foster homes. This does not apply to foster homes for infants in short-term foster care awaiting adoptive placement. Before a child can be placed in such a foster home, a monitoring visit shall be done within the three (3) months prior to placement

## 200 CHILD PLACEMENT AGENCIES: FOSTER

~~\_\_\_\_\_~~  
~~\_\_\_\_\_~~  
~~\_\_\_\_\_ foster homes for infants in short-term foster care awaiting adoptive placement. Before a child can be placed in such a foster home, a monitoring visit shall be done within the three (3) months prior to placement.~~

2. At least one (1) unannounced quarterly visit shall be conducted annually and shall be documented as unannounced in the foster home record.
3. The child placement agency shall conduct an annual re-evaluation of the foster family home. Any foster home that does not substantially comply with the standards for approval shall not be approved for placement until compliance is achieved.
4. The agency shall keep documentation of quarterly monitoring visits and annual re-evaluations in the foster home record, signed and dated by the person conducting the visit and the foster parent.
5. If the foster family experiences any major life changes (~~e.g., for example,~~ marriage, divorce, separation, health problems, death, change of residence, or change of household composition), the child placement agency shall re-evaluate the home at that time.
6. If a home is inactive or closed for one (1) year or more and desires to reopen, the agency shall:
  - a. Conduct a re-evaluation to ensure ~~Lthat~~ licensing requirements are met;
  - b. Ensure that new background checks are conducted;
  - c. Ensure that CPR and First Aid training is current; and
  - d. Evaluate any major changes, ~~i.e. that being,~~ (218.5).

## **219 Discharge**

1. The discharge of any child shall be planned by agency staff.
2. The agency may discharge a child on an emergency basis if failure to do so could result in harm to the child, or other persons, or significant property damage.
3. A agency child shall ~~be~~ discharge the child to the custody of their ~~child's~~ parent, their guardian, ~~or~~ a person with authorization from their parent or guardian, or a person authorized by court order to assume custody of the child.



## 200 CHILD PLACEMENT AGENCIES: FOSTER

4. The agency shall complete a discharge statement on each child (including the date of and reason for discharge) and provide a copy of it to the child's custodian.~~The agency shall complete a discharge statement on each child that includes a discharge date and reason for discharge and provide a copy of it to the child's custodian.~~
5. Documentation of the discharge shall be maintained in the child's record.

## 300 CHILD PLACEMENT AGENCIES: THERAPEUTIC FOSTER CARE

*In addition to all standards in Section 100, the following standards shall be met in order to be licensed as a Therapeutic Foster Care Agency:*

### 301 Admission

1. Each agency shall establish written criteria for admitting ~~/or as well as~~ excluding children.
2. The agency shall not admit any child for whom the agency cannot provide adequate care.
3. Each child shall have a medical exam within one (1) year before admission, or an appointment scheduled within one (1) week after admission.
4. Each child shall have proof of current immunizations, ~~or~~ a letter of exemption, in accordance with the Arkansas Department of Health, or an appointment scheduled within one (1) week after admission.
5. The agency shall obtain written authority from the parent(s), guardian(s), or court before placement, or within seventy-two (72) hours ~~in~~ an emergency placement.
6. The agency shall obtain written authority for medical care for the child from the parent(s), guardian(s), ~~or~~ court at the time of placement, or within seventy-two (72) hours in an emergency placement.
7. The agency shall comply with the Interstate Compact on the Placement of Children when placing ~~/and when or~~ admitting children from outside Arkansas.
8. A dependent juvenile of a parent who is in the custody of the Division of Child and Family Services (DCFS) shall be subject to all rules regarding space, ratio, health, and safety.

### 302 Intake & Assessment

1. Intake information shall be completed on each child in care within ten (10) working days after admission.
2. The intake information shall include:

- a. Demographic information on the child and parent(s), including name, address, birth date, gender, race, and religious preference;
- b. A factual description of the circumstances requiring placement;
- c. A brief social history of the family;
- d. The child's current legal status or custody;
- e. Any history of previous placements outside the family, if applicable; and
- f. An assessment of services needed to ensure the health and welfare of the child, including medical history and psychological history.

- 3. —————The agency shall obtain copies of legal documents within thirty (30) days of admission or shall document their attempts to obtain the documents. The legal documents shall include without limitation, birth certificates, social security cards, and court orders.
- 4. —————A plan of safe care shall be developed for all children with physical limitations, medical conditions, or behaviors that are indicative of harm to self or others; to include without limitation: arson, physical aggression, sexual aggression, suicidal behaviors, or other self-harming tendencies. This plan shall identify the behavior or problem and specify the safeguards that are to be implemented. A copy of the plan shall be provided to the direct caregiver(s), as well as a copy placed in the child's case file.

### **303 —Treatment Planning**

- 1. A treatment plan shall be developed for each child placed into a foster home by a child placement agency. The plan shall address the child's needs as identified in the intake information.
- 2. When a placement agency places a child with another placement agency the receiving agency shall develop a treatment plan for each child received for care.
- 3. The treatment plan shall be developed within thirty (30) days after placement.
- 4. The treatment plan shall be developed after a staffing. If applicable, the parents, foster parents, facility staff, caseworker, social worker or probation officer, and the child shall be invited to the staffing.

- - a. ~~—————Demographic information on the child and parent(s), including name, address, birth date, gender, race, and religious preference;~~
  - b. ~~—————A factual description of the circumstances requiring placement;~~

- ~~\_\_\_\_\_ c. \_\_\_\_\_ A brief social history of the family;~~
- ~~\_\_\_\_\_ d. \_\_\_\_\_ The child's current legal status or custody/custody;~~
- ~~\_\_\_\_\_ e. \_\_\_\_\_ Any history of previous placements outside the family, if applicable;~~
- ~~\_\_\_\_\_ f. \_\_\_\_\_ An assessment of services needed to ensure the health and welfare of the child, including medical history and psychological history.~~
- ~~\_\_\_\_\_ \_\_\_\_\_ The agency shall obtain copies of legal documents within thirty (30) days of admission, or shall document their attempts to obtain the documents. The legal documents shall include without limitation, but not be limited to, birth certificates, social security cards and court orders.~~
- ~~\_\_\_\_\_ \_\_\_\_\_ A plan of safe care shall be developed for all children with physical limitations, medical conditions, or behaviors that are indicative of harm to self or others; to include without limitation; but not limited to: arson, physical aggression, sexual aggression, suicidal behaviors, or other self-harming tendencies.~~
- ~~\_\_\_\_\_ \_\_\_\_\_ This plan shall identify the behavior and/or problem, and specify the safeguards that are to be implemented. A copy of the plan shall be provided to the direct caregiver(s), as well as a copy placed in the child's case file.~~
- ~~\_\_\_\_\_ \_\_\_\_\_ Treatment Planning~~
- ~~\_\_\_\_\_ \_\_\_\_\_ A treatment plan shall be developed for each child placed into a foster home by a child placement agency. The plan shall address the child's needs as identified in the intake information.~~
- ~~\_\_\_\_\_ \_\_\_\_\_ When a placement agency places a child with another placement agency the receiving agency shall develop a treatment plan for each child received for care.~~
- ~~\_\_\_\_\_ \_\_\_\_\_ The treatment plan shall be developed within thirty days after placement.~~
- ~~\_\_\_\_\_ \_\_\_\_\_ The treatment plan shall be developed after a staffing. If applicable, the parents, foster parents, facility staff, caseworker, social worker or probation officer, and the child shall be invited to the staffing.~~

5. The child's treatment plan shall contain, at the minimum:
  - a. Specific needs of the child;
  - b. Plan for meeting child's needs;
  - c. Special treatment issues (~~e.g., for example,~~ psychotropic medications, sexual misconduct, and neurological disorders) shall be identified, with a statement of how the special needs shall be met;
  - d. A plan to ensure that the child's educational needs are met according to applicable state law;
  - e. Visitation plan, if applicable; and
  - f. Date of next review of the treatment plan.
6. If independence is a goal, the treatment plan shall include training in independent living skills.
7. Foster parents shall be included in treatment planning for each child.
8. Foster parents shall be provided a copy of the child's current treatment plan.
9. A copy of the treatment plan shall be made available to the parent(s), guardian(s), court, or other agencies involved in the delivery of case plan services ~~delivery~~, if applicable.
10. The treatment plan shall be reviewed at least semi-annually, and shall be updated to reflect the child's progress.
11. If treatment services are contracted, there shall be evidence of participation by the contracted therapist in treatment planning reviews and individualized program implementation.

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## 304 Children's Records

1. The agency shall keep a confidential case record for each child that includes the following:
  - a. Demographic information;
  - b. Plan of safe care, if applicable;
  - c. A complete intake;
  - ~~d.~~ Consents, including consent for medical care, and authority to place the child;

d.

- e. Interstate Compact information, if applicable;
  - f. Treatment plans and treatment plan reviews;
  - g. Copies of legal documents (~~e.g., for example,~~ birth certificates~~s,~~ social security cards~~s, or~~ court orders~~;~~ or documentation of their attempts to obtain the documents;
  - h. Physical exams and immunization records, or documentation of their attempts to obtain the documents;
  - i. Psychological reports, if applicable;
  - j. Educational reports, if applicable;
  - k. Disciplinary and incident reports, if applicable;
  - l. Records of visitation and family contacts, if applicable;
  - m. Documentation of casework services and child contact, current to within one (1) month of occurrence; and
  - n. Discharge statement.
2. Records for each child shall be kept for five (5) years from the date of discharge, unless otherwise specified by Arkansas law.

## 305 Behavior Management

- 1. The agency shall have a written discipline policy that is consistently followed.
- 2. Discipline shall be directed toward teaching the child acceptable behavior and self-control.
- 3. Discipline shall be appropriate to the child's age, development, and history; (including trauma history).
- 4. The following disciplinary actions shall not be used: ~~including as discipline:~~
  - a. Denial of meals, sleep, shelter, essential clothing, or case plan activities;
  - ~~b.~~ Denial of parental visits or regular phone and ~~or~~ mail contact with family.
  - b. Non-disciplinary case planning issues are accepted;
  - c. Lewd or obscene language;

- d. Derogatory comments about the child, the child's family, race, or gender;
  - e. Restriction to a room for more than a short period of time without periodic observation;
  - f. Restriction to a dark room or area;
  - g. Locked isolation;
  - h. Physical injury or threat of bodily harm;
  - i. Humiliating or degrading action;
  - j. Extremely strenuous work or exercise; ~~nor~~
  - k. Mechanical or chemical restraints; nor
  - k.l. Corporal punishment.
5. Physical restraint shall be initiated only by a trained person; ~~and~~ only to prevent injury to the child, other people, or property; ~~and~~ shall not be initiated solely as a form of discipline.
6. A child shall not be allowed to administer discipline, except teen parents may discipline their own children under the supervision and guidance of the foster parent.
7. Searches of a child or a child's personal property shall be for reasons limited to safety and security of children and foster family, or in cases of suspected theft.
8. Any searches requiring removal of clothing shall be done in privacy.

## 306 Foster Parent Qualifications

- 1. In a two-parent home, both shall be joint applicants, each sign the application, and participate in the approval process.
- 2. Foster parents shall be at least twenty-one (21) years of age.
- 3. The stability of the foster family shall be evaluated and determined to be appropriate.
- 4. Foster parents shall be physically, mentally, and emotionally capable of caring for children.
- ~~5.~~ The physical health of the foster parents shall be equal to the stress inherent in the care of special needs children, as evidenced by the physician's statement.

5. \_\_\_\_\_

6. \_\_\_\_\_ The foster family shall provide documentation of sufficient financial resources to meet their needs.

7. \_\_\_\_\_ All family members under eighteen (18) years of age in the household shall have proof of current health immunizations, or an exemption in accordance with the Arkansas Department of Health.

8. \_\_\_\_\_ When routine childcare is needed, foster children shall attend licensed childcare or have an agency-approved caregiver.

### **307 \_\_\_\_\_ Content of the Home Study**

1. The agency shall complete a home study for each foster home.

2. The agency shall conduct at ~~least one~~ least 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: the individual's motivation for becoming foster parents;

b. Household Composition: the full legal names, birth dates, relationships to one another, and a brief physical description of everyone residing in the home;

c. Housing: Address, location, and type of structure, as well as the upkeep and housekeeping standards, sleeping arrangements, length of time at residence, and future residence plans of the facility's occupants;

d. Safety Hazards: 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: employment history for the last six (6) years (duration, salary, duties, title, degree of job security, and hours), other sources of income, monthly living expenses, outstanding debts, and insurance;

f. Health: current health of each family member, including prior illnesses or medical problems; disabilities; clinic or doctor utilized and frequency of use; counseling (dates and purposes); and hospitalization for alcohol abuse, drug abuse, or mental illness;

\_\_\_\_\_ ~~The foster family shall provide documentation of sufficient financial resources to meet their needs.~~



~~— All family members under the age of eighteen (18) years of age in the household shall have proof of current health immunizations, or an exemption in accordance with the Arkansas Department of Health.~~

~~— When routine child care is needed, foster children shall attend licensed child care or have an agency approved caregiver, approved by the agency.~~

~~— Content of the Home Study~~

~~— The agency shall complete a home study for each foster home.~~

~~— 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.~~

~~— The agency shall interview every age-appropriate member of the household.~~

~~— The home study shall include the following information:~~

~~— a. Motivation: tThe individual's motivation for becoming foster~~

~~— parents;~~

~~— b. Household Composition: tThe full legal names of everyone residing in the home, birth dates, relationships to one another, and a brief physical description of everyone residing in the home;~~

~~— c. Housing: aAddress and location, type of structure, length of time at residence, upkeep and housekeeping standards, future residence plans, and sleeping arrangements; Address, location, and type of structure, as well as the upkeep and housekeeping standards, sleeping arrangements, length of time at residence, and future residence plans of the facility's occupants;~~

- ~~\_\_\_\_\_d. \_\_\_\_\_ Safety Hazards: aAn 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: eEmployment history for the last six years (duration, salary, duties, title, degree of job security, hours), other sources of income, monthly living expenses, outstanding debts, and insurance;~~
- ~~\_\_\_\_\_f. \_\_\_\_\_ Health: eCurrent health of each family member, including prior illnesses or medical problems<sub>i</sub>, disabilities<sub>i</sub>, clinic or doctor utilized and frequency of use<sub>i</sub>, counseling (when dates and purposes<sub>i</sub>), and~~
- ~~\_\_\_\_\_hospitalization for alcohol abuse, drug abuse, or mental illness;~~

- 
- g. Education: ~~p~~Parents' educational attainment, future educational plans, and 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; and; how they handle stress, allowance, chores, and homework;
  - j. ~~d~~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~~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 annually 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,

| P

| and one (1) bathtub or shower with hot and cold running water.

4.

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 a~~ 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 repeat 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 children. Working cell phones kept on the premises are acceptable. ~~The phone shall be accessible for children.~~
11. Each child shall have adequate space for storing clothing and personal belongings.
12. All household pets shall have proof of current rabies vaccinations as required by Arkansas law.
13. All firearms shall be maintained in a secure, locked location or be secured by a trigger lock.
14. All ammunition shall be secured and locked separately from firearms unless they are stored in a safe; ~~hand gun~~ (for example, a handgun safe or a long gun safe).
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.
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, 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 be in a reasonable state of repair within community standards
20. The foster home interior and exterior must be free from dangerous objects, and dangerous

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~~ functional kitchen that includes a sink with hot and cold running water, a refrigerator, a stove, and an 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 (65°) and a maximum of eighty-five-~~(85)~~ degrees (85°).
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~~ one-hundred and twenty degrees (120°) 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, and shall post it in a prominent place.
33. Foster parents shall not permit a child to enter a pool area unless accompanied by an adult.
- 17.34. 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 adopted by the Consumer Product Safety Commission. Please note that solar pool covers and winter pool covers are not safety covers. The American Safety for Testing and Materials (ASTM) (1996) 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. In ground 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. ~~a.~~ Entirely enclose the pool area;

~~b.~~ Be at least 4 feet high;

c. Swimming pools must have their methods of access through the barrier equipped with a safety device, such as a bolt lock.

38. The wall of a house or other building shall not be used in lieu of barrier to the pool with the exception of a solid wall that does not contain any doors. When a wall is used as a barrier the remaining three 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;

~~a.~~

~~b.~~ Be at least 4 feet high;

~~b.~~

~~c.~~ Swimming pools must have their methods of access through the barrier equipped with a safety device, such as a bolt lock.

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

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

41. All portable pools (inflatable and wading pools) shall be fenced or emptied after every use.

42. Swimming pools that cannot be emptied after each use shall have a working pump and filtering system.

43. 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 that 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.~~ foster child shall be provided a safe bedroom as (appropriate for the child's age and needs) and age that includes a bed with a mattress, sheets, a pillow, a pillowcase, and adequate cover, all in good condition, and similar to those provided to other household members.
7. Children of the opposite sex shall not share the same bedroom if either child is four (4) years of age ~~old~~ or older, except for a teen parent in foster care with her child.
8. ~~No children shall share a bed if either child is~~ Children four (4) years of age ~~old~~ or older.
9. ~~No child~~ Children under age six (6) years of age ~~shall cannot~~ occupy a top bunk.
10. Foster children, except infants under age two (2) years of age, shall not share a sleeping room with adults; this age would increase through age four (4) years of age 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~~ their 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~~ their 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, or more often if needed.
- 13.14. 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.

5. Pre-service training shall include the following topics:

a. Legal rights;

a.

b. Roles, responsibilities, and expectations of foster parents;

b.

c. e. Agency structure, purpose, policies, and services;

d. d. Laws and regulations as related to foster homes or foster children;

e. e. The impact of childhood trauma;

f. f. Managing child behaviors;

a. g. Medication administration; and

g.

h. The importance of maintaining meaningful connections between the child and parents; including regular visitation.

4.h.

- 5.6. 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.

- 6.7. 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, skill-based instruction, as well as practical testing. Training and certification that is provided solely ~~on-line~~ online will not be accepted.

~~7.8.~~ Foster parents shall provide documentation that they carry homeowner's or renter's insurance and general liability insurance.

~~8.9.~~ Foster homes shall not also operate as ~~child-care family homes.~~ Child Care Family Homes.

~~9.10.~~ 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) years of age.

~~10.11.~~ There shall be an annual approval letter from the approving agency in the foster home record.

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

13. Foster parents must be able to communicate with the foster child, the placement agency, health care providers, and other service providers.

~~11.14.~~ At least one (1) foster parent in the home must have functional literacy, such as having the ability to read medication labels.

## 311 Selection of Foster Home

1. The agency shall select the home that is in the best interest of the child, is the least restrictive possible, and is matched to the child's physical and emotional needs. The placement decision shall be based on an individual assessment of the child's needs.

2. No children shall be placed in a foster home unless there is an approval letter in the record from the approving agency.
3. The agency shall place children only in approved foster homes.
4. When a placement agency places a child with another placement agency, the receiving agency shall maintain a record for and provide casework services to the children placed into their foster homes.
5. Foster homes shall not have more than two (2) children under ~~the age of~~ two (2) years of age, including the foster parent's own children.
6. The number of children placed into one (1) therapeutic foster home shall not exceed two (2), except to keep a sibling group together; In that case, up to a maximum of three (3) children may be placed into the home. The sibling group shall be the only children placed into the therapeutic foster home. There shall be no more than five (5) total children in the home, including the foster parent's children. This includes placement or respite care. In the case of an emergency respite placement that would exceed capacity, the agency shall notify the Licensing Unit the next business day.
7. Before placing more than one (1) child (therapeutic or otherwise) in a home, the agency shall consider extraordinary problems and /needs of each child (e.g., for example, violent behavior, sexual offenses, and seizure disorders). Justification of the appropriateness of placing a child in a home with another child shall be documented.
8. Non-therapeutic foster children may be placed into therapeutic foster homes under any of the following circumstances:
  - a. The non-therapeutic foster child is a sibling of the therapeutic foster child;
  - b. The non-therapeutic foster child is the child of the therapeutic foster child;
  - c. The non-therapeutic foster child was previously a therapeutic foster child placed in the foster home; or;
  - d. The non-therapeutic foster child is placed as an emergency placement for a maximum of twenty-one (21) days.
- ~~9.~~ Before placing a non-therapeutic foster child into a therapeutic foster home with a therapeutic foster child, the agency shall consider the \_

9. potential risk to the ~~non-therapeutic~~ foster child. Justification of the appropriateness of placing a ~~nontherapeutic non-therapeutic~~ child in a home with another therapeutic foster child shall be documented. The agency shall maintain Section 200 standards in reference to the non-therapeutic foster child's record and the services the agency provides to the child.
10. No new placements of children shall occur with foster parents who have not satisfied the annual training requirements. Administrative-level staff, designated by the agency Director, may grant an exemption to this restriction for up to sixty (60) days. The administrator shall review the quality of care provided by the foster parents, and the reasons for failing to complete the training on time, in deciding whether to grant an exception.

## 312 Continued Training of Foster Parents

1. Each therapeutic foster parent shall complete at least twenty-four (24) hours of ~~skill-based~~ skill-based training annually, excluding CPR and First Aid.
2. Documentation verifying annual training shall ~~be dated and~~ indicate the date, number of hours, the name of the source, ~~and the~~ topic, and the title.
3. Each foster parent shall maintain a current certificate of successful completion of hands-on, ~~skill-based~~ 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. NOTE: Annual training may include without limitation, 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 ~~P~~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.~~.~~

4.

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. ~~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~~ 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~~ 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 or returned~~ provided 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. ~~F~~The foster parents shall ensure that each child has sufficient sleep for ~~his/her~~ his or her ~~their~~ age and physical condition.



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19. ~~Foster parents~~~~Each child~~ shall ~~be~~ instruct each child in good grooming and personal hygiene habits.
  20. ~~F~~~~The~~ foster parents shall ensure each child is provided with opportunities for regular recreational activities and exercise.
  21. ~~F~~~~The~~ foster parents shall ~~ensure each child shall be provided~~ provide each child with age-appropriate activities and equipment.
  22. Foster parents shall monitor and time limit tThe use of television, videos, computer games, and other screen time activities ~~shall be monitored and time limited~~.
  - ~~22.~~23. Foster parents shall adhere to the Pplacement Aagency'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.

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~~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.~~

- 
4. 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.

a.

- 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 without limitation, but are not limited to, birth control, acne creams, and ~~or~~ topical creams.

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

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

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

8.7. The medication logs shall include:

- a. Child's name;
- b. Time and date;
- ~~e.~~ Medication and dosage; and

~~d.c.~~ iInitials of the person administering the medication.

~~9.8.~~ All currently prescribed medication shall be provided at placement.

## 315 Transportation

1. Foster families shall have their own transportation available.
2. Any vehicles used to transport foster children shall be maintained in compliance with motor vehicle laws, and be insured.
3. Children shall be transported only by foster parents or persons approved ~~persons by the foster parents who~~ possessing a valid driver's license.
4. Children shall be transported according to Arkansas law, including without limitation, ~~but not limited to~~, use of safety belts, child safety seats, and smoking restrictions.

## 316 Visitation

1. The agency that has legal responsibility for the child shall develop a visitation plan that specifies when and how visits will occur between the child and the parents.
2. The child placement agency shall carry out the visitation plan to meet the terms of the plan.
3. Foster parents shall allow foster children and their families to communicate according to the child's case plan.

## 317 Staffing Requirements, Staff Training & Support

1. Primary responsibilities of program staff shall include treatment planning, leadership of the treatment team, case management, clinical and administrative supervision, twenty-four-hour ~~twenty-four (24) hour~~ crisis intervention, and discharge planning.
2. The therapeutic foster care agency shall employ a Clinical Director who shall be clearly responsible for implementation of treatment planning and service delivery. The Clinical Director shall have-be-qualified-by a master's degree in a human service field, ~~shall~~ have two (2) years' experience in placement or treatment, and shall be currently licensed in Arkansas as a mental health professional (as recognized by Arkansas Medicaid).

3. The therapeutic foster care agency shall employ at least one (1) caseworker who shall coordinate the implementation of the treatment plan. The caseworker shall ~~either have be-qualified by~~ a bachelor's degree in a human service field, ~~or shall~~ be a mental health paraprofessional, ~~and~~ The caseworker shall be supervised by the Clinical Director.
4. The agency shall assign a caseworker to each child ~~to be who is~~ responsible for doing assessments, treatment planning, and casework services.
5. No caseworker shall be responsible for managing more than twelve (12) children's cases.
6. All casework staff shall be trained in crisis prevention and intervention, ~~as well as~~ -CPR, and First Aid within the first sixty (60) days of employment.
7. All casework staff shall be provided with eight (8) hours of orientation, ~~either prior to employment or within the first week of employment, which that~~ shall provide an overview of the following areas:
  - a. The agency's policies and procedures;
  - b. The client's rights, including confidentiality;
  - c. How to handle medical and non-medical emergencies;
  - d. The caseworker's clinical limitations;
  - e. How to document clinical information in the child's and family's records; ~~and~~
  - f. General information regarding commonly prescribed medications and their side effects.
8. The agency shall provide ~~twenty-four-hour~~ twenty-four (24) hour on-call crisis intervention support to supplement ~~that the support~~ provided by the caseworker.

## Child Placement

### 318 Agency Responsibilities

1. The child placement agency (agency) shall provide the foster parents with the information necessary to provide adequate care to each foster child.
- ~~2.~~ The agency shall provide foster parents with instructions for contacting agency personnel any time.
- ~~2.~~ The agency shall ensure that casework staff visits with the child face-to-face, at least once per week, during the first three (3) months after the child's placement with the agency, and at least every other week thereafter.

- | 3. The agency shall ensure that casework staff visits with the child face-to- face, at least once per week, during the first three (3) months after the child's placement with the agency, and at least every other week thereafter.e

~~child's placement with the agency, and at least every other week thereafter.~~

4. The agency shall ensure that each child in foster care has a medical exam at least annually. Medical exams need not be repeated during the year if a child moves from one facility or agency to another; ~~(provided the results of the exam are available to the receiving facility or agency).~~
5. The ~~child placement~~ agency shall remain legally responsible for the supervision and decision making regarding foster children. Foster parents have daily responsibility for the care of the children.
6. The ~~child placement~~ agency shall have a written plan that provides foster parents with ~~for~~ timely reimbursements ~~to foster parents~~ for costs of care and fees for services.
7. The agency shall develop respite care and babysitting policies.

- 
8. Respite care shall occur in an agency-~~approved~~ foster home and shall not exceed fourteen (14) consecutive days.
  9. The agency shall have a written program description that is available to residents, ~~and~~ and parents, ~~and~~ guardians. The following information shall be included:
    - a. Program philosophy and mission;
    - b. Services and treatment modalities;
    - c. Treatment planning procedures;
    - d. Behavior management program and expectations of each child;
    - e. Admission, exclusion, and discharge criteria; and
    - ~~f. —~~Aftercare services.

f. —

10. The agency shall keep documentation that includes:
  - a. Prior treatment documents and intake information;
  - b. Assessments;
  - c. Master treatment plan;
  - d. Treatment plan review;

| P

| e. Ongoing observations;

| ~~f.~~—Medication and physician’s instructions, if applicable; and

f.

~~g.~~ Progress notes.

g.

11. The agency shall establish procedures for hearing children's grievances.
12. If the ~~child placement~~ agency receives a report of non-compliance with licensing standards, the agency shall investigate ~~to learn if the foster home remains in compliance~~ the report of non-compliance. A report of findings and any corrective action shall be maintained in the foster home record. The investigation shall be completed within sixty (60) days of receiving the report of non-compliance, unless good cause is documented.
13. The agency shall maintain a record for each foster family that contains all information and documentation required by licensing standards. ~~To include:~~ This record shall include:
  - a. Complete and signed application;
  - b. Approval letter;
  - c. Home Study;
  - d. Minimum age verification;
  - e. Three (3) positive references;
  - f. Initial physical exam;
  - g. Pre-service training verification;
  - h. Initial and current criminal background, Child Maltreatment Central Registry, and Federal Bureau of Investigation (FBI) checks, as required;
  - i. Initial and current CPR and First Aid certification;
  - j. Current health immunizations of children or exemption;
  - k. Current auto insurance;
  - l. Current homeowner's or renter's insurance and general liability insurance;
  - m. Current rabies vaccinations for household pets as required by law;
  - n. Documentation of annual training;
  - o. Safety plans;
  - p. Social media confidentiality documentation;



- |
- q. Surveillance documentation, if applicable;
  - r. Floor plan;

- s. Approved annual water system test, if applicable;
  - t. Approved alternative fire escape route, if applicable;
  - ~~u.~~ Documentation of quarterly monitoring visits, including unannounced
  - u. visits;
  - v. Documentation of annual re-evaluations;
  - w. Reports of non-compliance with licensing standards including findings, and any corrective actions; and
  - x. Closing summary.
14. ~~The~~If the home closes, the agency shall prepare a closing summary, including reasons for closure., ~~if the home closes.~~
15. The agency shall promptly notify ~~the~~ Arkansas' Office of the Interstate Compact on the Placement of Children (ICPC) upon discharging a child from outside Arkansas.
16. The agency shall be aware of and approve the use of all surveillance devices used in the home.

## 319 Monitoring & Re-evaluation

- 1. The agency shall monitor the foster home at least quarterly for continued compliance with licensing standards for foster homes.
- 2. At least one (1) unannounced quarterly visit shall be conducted annually and shall be documented as unannounced in the foster home record.
- 3. The ~~child placement~~ agency shall conduct an annual re-evaluation of the foster family home. Any foster home that does not substantially comply with the standards for approval shall not be approved for placement until compliance is achieved.
- 4. The agency shall keep documentation of quarterly monitoring visits and annual re-evaluations in the foster home record signed and dated by the person conducting the visit and the foster parent.
- 5. If the foster family experiences any major life changes (e.g., for example, marriage, divorce, separation, health problems, death, change of residence, or change of household composition), the child placement agency shall re-evaluate the home at that time.

6. If a home is inactive or closed for one (1) year or more and desires to reopen, the agency shall:
  - a. Conduct a re-evaluation to ensure that ~~L~~licensing requirements are met;
  - b. Ensure that new background checks are conducted;
  - c. Ensure that CPR and ~~/~~First Aid training is current; and
  - d. Evaluate any major changes (See section 319.5). ~~i.e. (319.5).~~ e.

## 320 Discharge

- ~~1.~~ The discharge of any child shall be planned by agency staff.
- ~~1.~~
2. The agency may discharge a child on an emergency basis if failure to do so could result in harm to the child, or other persons, or significant property damage.
3. ~~The agency~~ A child shall ~~be~~ discharge a child to the custody of the their ~~child's~~ parent, their guardian, ~~or~~ a person with authorization from their parent, or guardian, or a person authorized by court order to assume custody of the child.
4. ~~The agency shall complete a discharge statement on each child that includes the discharge date and reason for discharge and provide a copy of it to the child's custodian. The agency shall complete a discharge statement on each child (including the date of and reason for discharge) and provide a copy of it to the child's custodian.~~
5. Documentation of the discharge shall be maintained in the child's record.

## **400 CHILD PLACEMENT AGENCIES: THERAPEUTIC FOSTER CARE - SEXUAL REHABILITATIVE PROGRAMS**

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

### **401 Licensing Approval & Monitoring**

1. At the discretion of the Licensing Unit, a multi-disciplinary team may be asked to assist the Licensing Specialist in the initial study, or during an investigation of a licensing complaint. This team may include a licensed

- ~~1. person with professional expertise in the appropriate field.~~
- ~~2. At the discretion of the Licensing Unit, a multi-disciplinary team may be asked to assist the Licensing Specialist during inspections, for advisory purposes.~~

## **402 — Admission**

- ~~1. Each agency shall establish written criteria for admitting as well as excluding children.~~
- ~~2. The agency shall not admit any child for whom the agency cannot provide adequate care.~~
- ~~3. In order to be admitted to the program, one of the following shall be met:~~
  - ~~a. The child has committed a sexual offense that has been found true or exempt by an official investigation by the Department of Human Services or the Arkansas State Police;~~
  - ~~b. The child has committed an offense involving the use of power, control, threat, coercion, or intimidation;~~
  - ~~c. The child has committed an offense in which there was at least a three-year age difference between the offender and the victim;~~
  - ~~d. The child has a documented pattern of deviant sexualized behavior, sexual misconduct, or sexually maladaptive behaviors, as indicated by the psychosexual assessment.~~
- ~~4. Children admitted to the program shall have the cognitive ability to benefit from the treatment program.~~
- ~~5. Each child shall have a medical exam within one (1) year before admission, or an appointment scheduled within one (1) week after admission.~~
- ~~6. Each child shall have proof of current immunizations, a letter of exemption in accordance with the Arkansas Department of Health, or an appointment scheduled within one (1) week after admission.~~
- ~~7. The agency shall obtain written authority from the parent(s), guardian(s), or court before placement, or within seventy-two (72) hours if it is an emergency placement.~~

~~— mental health professional (as recognized by Arkansas Medicaid), or a~~

~~— person with professional expertise in the appropriate field.~~

~~— At the discretion of the Licensing Unit, a multi-disciplinary team may be~~

320 Child Placement Agencies: The Open-Foster Care PL Sexual Rehabilitative Programs

asked to assist the Licensing Specialist during inspections, for advisory purposes.

Admission

Each agency shall establish written criteria for admitting/ as well as excluding

children.

The agency shall not admit any child for whom the agency cannot provide

adequate care.

In order to be admitted to the program, one of the following shall be met:

a. The child has committed a sexual offense that has been found true or exempt by an official investigation by the Department of Human Services or the Arkansas State Police;

b. The child has committed an offense involving the use of power, control, threat, coercion, or intimidation;

c. The child has committed an offense in which there was at least a three (3) year three-year age difference between the offender and the victim;

d. The child has a documented pattern of deviant sexualized behavior, sexual misconduct, or sexually maladaptive

Behaviors, as indicated by the psychosexual assessment.

Children admitted to the program shall have the cognitive ability to benefit

from the treatment program.

Each child shall have a medical exam within one (1) year before

admission, or an appointment scheduled within one (1) week after

admission.

Each child shall have proof of current immunizations, or a letter of

exemption, in accordance with the Arkansas Department of Health, or an

appointment scheduled within one (1) week after admission.

The agency shall obtain written authority from the parent(s), guardian(s), or court before placement, or within seventy-two (72) hours if it is an emergency placement.

8. The agency shall obtain written authority for medical care for the child from the placing agent at the time of admission.
9. The agency shall comply with the Interstate Compact on the Placement of Children when placing or /admitting children from outside Arkansas.
10. The agency shall have written policies regarding description of the target population, admission/exclusion criteria, and discharge criteria.
11. ~~The agency shall have a written policy describing children with sexually maladaptive behaviors' risk levels it will accept for admission, and therapeutic interventions it will utilize for each risk level.~~ The agency shall have a written policy describing the risk levels it will accept in children with sexually maladaptive behaviors who are being considered for admission. The written policy shall also describe the therapeutic interventions it will utilize for each risk level.

## 403 Intake & Assessment

1. Intake information shall be completed on each child in care within ten (10) working days after admission.
2. The intake information shall include:
  - a. Demographic information on the child and parent(s), including name, address, birth date, gender, race, and religious preference;
  - b. A factual description of the circumstances requiring placement;
  - c. A brief social history of the family;
  - d. The child's current legal status or /custody;
  - e. Any history of previous placements outside the family, if applicable;
  - f. An assessment of services needed to ensure the health and welfare of the child, including medical history and psychological history;
  - g. ~~A D~~ A description of the offense or sexually maladaptive behavior, including police reports and victim statements (if available);
  - h. ~~A P~~ A psychosexual assessment (if available); and
  - i. ~~A D~~ A discharge summary from previous rehabilitative-specific treatment (if applicable and available).



**32. Child Placement Agencies: Therapeutic Foster Care Sexual Abuse**

- 3.** The agency shall obtain copies of legal documents within thirty (30) days of admission, or shall document their attempts to obtain the documents.

3. \_\_\_\_\_ The legal documents shall include without limitation, birth certificates, social security cards, and court orders.
4. \_\_\_\_\_ 4. A psychosexual evaluation shall be conducted by a licensed mental health professional (as recognized by Arkansas Medicaid) who is a member of the Association for the Treatment of Sexual Abusers or has forty (40) hours of sexual rehabilitative treatment training. The evaluation shall be completed within the past twelve (12) months or within seven (7) days following the admission of the child.
5. \_\_\_\_\_ 5. Each child shall have been evaluated for intellectual ability, learning disabilities, and language disorders within the past eighteen (18) months. If a child is admitted without an evaluation, the evaluation shall be completed within thirty (30) days of admission.
6. \_\_\_\_\_ 6. A plan of safe care shall be developed for all children with physical limitations, medical conditions, or behaviors that are indicative of harm to self or others; to include without limitation: arson, physical aggression, sexual aggression, suicidal behaviors, or other self-harming tendencies.
7. \_\_\_\_\_ This plan shall identify the behavior or problem and shall specify the safeguards that are to be implemented. A copy of the plan shall be provided to the direct caregiver(s), as well as a copy placed in the child's case file.

## **404 — Treatment Planning**

1. \_\_\_\_\_ The agency shall develop a treatment plan for each child that includes tasks appropriate to the needs of the child, as identified in the intake information and psychosexual assessment.
2. \_\_\_\_\_ The child's treatment plan shall include a diagnosis related to their sexually maladaptive behavior.
3. \_\_\_\_\_ When a placement agency places a child with another placement agency the receiving agency shall develop a treatment plan for each child received for care.
4. \_\_\_\_\_ The treatment plan shall be developed within thirty (30) days after placement.
5. \_\_\_\_\_ The child's treatment plan shall contain, at the minimum:
  - a. \_\_\_\_\_ Specific needs of the child;
  - b. \_\_\_\_\_ Plan for meeting child's needs;

\_\_\_\_\_ The legal documents shall include without limitation, but not be limited to, birth certificates, social security cards, and court orders.

- ~~— A psychosexual evaluation shall be conducted by a licensed mental health professional (as recognized by Arkansas Medicaid) that who is a member of the Association for the Treatment of Sexual Abusers or has forty (40) hours of sexual rehabilitative treatment training. The evaluation shall be completed within the past twelve (12) months, or within seven (7) days following the admission of the child.~~
- ~~— Each child shall have been evaluated for intellectual ability, learning disabilities, and/or language disorders within the past eighteen (18) months. If a child is admitted without an evaluation, the evaluation shall be completed within thirty (30) days of admission.~~
- ~~— A plan of safe care shall be developed for all children with physical limitations, medical conditions, or behaviors that are indicative of harm to self or others; to include without limitation, but not limited to: arson, physical aggression, sexual aggression, suicidal behaviors, or other self harming tendencies.~~
- ~~— This plan shall identify the behavior or /problem, and shall specify the safeguards that are to be implemented. A copy of the plan shall be provided to the direct caregiver(s), as well as a copy placed in the child's case file.~~
- ~~— Treatment Planning~~
  - ~~— The agency shall develop a treatment plan for each child that includes tasks appropriate to the needs of the child, as identified in the intake information and psychosexual assessment.~~
  - ~~— The child's treatment plan shall include a diagnosis related to their sexually maladaptive behavior.~~
  - ~~— When a placement agency places a child with another placement agency the receiving agency shall develop a treatment plan for each child received for care.~~
  - ~~— The treatment plan shall be developed within thirty (30) days after placement.~~
  - ~~— The child's treatment plan shall contain, at the minimum:~~

**321 Child Placement Agencies: Therapeutic Foster Care PL Sexual Abuse Rehabilitative Programs**

- a. — Specific needs of the child;
- b. — Plan for meeting child's needs;

- c. Special treatment issues (~~e.g., for example,~~ psychotropic medications, sexual misconduct, and neurological disorders) shall be identified, with a statement of how the special needs shall be met;
  - d. A plan to ensure that the child's educational needs are met according to applicable state law;
  - e. Visitation plan, if applicable; and
  - f. Date of next review of the treatment plan.
6. If independence is a goal, the treatment plan shall include training in independent living skills.
7. Foster parents shall be included in treatment planning for each child
8. Foster parents shall be provided a copy of the child's current treatment plan.
9. A copy of the treatment plan shall be made available to the parent(s), guardian(s), court, or other agencies involved in the delivery of case plan services ~~delivery~~, if applicable.
10. The child's treatment plan shall be reviewed quarterly, and shall be updated to reflect the child's progress.
11. If treatment services are contracted, there shall be evidence of participation by the contracted therapist in treatment planning reviews and individualized program implementation.

## **405 Children's Records Behavior Management**

1. The agency shall keep a confidential case record for each child that includes the following:
  - a. Demographic information;
  - b. Plan of safe care, if applicable;
  - c. A complete intake;
  - d. Consents, including consent for medical care, and authority to place the child;
  - e. Interstate Compact information, if applicable;
  - f. Treatment plans and treatment plan reviews;

- g. Copies of legal documents (~~e.g., for example,~~ birth certificates, social security cards, or court orders); or documentation of their attempts to obtain the documents;
  - h. Physical exams and immunization records, or documentation of their attempts to obtain the documents;
  - i. Psychological reports, if applicable;
  - j. Psychosexual evaluation;
  - k. Educational reports, if applicable;
  - l. Disciplinary and incident reports, if applicable;
  - m. Records of visitation and family contacts, if applicable;
  - n. Documentation of casework services and child contact, current to within one (1) month of occurrence; and
  - o. Discharge statement.
2. Records for each child shall be kept for five (5) years from the date of discharge, unless otherwise specified by Arkansas law.
  - ~~3. The agency shall have a written plan providing for appropriate supervision of children during activities away from the foster home. A copy of the plan shall be provided to the direct caregiver(s), and a copy shall be placed in the child's record. as well as a copy placed in the child's record.~~

3.

## **Behavior Management**

### **406 Behavior Management**

1. The agency shall have a written discipline policy that is consistently followed.
2. Discipline shall be directed toward teaching the child acceptable behavior and self-control.
3. Discipline shall be appropriate to the child's age, development, and history; (including trauma history).
4. The following disciplinary actions shall not be used; ~~including as discipline:~~

**320 Child Placement Agencies: Therapeutic Foster Care and Sexually Abusive Children**

- a. Denial of meals, sleep, shelter, essential clothing, or case plan activities;
- b. Denial of parental visits or regular phone and /mail contact with family. Non-disciplinary case planning issues are accepted;

- c. Lewd or obscene language;
- d. Derogatory comments about the child, the child's family, race, or gender;
- e. Restriction to a room for more than a short period of time without periodic observation;
- f. Restriction to a dark room or area;
- g. Locked isolation;
- h. Physical injury or threat of bodily harm;
- i. Humiliating or degrading action;
- j. Extremely strenuous work or exercise; ~~nor~~
- k. Mechanical or chemical restraints; ~~nor~~

~~k.l. Corporal punishment.~~

- 5. Physical restraint shall be initiated only by a trained person; ~~and~~ only to prevent injury to the child, other people, or property; ~~and~~ shall not be initiated solely as a form of discipline.
- 6. A child shall not be allowed to administer discipline, except teen parents may discipline their own children.
- 7. Searches of a child or a child's personal property shall be for reasons limited to safety and security of children and foster family, or in cases of suspected theft.

~~8. Any searches requiring removal of clothing shall be done in privacy.~~

~~8.~~

## 407 Foster Parent Qualifications

- 1. In a two-parent home, both shall be joint applicants, each sign the application, and participate in the approval process.
- 2. Foster parents shall be at least twenty-one (21) years of age.
- 3. The stability of the foster family shall be evaluated and determined to be appropriate.



4. Foster parents shall be physically, mentally, and emotionally capable of caring for children with sexual behavioral problems or issues.

- ## 408 ———Content of the Home Study

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- ~~The physical health of the foster parents shall be equal to the stress inherent in the care of special needs children, as evidenced by the physician's statement.~~

- ~~The foster family shall provide documentation of sufficient financial resources to meet their needs.~~

- ~~All family members under the age of eighteen (18) years of age in the household shall have proof of current health immunizations, or an exemption in accordance with the Arkansas Department of Health.~~

- ~~When routine child care is needed, foster children shall attend licensed child care or have an agency approved caregiver. approved by the agency.~~

- ## ~~Content of the Home Study~~

- ~~The agency shall complete a home study for each foster home.~~

- ~~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.~~

- ~~The agency shall interview every age appropriate member of the household.~~

- ~~The home study shall include the following information:~~

- a. Motivation: The individual's motivation for becoming foster parents;

- b. Household Composition: (The full legal names, of everyone residing in the home, birth dates, relationships to one another, and a brief physical description of everyone residing in the home;

- c. Housing: ~~a~~Address and location, type of structure, length of time at residence, upkeep and housekeeping standards, future residence plans, and sleeping arrangements; Address, location, and type of structure, as

well as the upkeep and housekeeping standards, sleeping arrangements, length of time at residence, and future residence plans of the facility's occupants;

- ~~d. Safety Hazards: aAn 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: eEmployment history for the last six (6) years (duration, salary, duties, title, degree of job security, and~~
- ~~hours), other sources of income, monthly living expenses, outstanding debts, and insurance;~~

- f. Health: cCurrent health of each family member, including prior illnesses or medical problems; disabilities; clinic or doctor utilized and frequency of use; counseling (when dates and purposes); and hospitalization for alcohol abuse, drug abuse, or mental illness;
  - g. Education: pParents' educational attainment, future educational plans, and parenting classes attended;
  - h. Childcare Arrangements or Plans: cCurrent arrangement or proposed arrangement as it relates to their working hours and income;
  - i. Child Rearing Practices: pPurpose of behavior management; behavior guidance practices; how they show affection; and how they handle stress, allowance, chores, and homework;
  - j. Daily Schedule;
  - k. Social History: hHighlights 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: rReligious interests, social organizations, activities with children, and family roles;
  - m. Impressions, Conclusions and Recommendations: eEvaluate the family's situation and ability to provide for a child based on the information obtained during the home study; and
  - n. Approval: iIf 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.
- o. 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 (1,000') of an elementary school, child care center, or childcare 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.

- a g e

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 family.
20. The foster home, grounds, and all structures on the property shall be maintained in a clean, safe, and sanitary condition and be in a reasonable state of repair within community standards.
21. The foster home interior and exterior must be free from dangerous objects, ~~and~~ dangerous 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~~ functional kitchen that includes a sink with hot and cold running water, a refrigerator, a stove, and an 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 (65°) and a maximum of eighty-five ~~(85)~~ degrees (85°).
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 an operational smoke detector on each level of occupancy of the foster home.
30. There shall be a carbon monoxide detector on each level of occupancy of the foster home and near all sleeping areas.
31. The foster home shall have a safe operating water heater that has a recommended temperature at or below ~~one-hundred twenty (120) degrees Fahrenheit one-hundred and twenty (120°)~~ as tested at the plumbing fixture nearest the water heater.
32. The foster home shall maintain adequate first aid supplies for emergencies.
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 adopted by the Consumer Product Safety Commission. Please note that solar pool covers and winter pool covers are not safety covers. The American Safety for Testing and Materials (ASTM) (1996) 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. In ground 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 4 feet high;
- c. -Swimming pools must have their methods of access through the barrier equipped with a safety device, such as a bolt lock.

38. The wall of a house or other building shall not be used in lieu of barrier to the pool with the exception of a solid wall that does not contain any doors. When a wall is used as a barrier the remaining three 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 4 feet high;
- c. –Swimming pools must have their methods of access through the barrier equipped with a safety device, such as a bolt lock.

39. All above ground pools shall have non-climbable exterior side walls with a minimum height of 4 feet and have access ladders or steps that are removable and able to be secured when the pool is not in use.
40. Swimming pools shall be equipped with a life saving device such as a ring buoy.
41. All portable pools (inflatable and wading pools) shall be fenced or emptied after every use.
42. Swimming pools that cannot be emptied after each use shall have a working pump and filtering system.
43. 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 that 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. 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 age and needs) and age, that includes a bed with a mattress, sheets, a pillow, a pillowcase, and adequate cover, all in good condition, and similar to those provided to other household members.~~
7. No child under ~~age~~ six (6) years of age shall occupy a top bunk.
8. Bedding shall be changed at least weekly, ~~or~~ more often if needed.

8.9. 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 regarding 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.
- 5.4. 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:

~~(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.

**6.5.** Foster parents shall complete fifteen (15) hours of sexual rehabilitativetraining in addition to their thirty (30) hours of pre-service training.

7.6. At least one (1) hour of training on the program's safety plan shall be provided before placement of children into the foster home.

**8.7.** 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.

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

~~10.9.~~ Foster homes shall not also operate as ~~Child-Care Family Homes~~ child--care family  
homes.

~~11.10.~~ 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) ~~years of age~~.

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

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

13. Foster parents must be able to communicate with the foster child, the placement agency, health care providers, and other service providers.
- ~~13.~~14. At least one (1) parent in the home must have functional literacy, such as having the ability to read medication labels.

## 412 Selection of Foster Home

1. The agency shall select the home that is in the best interest of the child, is the least restrictive possible, and is matched to the child's physical and emotional needs. The placement decision shall be based on an individual assessment of the child's needs.
2. No children shall be placed in a foster home unless there is an approval letter in the record from the approving agency.
3. The agency shall place children only in approved foster homes.
4. When a placement agency places a child with another placement agency, the receiving agency shall maintain a record for and provide casework services to the children placed into their foster homes.

- 

1. Each foster parent shall complete at least twenty-four (24) hours of ~~skillbased~~ skill-based training annually, excluding CPR and First Aid.
2. Documentation verifying annual training shall ~~be dated indicating~~ indicate the date, the number of hours, the name of the source, ~~and the~~ topic, ~~and the~~ title.
3. Each foster parent shall maintain a current certificate of successful completion of hands-on, ~~skill based~~ skill-based CPR and First Aid. Training and certification that is provided solely ~~on-line~~ online 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~~ 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, in the abuse of ~~abuse~~ alcohol by consuming excessive amounts, or in the abuse of legal prescription drugs or non-prescription drugs by consuming them in excessive amounts or using them contrary to as prescribed or indicated.
4. Foster parents shall adhere to the Placement Agency’s reasonable and prudent parent standard.
7.

## 414

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320 Child Placement Agencies, Therapeutic Foster Care, Sexual Rehab

f. Foster parents shall maintain absolute confidentiality of private information about each foster child and the birth family.

12.

g. ~~F~~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, whenever possible.

13.

\_\_\_\_\_

8. Foster parents shall keep the following items, including without limitation, keep periodic photographs, a record of the child's memberships, activities, and participation in extracurricular school or \_\_\_\_\_

~~h. church activities, trophies, awards, and ribbons, etc.~~ for each foster child. These items shall be ~~offered and or returned~~ provided to the child upon change in placement.

14.

i. ~~F~~The foster parents shall be provided with a written list of duties clearly detailing their responsibilities.

15.

j.—Foster parents shall be responsible for implementing in-home treatment strategies specified in each child's treatment plan.

16.

**k.**—Foster parents shall keep an ongoing written record of each child’s behavior and progress toward treatment goals.

17.

1. ~~The~~ foster parents shall ensure that each child has sufficient sleep for ~~his/her~~ their age and physical condition.

18.

~~m.—Foster parents~~~~Each child~~ shall be instruct ~~each child~~ in good grooming and personal hygiene habits.

19.

~~n. — F~~ The foster parents shall ensure each child is provided with opportunities for regular recreational activities and exercise.

20.

~~e.~~ f. The foster parents shall ensure each child shall be provided with age appropriate activities and equipment.

21.

9.22. Foster parents shall monitor and time limit the use of television, videos, computer games, and other screen time activities. ~~shall be monitored and time limited.~~

## 415 Medications

1. The agency shall have an intervention policy that is non-medical, unless a specific medical condition is indicated.

**320 Child Placement Agencies, Therapeutic Foster Care, Sexual Abuse, and Child Protective Services**

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.
- ~~4. 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.~~
4. 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.
5. 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 without limitation, but are not limited to, birth control, acne creams, and topical creams.
- 5.6. Medication shall be stored in accordance with pharmaceutical recommendations.

- \_\_\_\_\_

1. Foster families shall have their own transportation available.
2. Any vehicles used to transport foster children shall be maintained in compliance with motor vehicle laws, and be insured.
3. Children shall be transported only by foster parents or ~~approved~~ persons approved by foster parents who possessing a valid driver's license.
4. Children shall be transported according to Arkansas law, including without limitation, ~~but not limited to,~~ use of safety belts, child safety seats, and smoking restrictions.

1. The agency that has legal responsibility for the child shall develop a visitation plan that specifies when and how visits will occur between the child and the parents.
2. The child placement agency shall carry out the visitation plan to meet the terms of the plan.
3. Foster parents shall allow foster children and their families to communicate according to the child's treatment plan.

## 418

- 1.

- 7.

## Child Placement

### 419 Agency Responsibilities

1. The child placement agency (agency) shall provide the foster parents with the information necessary to provide adequate care to each foster child.
2. The agency shall provide foster parents with instructions for contacting agency personnel any time.

1.

- 8.





- c. Master treatment plan;
- d. Treatment plan review;
- e. Ongoing observations;
- f. Medication and physician orders;
- g. Progress notes.

~~4.12.~~ The agency shall establish procedures for hearing children's grievances.

12.13. The agency shall have written policies governing the supervision and monitoring of children in the home, on the grounds, and in the community.

13.14. The agency shall have written policies to protect children in the program and to ensure public safety.

~~14.15.~~ If the ~~child placement~~ agency receives a report of non-compliance with licensing standards, the agency shall investigate ~~to learn if the foster home remains in compliance~~ the report of non-compliance. A report of findings and any corrective action shall be maintained in the foster home record. The investigation shall be completed within sixty (60) days of receiving the report of non-compliance, unless good cause is documented.

15.16. The agency shall maintain a record for each foster family that contains all information and documentation required by licensing standards. ~~To include:~~ This record shall include:

- a. Complete and signed application;
- b. Approval letter;
- c. Home Study;
- d. Minimum age verification;
- e. Three (3) positive references, from a non-relative;
- f. Initial physical exam;
- g. Pre-service training verification;
- h. Initial and current criminal background, Child Maltreatment Central Registry, and Federal Bureau of Investigation (FBI) checks, as required;
- i. Initial and current CPR and First Aid certification;

## 320

- l. Current homeowner's or renter's insurance and general liability insurance;
- m. Current rabies vaccinations for household pets as required by law;
- n. Documentation of annual training;
- o. Social media confidentiality documentation;
- p. Surveillance documentation, if applicable;
- q. Safety plans;
- r. Floor plan;
- s. Approved annual water system test, if applicable;
- t. Approved alternative fire escape route, if applicable;
- u. Documentation of quarterly monitoring visits, including unannounced visits;
- v. Documentation of annual re-evaluations;
- w. Reports of non-compliance with licensing standards including findings, and any corrective actions;
- x. Closing summary.

~~16.17. TheIf the home closes, the~~ agency shall prepare a closing summary, including reasons for closure., if thehome closes.

17.18. The agency shall promptly notify ~~the~~ Arkansas' office of the Interstate Compact on the Placement of Children (ICPC) upon discharging a child from outside Arkansas.

~~18.19.~~ The agency shall approve and document the use of all surveillance devices used in the home.

## 420 Monitoring & Re-evaluation

1. The agency shall monitor the foster home at least quarterly for continued compliance with licensing standards for foster homes.
- ~~2.~~ At least one (1) unannounced quarterly visit shall be conducted annually and shall be documented as unannounced in the foster home record. ~~d.~~

2.

## 421 Discharge

**420 Child Placement Agencies – Therapeutic Foster Care – Sexual Rehabilitative Programs**  
**CHILD PLACEMENT AGENCIES: THERAPEUTIC FOSTER CARE – SEXUAL**  
**REHABILITATIVE PROGRAMS**

5. —

## **500 CHILD PLACEMENT AGENCIES: ADOPTIONS**

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

### **501 Selection of Adoptive Home**

1. The agency shall select the home that is in the best interest of each child and is matched to the child's physical and emotional needs. The placement shall be based on an individual assessment of each child's needs.
2. The agency shall place children only in approved adoptive homes. All adoptive homes shall be approved prior to placement.
3. The agency shall have an established fee schedule for adoption services. The agency is not required to charge the same fees for all adoptions, but a sliding fee schedule shall have specified conditions and be equally applied. The fee schedule may take into consideration the income of the adoptive family and relevant factors such as children ~~that~~ who are considered hard to place.
4. The agency shall have a foster care license in order to place children in short-term foster care while awaiting an adoptive placement.

### **502 Approval Process of Prospective Homes**

1. In a two-parent home, both shall actively participate in the approval process.
2. An adoptive parent shall be at least twenty-one (21) years ~~old~~ of age.
3. The agency shall ensure there is a completed home study for each prospective adoptive family to determine if they should be approved as an adoptive home.
4. The ~~Licensed Certified Social Worker~~ licensed certified social worker or agency caseworker conducting the home study shall have at least two (2) visits in person with the prospective adoptive family during the initial approval process. One (1) of the visits shall be in the home of the prospective adoptive family.
5. The caseworker shall have a separate, ~~face to face~~ face-to-face interview with each



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**600** ~~Child Placement Agencies: Foster Care~~ **CHILD PLACEMENT**  
~~AGENCIES: RESIDENTIAL~~  
prospective adoptive parent.

~~6.~~ The caseworker shall interview each age-appropriate member of the household in person.

~~7.6.~~ Each member of the adoptive household shall have a physical exam within twelve (12) months prior to the approval by the social worker or agency conducting the home study;

**600 ~~Child Placement Agencies: Foster Care~~ CHILD PLACEMENT**  
**AGENCIES: RESIDENTIAL**

7. ~~and annually thereafter until placement to ensure that no person has a health condition or disability that would interfere with the family's ability to care for a child. Each member of the adoptive household will have a physical exam within twelve (12) months before being approved by the social worker or agency conducting the home study. Each member will need to have a repeat physical exam annually (until placement) to ensure that no household member has a health condition or disability that would interfere with the family's ability to care for a child.~~
8. The ~~Licensed Certified Social Worker~~ licensed certified social worker or agency shall notify applicants in writing within sixty (60) days of completion of the final home visit concerning the acceptance, reason for further delay, or denial of their application.

## 503 Contents of the Home Study

1. A home study shall be conducted by a caseworker of the agency or a ~~Licensed Certified Social Worker~~ licensed certified social worker.
- ~~2.~~ The adoptive home study shall contain the following information, current to within one (1)  
~~(1)2.~~ year prior to each adoptive placement:
  - a. The family's motivation for adoption and the desired characteristics of the child or children to be adopted;
  - b. Each family member's attitudes toward adoption;
  - c. Attitudes of the applicants toward the birth parents(s), including parent search issues;
  - d. Resolution of any infertility issues;
  - e. The mental health, emotional stability, and maturity of the applicants;
  - f. The physical health of all household members, including a physician's statement, provided to the social worker or agency conducting the home study, stating that a medical exam was performed;
  - g. The financial status and stability of the family, including proof of income and payment to the social worker or agency conducting the home study ~~of income and employment~~;
  - h. At least three (3) positive personal references from nonrelatives ~~on~~ regarding the

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family. The references do not need to be updated unless this is a new adoption in the family or there have been significant changes;

- i. The family's ability to cope with stress, loss, and crisis;
- j. Adjustment and well-being of any minors residing in the home;
- k. The family's child-caring skills and willingness to acquire additional skills;
- l. The family's discipline practices;
- m. Religious affiliation;
- n. A description of the home, its location, and its environment;

- o. An assessment of the safety of the home, including all water hazards, dangerous pets, and firearm safety;
- p. ~~A statement in the home study narrative or an addendum that the adoptive parents report to the social worker or agency conducting the home study that they have or have not been denied approval as an adoptive home in the past, and if so, why;~~ A statement in (or an addendum to) the home study narrative stating that the adoptive parents will report to the social worker or agency conducting the home study if they have been either approved or denied as an adoptive home in the past and if denied, why (and why).
- q. A statement regarding the availability and results from criminal records and ~~e~~Child ~~m~~Maltreatment ~~e~~Central ~~r~~Registry checks, dated ~~to~~ within one (1) year prior to placement;
- r. The stability of the adoptive family and their marriage, if applicable, shall be discussed and determined to be appropriate;
- s. A recommendation regarding adoption, including the age, gender, characteristics, and special needs of children best served by this family;
- t. If the adoptive family experiences any major life changes (~~e.g., for example,~~ marriage, divorce, separation, health changes, change of residence, or change of household composition), the social worker or agency shall re-evaluate the family prior to placement of a child. An additional home visit is required if there has been a change of residence.

## 504 Services to the Adoptive Parents

- 1. The agency shall provide information to the adoptive applicants regarding the potential risks associated with adoption.
- 2. The agency shall provide a written statement of exclusion (~~e.g., for example,~~ single parents, or unwed couples), ~~if applicable,~~ to adoptive applicants before a home study is conducted, if applicable.
- 3. The following information (if available) shall be provided to adoptive parents regarding the child being considered for adoption:
  - a. Specific and accurate information about the needs and characteristics of the child;
  - b. The health ~~/~~ and medical history of the child and the child's biological family;

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- c. The health status of the child at the time of placement;
- d. Genetic and social history of biological relatives, including:
  - i.      Medical history;
  - ii.      ~~ii.~~ Health status, if alive;
  - iii.      ~~iii.~~ Cause ~~of~~ and age ~~of~~ death, if deceased;
  - ~~iv.~~      ~~iv.~~ Height, weight, eye color, and hair color;
  - v.      ~~v.~~ Levels of education and professional    achievement;
  - vi.      ~~vi.~~ Ethnic origins; and
  - vii.      ~~vii.~~ Religion.

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4. The agency caseworker shall ensure that at least two (2) ~~face-to-face~~ face-to-face post-placement visits are made within six (6) months after the placement of the child. One (1) of the visits shall be in the home of the adoptive family. If a finalized decree of adoption has been issued, then post-placement visits are not required.
5. The agency shall have a plan for caring for children ~~in case their~~ if their placement ~~disrupts~~ is disrupted before the issuance of a decree of adoption.
6. The agency shall offer supportive services to the adoptive family for at least six (6) months following placement.

## **505 Services to Birth Parents**

1. If the agency is providing casework services to either birth parent, an intake shall be completed within thirty (30) days to identify services needed.
2. Counseling for both parents (if applicable) shall be offered, and shall to include the following:
  - a. Information, rights, options, and obligations regarding the adoption process; and
  - b. Issues related to grief and loss.
3. Financial assistance to the birth mother may only be provided during the time of the pregnancy and after the pregnancy during the time the birth mother requires inpatient or outpatient postpartum care. This does not apply to future social services provided by an agency that offers a broader range of services other than adoptions.
4. All financial assistance to the birth mother shall be documented, including the amount and purpose of payment. This documentation shall be maintained in the individual file of the birth mother.

## **506 Birth Parent Records**

1. If the agency has provided casework services to the birth parents, the following information shall be kept in a confidential file:
  - a. The birth parents' intake information, including any reviews and updates;
  - b. All correspondence with the birth parents;

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- AGENCIES: RESIDENTIAL**
- c. All signed documents between the agency and the birth parents; and
  - d. Documentation of all casework services provided before and after the adoption, current to within one (1) month of occurrence.

## **507 Agency Responsibilities**

1. The agency shall provide written policy that includes a complete description of all types of the birth mother's expenses that may be passed through to the adoptive parents. The policy shall include notice to the adoptive parents that they may be responsible for unforeseeable medical and legal expenses.  
~~The agency shall provide written policy that includes a complete description of all types of the birth mother's expenses that may be passed through to the adoptive parents. The~~  
~~The agency shall provide written policy that includes a complete description of all types of the birth mother's expenses that may be passed through to the adoptive parents. The~~

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~~policy shall include notice to the adoptive parents that they may be responsible for unforeseeable medical and legal expenses.~~

2. The agency shall inform the adoptive parents in writing that a birth mother may choose not to relinquish a child for adoption, including the applicable postpartum period during which the birth mother may withdraw her consent for placement of her child.
3. The agency shall have a clear, written policy on refunds that is provided, explained, and signed by the prospective adoptive parents during the application process.
4. The agency shall apprise prospective adoptive parents in writing that any financial assistance given to the birth parent(s) is not recoverable if the birth parent(s) should decide not to complete an adoption plan. The only exception is if intent to defraud the prospective adoptive parents can be proven.
5. If the agency closes or ceases to provide adoption services, all adoption records (including adoptive parents, birth mother (if applicable), and children placed) shall be transferred to a licensed adoption agency by written agreement.
6. The closing agency shall provide written notification to the Licensing Unit regarding the transfer of records.

## 508 Adoptive Family Records

1. The agency shall keep a confidential case record for each family that receives~~s~~ a child for adoption. The record shall contain:
  - a. The application to adopt;
  - b. The completed home study;
  - c. Criminal Record checks and Child Maltreatment Central Registry checks;
  - d. A copy of the information given to the adoptive parents regarding the child they received; and
  - e. Copies of all legal documents concerning the adoption.



## 509 Record Maintenance

- ~~1.~~ The agency shall maintain a permanent file on any adoption finalized that, ~~which~~ shall be accessed according to Arkansas law.

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**1.**

2. If the agency establishes or contracts with a Mutual Consent Voluntary Adoption Registry, it shall be maintained according to Arkansas law.

## **510 Branch Offices**

1. Any agency licensed in Arkansas shall provide the following information to the Licensing Unit prior to opening a branch office in Arkansas;
  - a. The address, telephone numbers (if available), and office hours for the branch office;
  - b. The name(s), qualifications, and contact information of the person(s) responsible for the day-to-day operations ~~of the branch office~~ and the child placement activities ~~of~~ the branch; and
  - c. The name(s) and contact information of the person(s) responsible for providing services in case of emergencies or child-placement crises.

e. \_\_\_\_\_

## ~~600 Child Placement Agencies: Residential~~

## 600 CHILD PLACEMENT AGENCIES: RESIDENTIAL

*In addition to all applicable standards in section 100, the following standards shall be met:*

1. The agency shall select the placement that is in the best interest of the child and is matched to the child's physical and emotional needs, based on an individual assessment.
2. A child placement agency shall only place a child into a licensed or exempt facility. ~~and~~ Documentation of current license is required for any ~~out-of~~ out-of-state placement.
3. The agency shall maintain a record of all placements to include:
  - a. Child's name;
  - b. Date of placement;
  - e. \_\_\_\_\_ Placement providers; and

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**c.**

d. Person making referral, placing child, or assisting with placement.

4. The agency shall maintain a list of personnel involved in child placement activities.

**5.** The agency shall maintain a personnel record for each employee involved in child placement activities. Agencies providing mental health or other services that do not require a placement license shall not have their personnel records subject to review.

~~5.~~ —

## **Appendix A: — DEFINITIONS**

~~1.~~ **"Adoption agency"** means a child placement agency ~~which~~ that places, plans for, or assists in the placement of an unrelated minor in a household of one (1) or more persons ~~which~~ that has been approved to accept a child for adoption.

~~1.~~ —

~~2.~~ **"Adoptive home"** means a household of one (1) or more persons that has been approved by a licensed child placement agency to accept a child for adoption.;

~~2.~~ —

~~1.3.~~ **"Adverse action"** means any petition by the Department of Human Services before the Child Welfare Agency Review Board to take any of the following actions against a licensee or applicant for a license:

- a. Revocation of license;
- b. Suspension of license;
- c. Conversion of license from regular or provisional status to probationary status;
- d. Imposition of a civil penalty;
- e. Denial of application; or
- f. Reduction of licensed capacity.;

~~2.4.~~ **"Alternative compliance"** means approval from the Child Welfare Agency Review Board to allow a licensee to deviate from the letter of a rule, provided that the licensee has demonstrated how an alternate plan of compliance will meet or exceed the intent of the rule.;

~~3.5.~~ **"Board"** means the Child Welfare Agency Review Board.;

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4. **"Boarding school"** means an institution that is operated solely for educational purposes and that meets each of the following criteria:

- a. ~~The institution is in operation for a period of time not to exceed the minimum number of weeks of classroom instruction required of schools accredited by the Department of Education;~~

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**~~AGENCIES: RESIDENTIAL~~**

**6.**

- a. The institution is in operation for a period of time not to exceed the minimum number of weeks of classroom instruction required of schools accredited by the Department of Education;
- b. The children in residence must customarily return to their family homes or legal guardians during school breaks and must not be in residence year-round, except that this provision does not apply to students from foreign countries; and
- c. The parents of children placed in the institution retain custody, ~~and planning,~~ and financial responsibility for the children.;

**5.7. "Child"** means a person who is:

- a. From birth to eighteen (18) years of age; or
- b. Adjudicated dependent-neglected, dependent, or a member of a family in need of services before eighteen (18) years of age and for whom the juvenile division of a circuit court retains jurisdiction under the Arkansas Juvenile Code of 1989, § 9-27301 et seq.;

**6.8. "Child placement agency"** means a child welfare agency, ~~not including~~ excluding any person licensed to practice medicine or law in the State of Arkansas ~~that~~ who engages in any of the following activities:

- a. Places a child in a foster home, adoptive home, or any type of facility licensed or exempted by this subchapter;
- b. Plans for the placement of a child into a foster home, adoptive home, or any type of facility licensed or exempted by this subchapter; ~~or~~
- c. Assists the placement of a child in a foster home, adoptive home, or any type of facility licensed or exempted by this subchapter; or
- d. Places, plans, or assists in the placement of a child victim of human trafficking in a home or any type of shelter or facility.

**7.9. "Child welfare agency"** means any person, corporation, partnership, voluntary association, or other entity or identifiable group of entities having a coordinated ownership of controlling interest, whether established for profit or otherwise, that engages in any of the following activities:

- a. Receives a total number of six (6) or more unrelated minors for care on a twenty-four-hour basis for the purpose of ensuring the minors receive care, training, education, custody, or supervision, whether or not there are six (6) or more children cared for at any single physical location;

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- b. Places any unrelated minor for care on a twenty-four-hour basis with persons other than themselves; ~~or~~
- a. ~~Plans for or assists in the placements~~ of a child into a foster home, adoptive home, or any type of facility licensed or exempted by this subchapter described in subdivision(8)(B) of this section; or
- c.



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~~e.~~ Places, plans, or assists in the placement of a child victim of human trafficking in a home or any type of shelter or facility.

~~d.~~

**8.10. "Church-related exemption" means:**

~~a.~~ Any church or group of churches exempt from the state income tax levied by

~~a.~~ § 26-51-101 et seq. when operating a child welfare agency shall be exempt from obtaining a license to operate the facility by the receipt by the Child Welfare Agency Review Board of written request therefore, together with the written verifications.

b. A written request shall be made ~~to the board~~ by those churches desiring exemption ~~to the board~~, which is mandated under the authority of this subchapter to license all child welfare agencies.

c. In order to maintain an exempt status, the child welfare agency shall state every two (2) years in written form (signed by the persons in charge) that the agency has met the fire, safety, and health inspections and is in substantial compliance with published standards that similar nonexempt child welfare agencies are required to meet; and.

d. Visits to review and advise exempt agencies shall be made as deemed necessary by the board to verify and maintain substantial compliance with all published standards for nonexempt agencies.

**9.11. "Emergency child care" means any residential child care facility that provides care to children on a time-limited basis, not to exceed ninety (90) days.**

**10.12. "Emergency Family Style Care" means any child welfare agency that provides ~~twenty-four (24) hour~~ twenty-four-hour custodial care, in a home-like setting, for six (6) or more unrelated children or a child victim of human trafficking on an emergency basis, not to exceed ninety (90) days.**

**11.13. "Emergency Residential Child Care Facility" means any child welfare agency that provides ~~twenty-four (24) hour~~ twenty-four-hour custodial care for six (6) or more unrelated children or a child victim of human trafficking on an emergency basis, not to exceed ninety (90) days. Any child admitted as an emergency placement shall be designated as such and shall be discharged within ninety (90) days.**

Appendix B: Prohibited Offences

600 ~~Child Placement Agencies: Foster Care~~ CHILD PLACEMENT

~~AGENCIES: RESIDENTIAL~~

~~12.14.~~ **"Exempt child welfare agency"** means any person, corporation, partnership, voluntary association, or other entity, whether established for profit or otherwise, that otherwise fits the definition of a child welfare agency but ~~that~~ is specifically exempt from the requirement of obtaining a license under this subchapter. Those agencies specifically exempt from the license requirement are:

Appendix B: Prohibited Offences

**600 ~~Child Placement Agencies: Foster Care~~ CHILD PLACEMENT**  
**AGENCIES: RESIDENTIAL**

- a. A facility or program owned or operated by an agency of the United States Government;
- b. Any agency of the State of Arkansas that is statutorily authorized to administer or supervise child welfare activities. In order to maintain exempt status, the state child welfare agency shall ~~state~~ provide a written document every two (2) years ~~in written form~~ (signed by the persons in charge) stating that their agency is in substantial compliance with published state agency child welfare standards. Visits to review and advise exempt state agencies shall be made as deemed necessary by the Child Welfare Agency Review Board to verify and maintain substantial compliance with the standards;
- c. A facility or program owned or operated by or under contract with the Department of Correction;
- d. A hospital providing acute care licensed pursuant to § 20-9-201 et seq.;
- e. Any facility governed by the Department of Human Services State ~~i~~ Institutional System Board or its successor;
- f. Human development centers regulated by the Board of Developmental Disabilities Services pursuant to § 20-48-201 et seq.;
- g. Any facility licensed as a family home pursuant to § 20-48-601 et seq.;
- h. Any boarding school, as defined in this section;
- i. Any temporary camp, as defined in this section;
- j. Any state-operated facility to house juvenile delinquents or any serious offender program facility operated by a state designee to house juvenile delinquents. Those facilities shall be subject to program requirements modeled on nationally recognized correctional facility standards that shall be developed, administered, and monitored by the Division of Youth Services of the Department of Human Services;
- k. Any child welfare agency operated solely by a religious organization that elects to be exempt from licensing and that complies within the conditions of the exemption for church ~~operated~~ agencies, as set forth in this subchapter;
- l. The Division of Developmental Disabilities Services of the Department of Human Services; and
- m. Any developmental disabilities services waiver provider licensed under § 20-48-208 or § 20-48-601 et seq.;

Appendix B: Prohibited Offences

**600 ~~Child Placement Agencies: Foster Care~~ CHILD PLACEMENT**

**AGENCIES: RESIDENTIAL**

**13.** ~~"Foster Care Placement Agency"~~ means a child placement agency.

**15.** ~~which that~~ places, plans for, or assists in the placement of an unrelated minor in a private residence of one (1) or more family members for care and supervision on a ~~twenty-four~~ twenty-four-hour basis or places, plans, or assists in the placement of a child victim of human trafficking in a home.

**600 Child Placement Agencies: Foster Care CHILD PLACEMENT  
AGENCIES: RESIDENTIAL**

~~\_\_\_\_\_ (24) hour basis; or places, plans, or assists in the placement of a child victim of human trafficking in a home.~~

**14.16. "Foster home"** means a private residence of one (1) or more family members that receives ~~from a child placement agency~~ any child who is unattended by a parent or guardian from a child placement agency in order to provide care, training, education, or supervision on a twenty-four-hour basis, not to include adoptive homes. **"Foster home"** does not include a home suspended or closed by a child placement agency.;

**15.17. "Transitional Living"** means any child welfare agency that provides specialized services in adult living preparation in a structured setting for persons eighteen (18) years of age or older who have been admitted into the ~~agencies~~ agency's residential program prior to ~~the age of eighteen (18) years of age.~~

**16.18. "Independent Living"** means a child welfare agency that provides specialized services in adult living preparation in an experiential home--like setting for persons sixteen (16) years of age or older.

**17.19. "Independent Living Family Style Care"** means a child welfare agency that provides specialized services in adult living preparation in an experiential home--like setting for persons sixteen (16) years of age or older.

**18.20. "Minimum standards"** means those rules as established by the Child Welfare Agency Review Board that set forth the minimum acceptable level of practice for the care of children by a child welfare agency.;

**19.21. "Placement Residential"** means a child placement agency ~~which that~~ places, plans for, or assists in the placement of an unrelated minor into a residential child care facility or the placement of a child victim of human trafficking in any type of shelter or facility. -The agency may be licensed for any or all types of licenses, depending on the types of services it provides.

**20. "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 for a relative or fictive kin of a child in the

**22.** custody of the Division of Children and Family Services of the Department of Human Services after it:

Appendix B: Prohibited Offences

**600 ~~Child Placement Agencies: Foster Care~~ CHILD PLACEMENT**

- ~~AGENCIES: RESIDENTIAL~~**
- a. Conducts a health and safety check, including a Child Maltreatment eCentral ~~Registry check, and~~ a criminal background check, or a check with local law enforcement, of the relative's home; and
  - b. Performs a visual inspection of the home of the relative to verify that the relative and the home will meet the standards for opening a regular foster home.

**600 Child Placement Agencies: Foster Care CHILD PLACEMENT  
AGENCIES: RESIDENTIAL**

**21.23. "Probationary"** means a type of license issued to an agency that has not maintained compliance with minimum licensing standards, but the ~~Board~~ board believes that compliance can be restored and subsequently maintained. -This license may be issued for up to one (1) year, at the discretion of the board.

~~(1) year, at the discretion of the Board.~~

**22.24. "Psychiatric residential treatment facility"** means a residential child care facility in a nonhospital setting that provides a structured, systematic, and therapeutic program of treatment under the supervision of a psychiatrist, ~~for children who are emotionally disturbed and in need of daily nursing services, psychiatrist's supervision, and residential care,~~ but who are not in an acute phase of illness requiring the services of an inpatient psychiatric hospital.;

**23.25. "Relative"** means a person within the fifth degree of kinship by virtue of blood or adoption.;

**24.26. "Religious organization"** means a church, synagogue, ~~or~~ mosque, or association of same whose purpose is to support and serve the propagation of truly held religious beliefs.;

**25.27. "Residential child care facility"** means any child welfare agency that provides care, training, education, custody, or supervision on a twenty-four-hour basis for six (6) or more unrelated children, excluding foster homes that have six (6) or more children who are all related to each other but who are not related to the foster parents.; or receives a child victim of human trafficking in any type of shelter or facility.

**26. "Residential Family Style Care"** means any child welfare agency that provides care, training, education, custody, or supervision, in a home--like setting, on a ~~twenty-four~~ (24)hour twenty-four-hour basis, for six (6) or more unrelated minors or receives a child victim of human trafficking in any type of shelter or facility.

28.

**27.29. "Sexual Rehabilitative Program"** means a treatment program that offers a specific and specialized therapeutic program for children with sexually maladaptive behaviors. A licensed sexual rehabilitative program may be in a residential childcare facility, a therapeutic foster care home, or a psychiatric residential treatment facility.

Appendix B: Prohibited Offences

**600 ~~Child Placement Agencies: Foster Care~~ CHILD PLACEMENT**

**AGENCIES: RESIDENTIAL**

**28.** — "**Special consideration**" means approval from the Child Welfare Agency Review Board to allow a licensee to deviate from the letter of a rule if the licensee has demonstrated that the deviation is in the best interest of the children and does not pose a risk to persons served by the licensee.;

**30.** —

**29.** — "**Substantial compliance**" means compliance with all essential standards necessary to protect the health, safety, and welfare of the children in the care of the child welfare agency.

— Essential standards include without limitation, ~~but are not limited to,~~ those relating to issues involving fire, health, safety, nutrition, discipline, staff-to-child ratio, and space.;



31.

~~30.~~32. **"Temporary camp"** means any facility or program providing twenty-four-hour care or supervision to children that meets the following criteria:

- a. The facility or program is operated for recreational, educational, or religious purposes only;
- b. No child attends the program more than forty (40) days in a calendar year; and
- c. The parents of children placed in the program retain custody, ~~and~~ planning, and financial responsibility for the children during placement.

~~31.~~33. **"Therapeutic Foster Care"** means any child placement agency that places, plans for, or assists in the placement of an unrelated minor or a child victim of human trafficking in a therapeutic foster home. Therapeutic foster care is intensive therapeutic care for children provided in specially trained family homes supported by licensed mental health professionals (as recognized by Arkansas Medicaid). A therapeutic foster care program is a family-based services delivery approach providing individualized treatment for children, youth, and their families. Treatment is delivered through an integrated set of services with key interventions and supports provided by therapeutic foster parents who are trained, supervised, and supported by qualified program staff. Therapeutic foster care services shall be provided in a separately identified program of a larger agency or be provided by an independent agency.

~~32.~~34. **"Therapeutic Foster Care - Sexual Rehabilitative Program"** means a treatment program that offers a specific and specialized therapeutic program for children with sexually maladaptive behaviors. A licensed sexual rehabilitative program may be in a residential childcare facility, a therapeutic foster care home, or a psychiatric residential treatment facility.

35. **"Unrelated minor"** means a child who is not related by blood, marriage, or adoption to the owner or operator of the child welfare agency and who is not a ward of the owner or operator of the child welfare agency pursuant to a guardianship order issued by a court of competent jurisdiction.

~~33.~~ —

## 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):~~

## Appendix B: ~~DELETED~~ Prohibited Offences

01. Abuse of an endangered or impaired person, if felony;	§ 5-28-103;
02. Arson;	§ 5-28-103;
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; <del>§ 5-13-207;</del>
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; <del>§ 5-12-203;</del>
09. Breaking <del>or</del> <u>and</u> 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;

Appendix B: ~~DEPT~~ Prohibited Offences

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

## Appendix B. PROHIBITED OFFENSES DEFINITIONS

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- <del>§ 5-26-305;</del>
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- <del>§ 5-27-206</del>
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- <del>§ 5-11-104;</del>
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;

Appendix B. Prohibited Offenses

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;

## Appendix B. PROHIBITED OFFENSES DEFINITIONS

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;
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

Appendix B. Prohibited Offenses

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:
- (a) ~~a~~A person who is required to have a criminal records check, ~~and~~ 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~~their term of confinement, probation, or parole supervision unless the conviction is vacated or reversed.
  - (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.

# **Minimum Licensing Standards for Child Welfare Agencies**



**RESIDENTIAL**

Child Welfare Agency Review Board  
&  
Arkansas Department of Human Services  
Division of Child Care and Early Childhood Education

**Placement and Residential Licensing Unit**



PUB 04 (R. ~~1/1/2020~~06/01/2022)

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MARK-UP

## INTRODUCTION

“The Child Welfare Licensing Act,” (Ark. Code Ann. § 9-28-401 et. seq.), ~~(the Act)~~ is the legal authority under which the Child Welfare Agency Review Board establishes minimum licensing standards for child welfare agencies, as defined under the statute.

### Child Welfare Agency Review Board

The Child Welfare Agency Review Board (~~B~~the board) shall promulgate and publish rules setting minimum standards governing the granting, revocation, refusal, conversion, and suspension of licenses for a child welfare agency and the operation of a child welfare agency.

The ~~B~~board may consult with such other agencies, organizations, or individuals as it shall deem proper.

The ~~B~~board may amend the rules promulgated pursuant to this section from time to time, in accordance with the rule promulgation procedures in the Arkansas Administrative Procedure Act, § 25-15-201 et seq.

The ~~B~~board shall promulgate rules that:

- ~~1.~~ Promote the health, safety, and welfare of children in the care of a child welfare agency;
- ~~1.~~
2. Promote safe and healthy physical facilities;
3. Ensure adequate supervision of the children by capable, qualified, and healthy individuals;
4. Ensure appropriate educational programs and activities for children in the care of a child welfare agency;

5. Ensure adequate and healthy food service;
6. Include procedures for the receipt, recordation, and disposition of complaints regarding allegations of violations of this subchapter, of the rules promulgated under the Child Welfare Agency Licensing Act, or of child maltreatment laws;
7. Include procedures for the assessment of child and family needs and for the delivery of services designed to enable each child to grow and develop in a permanent family setting;
8. Ensure that criminal record checks and central registry checks are completed on owners, operators, employees, volunteers, foster parents, adoptive parents, and other persons in the homes, as set forth in this subchapter;
9. Require the compilation of reports and making those reports available to the division when the board determines it is necessary for compliance determination or data compilation; and
10. Establish rules governing retention of licensing records maintained by the division.

A licensed ~~C~~child ~~W~~welfare ~~A~~agency may adopt and apply internal operating procedures that meet or exceed the minimum standards required by the board.

The Arkansas Administrative Procedure Act, Ark. Code Ann. 25-15-201 et seq., shall apply to all proceedings brought to the ~~B~~board under this subchapter, except that the following provisions shall control during adverse action hearings to the extent that they conflict with the Arkansas Administrative Procedure Act:

1. All parties to an adverse action shall be entitled to engage in and use formal discovery as provided for in Rules 26, 28, 29, 30, 31, 32, 33, 34, and 36 of the Arkansas Rules of Civil Procedure including:

- a. Requests for admission;
  - b. Request for production of documents and things;
  - c. Written interrogatories; and
  - d. Oral and written depositions.
2. All evidentiary rulings in an adverse action hearing shall be governed by the Arkansas Rules of Evidence with respect to the following types of evidence:
  - a. The requirements of personal knowledge of a witness as required by Rule 602;
  - b. The admissibility of character evidence as set forth by Rules 608 and 609;
  - c. The admissibility of character evidence as set forth by Rules 701-703; and
  - d. The admissibility of hearsay evidence as set forth by Rules 801-806.

## **Residential Agencies Requiring Licensing**

Any person, organization, corporation, partnership, voluntary association, or other entity which provides care, training, education, custody, supervision for a total of six (6) or more unrelated minors on a twenty-four hour ~~(24) hour~~ basis, or receives a child victim of human trafficking in any type of shelter or facility, and is not otherwise exempt by the Act, requires a license.

## Residential Types of Licenses

### Emergency Residential Child Care Facility

Any child welfare agency that provides twenty-four ~~-(24)-~~ hour custodial care for six (6) or more unrelated children or a child victim of human trafficking on an emergency basis, not to exceed ninety (90) days. Any child admitted as an emergency placement shall be designated as such and shall be discharged within ninety (90) days.

### Emergency Family Style Care

Any child welfare agency that provides twenty-four ~~-(24)-~~ hour custodial care, in a home-like setting, for six (6) or more unrelated children or a child victim of human trafficking on an emergency basis, not to exceed ninety (90) days.

### Residential Child Care Facility

Any child welfare agency that provides care, training, education, custody, or supervision on a twenty-four ~~-(24)-~~ hour basis for six (6) or more unrelated minors.

### Residential Family Style Care

Any child welfare agency that provides care, training, education, custody, or supervision, in a home-like setting, on a twenty-four ~~-(24)-~~ hour basis for six (6) or more unrelated minors or a child victim of human trafficking.

### Psychiatric Residential Treatment Facility

A residential child care facility in a non-hospital setting that provides a structured, systematic, and therapeutic program of treatment under the supervision of a physician licensed by the Arkansas State Medical Board and who has experienced in the practice of psychiatry. It is for children who are emotionally disturbed and in need of daily nursing services, physician's supervision, and residential care, but who are not in an acute phase of illness requiring the services of an inpatient psychiatric hospital.

### Sexual Rehabilitative Program

A treatment program that offers a specific and specialized therapeutic program for children with sexually maladaptive behaviors. A licensed sexual rehabilitative program may be in a residential childcare facility, a therapeutic foster care home, or a psychiatric residential treatment facility.



## Independent Living

A child welfare agency that provides specialized services in adult living preparation in an experiential setting for persons sixteen (16) years of age or older.

## Independent Living Family Style Care

A child welfare agency that provides specialized services in adult living preparation in an experiential home--like setting for persons sixteen (16) years of age or older.

## Transitional Living

A child welfare agency that provides specialized adult living preparation services ~~in adult living preparation~~ in a structured setting for persons eighteen (18) years of age or older who have been admitted into the agency's residential program prior to ~~the age~~ years of age eighteen (18).

An agency may be licensed for any or all types of licenses, depending on the types of services it provides.

## License Status

The ~~B~~board shall issue all licenses to child welfare agencies upon majority vote of members present during each properly called board meeting at which a quorum is present. The ~~B~~board shall have the power to deny an application to operate a child welfare agency or to revoke or suspend a previously issued license to operate a child welfare agency. The ~~B~~board may also issue letters of reprimand or caution to a child welfare agency. ~~Any denial of application or revocation or suspension of a license shall be effective when made. Any revocation of a license, suspension of a license, or denial of application for a license shall be effective when made.~~

## Provisional

Issued to a newly licensed agency for a ~~one (1) year~~ one-year period, to give the agency time to demonstrate substantial compliance with minimum licensing standards. At the discretion of the ~~b~~Board, a provisional license may be issued up to one (1) additional year.

## Probationary

Issued to an agency that has not maintained compliance with minimum licensing standards, but the ~~B~~board believes that compliance can be restored and subsequently maintained. This license may be issued for up to one (1) year, at the discretion of the ~~b~~Board.

## Regular

Issued either to a previously licensed agency that continues to meet all minimum licensing standards, or ~~issued~~ to an agency that meets all essential standards and has a favorable compliance history, (which predicts full compliance with all standards within a reasonable time). A regular license shall remain open and effective until closed at the request of the agency or ~~B~~board action.

## Suspended

Board action taken when an agency has failed to maintain compliance with minimum licensing standards, but the violations do not warrant revocation. A license may not be suspended for longer than one (1) year at a time. The ~~B~~board may issue a probationary or regular license when compliance is restored.

## Closed

Action taken when the agency requests that the license be closed.

## Revoked

Board action taken when an agency has failed to maintain compliance with minimum licensing standards. The agency may not apply for a new license for at least one (1) year from the date of revocation.

## Status Change

After a board action, an amended license shall be issued any time there is a change in the agency's program that affects the license type, status, capacity, ages of children served, a name change, or an address change.

A license to operate a child welfare agency shall apply only to the address and location stated on the application and license issued, and it shall be transferable from one holder of the license to another or from one place to another.

Whenever ownership of a controlling interest in the operation of a child welfare agency is sold, the following procedures shall be followed:

1. The seller shall notify the division of the sale at least thirty (30) days prior to the completed sale;

2. The seller shall remain responsible for the operation of the child welfare agency until such time as the agency is closed or a license is issued to the buyer;
3. The seller shall remain liable for all penalties assessed against the child welfare agency which are imposed for violations or deficiencies occurring before the transfer of a license to the buyer;
4. The buyer shall be subject to any corrective action notices to which the seller was subject; and
5. The provisions of subsection (a) of this section, including those provisions regarding obtaining licenses or permits from the Office of Long-Term Care of the Division of Medical Services of the Department of Human Services and regarding obtaining any permits from the Health Services Permit Agency or the Health Services Permit Commission shall apply in their entirety to the new owner of the ~~C~~child ~~W~~welfare ~~A~~agency.

The ~~C~~child ~~P~~lacement ~~A~~agency shall inform current and potential clients if their license has been suspended, ~~or~~ revoked, or if they have voluntarily surrendered their license.

## How To Apply The Standards

Section 100 of the *Minimum Licensing Standards for Child Welfare Agencies* applies to all agencies. Subsequent sections apply to specific types of residential agencies. The agency shall meet the license requirements of its agency category.

### Special Consideration

The Child Welfare Agency Review Board may approve an agency's request for special consideration to allow a licensee to deviate from the letter of a rule if the licensee has demonstrated that the deviation is in the best interest of the children and does not pose a risk to persons served by the licensee.

If the board grants a request for special consideration, the child welfare agency's practice as described in the request shall be the compliance terms under which the child welfare

## ~~INTRODUCTION~~INTRODUCTION

agency will be held responsible and violations of those terms shall constitute a rule violation.

The ~~Child Welfare Agency Review Board~~board has authorized the ~~M~~managers and ~~S~~supervisors of the Licensing Unit to make temporary rulings regarding special consideration requests when the best interests of a child requires an immediate decision, subject to final approval at the next regularly scheduled meeting of the ~~B~~board.

### **Alternative Compliance**

The ~~B~~board may grant an agency's request for alternative compliance upon a finding that the agency does not meet the letter of a rule promulgated under the Child Welfare Agency Licensing Act, but that the agency meets or exceeds the intent of that rule through alternative means.

If the board grants a request for alternative compliance, the agency's practice as described in the request for alternative compliance shall be the compliance terms under which the agency will be held responsible and violations of those terms shall constitute a rule violation.

The ~~Child Welfare Agency Review Board~~board has authorized the ~~M~~managers and ~~S~~supervisors of the Licensing Unit to make temporary rulings regarding Alternative Compliance requests when the best interests of a child requires an immediate decision, subject to final approval at the next regularly scheduled meeting of the ~~B~~board.

Alternative Compliance requests granted in the areas listed below shall be time limited and shall not exceed two (2) years in length. These alternative compliances shall be monitored on an ongoing basis for compliance and shall be reviewed by the ~~B~~board every two (2) years:-

1. Staff to ~~C~~child ratio;
2. Capacity;
3. Sleeping arrangements; and

4. Bathrooms.

MARK-UP

MARK-UP

## 100 GENERAL REQUIREMENTS

*The standards in Section 100 apply to all agencies unless otherwise indicated.*

### 101 Applications & Licensing Procedure

1. The owner or board shall prepare and furnish an application packet for a license that contains the following:
  - a. A completed application form;
  - b. A letter from the agency's board or owner (as applicable) authorizing a person to sign the application;
  - c. A copy of the Articles of Incorporation, bylaws, and current board roster, if applicable, including names, addresses, and contact information of officers. Out of state agencies shall have legal authorization from the Arkansas Secretary of State to do business in Arkansas;
  - d. A personnel list with verifications of qualifications and experience;
  - e. Substantiation of the agency's financial soundness. This shall include without limitation~~but is not limited to:~~ a budget showing sufficient resources to operate for a period of six (6) months, either with resources on hand or with projected revenue from verifiable sources~~;~~<sup>5</sup> ~~Verifiable~~ letters of financial support and~~or~~ monthly bank account statements may be included to project income;
  - f. Proof of general and professional liability insurance (does not apply to ~~S~~state agencies);

- g. A written description of the agency's program of care, including intake policies, types of services offered, and a written plan for providing health care services to children in care;
  - h. Fire inspection;
  - i. Arkansas Department of Health inspection, including food service inspection, septic ~~or~~ /sewage inspection, non-municipal water sources and general sanitation inspection, as applicable;
  - j. Floor plan with room dimensions;
  - k. Zoning approval, where applicable; and
  - l. Any additional information requested by the Licensing Specialist to verify compliance with these standards and to make a recommendation regarding the granting of a license.
2. Once a completed application packet has been received, the ~~D~~division shall complete a licensing study and recommendation within ninety (90) days. If a recommendation is not made within ninety (90) days, the applicant may appear before the ~~B~~board to request a license.

## 102 Organization & Administration

- 1. The agency shall obtain a license before receiving six (6) or more children who are unrelated to the caregiver for care on a ~~twenty-four-hour~~ twenty-four-hour basis, or receives a child victim of human trafficking in any type of shelter or facility.
- 2. The purpose and mission of the agency, including treatment philosophy, services provided, and characteristics of children it is designed to serve, shall be stated in writing.



3. The following policies of the agency shall be current and available to all employees of the agency and the Licensing Specialist:

\_\_\_\_\_

a. Personnel policies;

\_\_\_\_\_

b. Volunteer policy;

\_\_\_\_\_

c. Student intern policy;

\_\_\_\_\_

d. Admission policy;

\_\_\_\_\_

e. Intake policy;

\_\_\_\_\_

f. Behavior Management policy; Corporal punishment is prohibited for all residential licenses- (See Arkansas code §9-28-405 (d) (1) e.);

\_\_\_\_\_

g. Crisis Management policy;

\_\_\_\_\_

h. Child Maltreatment/Mandated Reporter policy; according to Arkansas law, including procedures to ensure that alleged, suspected, or witnessed incidents of maltreatment are reported to the Child Maltreatment Hotline; and documented as required by these or other applicable rule or laws;

\_\_\_\_\_

i. Child Exploitation policy;

\_\_\_\_\_

j. Visitation policy;

\_\_\_\_\_

k. Family Therapy or Therapeutic Pass policy (Ppsychiatric only);

- l. Admission Health Assessments policy (~~P~~psychiatric only);
  - m. Public Safety policy (~~S~~sexual ~~R~~rehabilitative ~~P~~programs only); and
  - n. Target Population, and Admission, ~~Exclusion, and Discharge~~ Criteria, ~~and Discharge Criteria~~ policy (~~S~~sexual ~~R~~rehabilitative ~~P~~programs only).
4. If cameras are used for security or surveillance, the agency shall have written policy governing their use, including the following:
- a. Access to the live viewing or recordings is limited to:
    - i. Persons approved by the Administrator;
    - ii. Law enforcement;
    - iii. Division of Children and Family Services Investigators;
    - iv. Division of Children and Family Services personnel as approved or designated by the Director; or
    - v. And regulatory authorities;
  - b. The placing authority and the child shall be informed regarding the use of cameras; and

- c. Cameras shall not be used to observe or record children while toileting, bathing, dressing, or undressing.
- 5. The agency shall be legally authorized to conduct business in Arkansas by state law and local ordinance.
- 6. The agency shall provide copies of all programmatic licenses, certifications, and accreditations held by the agency.
- 7. The agency shall meet all federal, state, and local laws and ordinances that apply to child welfare agencies and to the proper care of children in such facilities.
- 8. The ~~O~~owner ~~and~~/or Board of Directors shall be responsible for operating the facility and shall have final responsibility to ensure that the facility meets licensing requirements. Names and addresses of ~~B~~board members shall be provided to the Licensing Specialist annually.
- 9. The agency shall maintain a current organizational chart showing the administrative structure of the organization.
- 10. The agency shall maintain proof of current general and professional liability insurance.
- 11. The agency shall notify the Licensing Unit within five (5) days of any change of Administrator, Social Service Director, or Clinical Director.
- 12. The agency shall establish and follow written policies and procedures that meet or exceed the Minimum Licensing Standards for Child Welfare Agencies.
- 13. Agencies applying for an Arkansas license shall provide proof that they are licensed in good standing in their home state, if applicable, and are in good standing in all other

states where they are licensed. If an agency is being disciplined or sanctioned in another jurisdiction, the board shall be notified.

14. Agencies licensed in Arkansas after January 18, 2002, shall have an office in Arkansas.

15. Agencies licensed in Arkansas shall maintain all required files for licensing review as needed. They may choose to:

~~a-16.~~ Maintain these files in their office in Arkansas; or

~~b-17.~~ Arrange to provide the required files to the licensing staff.

~~16-18.~~ Agencies licensed in Arkansas shall have a qualified person on call to supervise emergency services. ~~[Pursuant to 104]~~

~~17-19.~~ A residential ~~child-care~~childcare facility license shall not be granted to an applicant to operate the facility ~~in his/her~~ their own residence, or in a home owned and occupied by an employee of the agency.

~~18-20.~~ If electronic records are kept, these records shall be made available to the Licensing Specialist for purposes of monitoring and investigation.

~~19-21.~~ Any disciplinary action taken against the agency by another jurisdiction shall be reported to the Licensing Unit.

~~20-22.~~ ~~If an agency is inactive for one (1) year the~~The license shall be closed in good standing, ~~unless if an agency is inactive for on (1) year, unless~~ the agency requests annually in writing that the license remains active~~open~~. This request shall be approved by the CWARB.

~~21-23.~~ If a facility has been inactive for more than six (6) months, the Licensing Unit shall be notified before children are taken into care.

~~22-24.~~ If a facility becomes inactive, the Licensing Unit shall be notified within thirty ~~(30)~~ days.

~~23-25.~~ The agency shall not permit, aid, or abet an unlicensed person to perform activities requiring a license.

~~24-26.~~ The agency shall not misrepresent the type or status of education, training, expertise, licensure, or professional affiliations.

## 103 Central Registry & Criminal Record Checks

1. The agency shall conduct background checks, as required by the Child Welfare Agency Licensing Act (§ 9-28-409), using forms approved by the Licensing Unit. Background checks conducted by or for other licensing authorities (for example e.g., Office of Long-Term Care, Division of Developmental Disabilities Services, et.al) do not meet the requirement of this standard.
2. The following persons in a child welfare agency shall be checked with the Child Maltreatment Central Registry in ~~his- their~~ state of residence, if available, and any state of residence in which the person has lived for the past five (5) years, and in the person's state of employment, if different, for reports of child maltreatment:
  - a. Employees, having direct and unsupervised contact with children;
  - b. House parents and each member of the household ~~age~~ fourteen (14) years of age and older;
  - c. Volunteers, mentors, sponsors, and student interns having direct and unsupervised contact with children;

- d. Owners having direct and unsupervised contact with children; and
  - e. Members of the agency's board of directors having direct and unsupervised contact with children.
3. Persons required to have the Child Maltreatment Central Registry Check shall repeat the check every two (2) years.
4. Any person found to have a record of child maltreatment shall be reviewed by the owner or administrator of the agency, in consultation with the Child Welfare Agency Review Board or its designee, to determine corrective action. Corrective action may include without limitation, but is not limited to, counseling, training, probationary employment, non-selection for employment, or termination.
5. The following persons in a ~~C~~child ~~W~~welfare ~~A~~agency shall be checked with the Identification Bureau of the Arkansas State Police for convictions of offenses listed in Arkansas Code Annotated §9-28-409:
- a. Employees having direct and unsupervised contact with children;
  - b. Volunteers, mentors, sponsors, and student interns having direct and unsupervised contact with children;
  - c. House parents, and each member of the household ~~age~~ eighteen (18) years of age and older. The house parents shall certify in writing annually whether or not household members ~~age~~ fourteen (14) thru seventeen (17) years of age have criminal records;
  - d. Owners having direct and unsupervised contact with children; and
  - ~~d.~~

- e. Members of the agency's board of directors having direct and unsupervised contact with children.

Individuals required to submit to a criminal background check with the Identification Bureau of the Arkansas State Police shall also complete a background check with the Federal Bureau of Investigations

~~6. If aAny person (listed in #5 above) qualifying as a, b, c, d, e, or f (see 5, section 103, current) has not resided in Arkansas continuously for the past five (5) years, shall complete a record check with the Federal Bureau of Investigation, shall be completed.~~

6. \_\_\_\_\_

- 7. All persons required to be checked with the Department of Arkansas State Police under this subsection shall repeat the check at a minimum of every five (5) years.
- 8. Child Maltreatment Central Registry Checks and Arkansas State Police ~~and/FBI~~ Federal Bureau of Investigation (FBI) Criminal Record Checks shall be initiated within ten (10) days of employment.
- 9. The agency shall provide a copy of the Federal Bureau of Investigation Criminal Record Check form and the Arkansas State Police Criminal Record Check form to the Licensing Office upon initiation.
- 10. The agency shall maintain on file evidence that background checks have been initiated as required and results of the completed checks.
- 11. No person guilty of an excluded criminal offense pursuant to A.C.A. §9-28-409 shall be permitted to have direct and unsupervised contact with children, except as provided in the statute.
- 12. A child welfare agency shall immediately notify the Licensing Unit when an individual person(s) listed in #5 qualifying as a, b, c, d, e, or f from .5 (section 103, current)above ~~is~~ found to have a record of an excluded criminal offense.

## 104 General Personnel Requirements

*All personnel employed on or after April 12, 1999 shall meet the following requirements:*

1. The agency shall have an administrator who shall be responsible for the general management of the agency, possessing at least one (1) of the following qualifications ~~[Only “a” and “b” meet requirements for Psychiatric psychiatric facilities]:~~
  - a. A doctorate degree;
  - b. A master’s degree in a human services field (child development, psychology, sociology, social work, guidance and counseling, divinity, education), administration, business, or a related field; or
  - c. A bachelor’s degree in a human services field, administration, business, or a related field, and at least two (2) years of work experience in a human services agency.
  - e-d. Psychiatric facilities require an administrator or who possesses either a doctorate degree or a master’s degree in a human services field (child development, psychology, sociology, social work, guidance and counseling, divinity, education), administration, business, or a related field.
2. The agency shall have a Social Services Director who shall supervise child placement activities and ~~or~~ casework services by the agency, possessing at least one (1) of the following qualifications (Psychiatric facilities see section 906 and Sexual Rehabilitative Program see 1006):
  - a. A master’s degree or higher in a human services field (child development, psychology, sociology, social work, counseling and guidance, divinity, or education);
  - b. A bachelor’s degree in a human services field and two (2) years of work experience in a child welfare agency; or



- c. Anyone permitted to supervise child placement or casework services shall meet the qualifications for Social Services Director.
3. Each agency shall have a caseworker who is responsible for doing assessments, case planning, and casework services, possessing at least one (1) of the following (Psychiatric facilities see section 906):
  - a. A bachelor's degree in a human services field; or
  - b. A bachelor's degree and two (2) years work experience in a human services field.
4. If casework services are contracted, the agency shall maintain all required personnel information on the contracted caseworkers.
5. A caseworker shall not have more than twenty-five (25) children's cases at a time.

## 105 Staff Qualifications & Training

1. ~~Child care~~Childcare staff shall be at least twenty-one (21) years of age ~~old~~ and have a high school diploma or the equivalent.
2. Assistant child ~~care~~care staff shall be at least nineteen (19) years ~~old~~ of age, have a high school diploma or the equivalent, and be under the direct supervision of regular staff (excludes psychiatric and sexual rehabilitative programs).
3. Child ~~care~~care staff shall complete pre-service training prior to being counted in the ~~staff/child~~ staff to child ratio. This training may be counted toward training hours for the first year. This applies to personnel employed on or after January 1, 2011.

4. Pre-service training shall include without limitation: ~~but is not limited to:~~
- a. Confidentiality;
  - b. Resident grievance process (psychiatric only);
  - c. Fire and disaster plans;
  - d. Suicide awareness and protocol;
  - e. Behavior management;
  - f. Crisis intervention strategies;
  - g. Agency policies and procedures;
  - h. Child Maltreatment/Mandated Reporter policy;
  - i. One (1) hour of training on the program's safety plan (sexual rehabilitative only);  
and
  - j. Minimum Licensing Standards for Child Welfare Agencies (that pertains to license type).
5. All child~~care~~~~-earing~~ staff shall have a current certificate of successful completion of First Aid and CPR. The training shall require hands on skill base instruction as well as practical testing. Training and certification that is provided solely ~~on-line~~ online will not be accepted. Staff shall complete this requirement within ninety (90) days of hire.

6. At least one (1) child-care~~ing~~ staff currently certified in hands on, skill-~~b~~-based CPR and First Aid must be able to immediately respond to an emergency.
7. No staff shall be allowed to participate in a physical restraint until properly trained to do so.
8. All full-time child-care~~earing~~ staff shall have thirty (30) hours of job related in-service or workshop training each year. First aid, CPR, and in-service training at the facility may be included.
9. Child-care~~earing~~ staff working twenty-four (24) hours a week or less shall have at least fifteen (15) hours of job related in-service or workshop training each year. First Aid, CPR, and in-service training at the facility may be included.
10. All child-care~~ing~~ staff in P~~psychiatric~~ facilities shall complete ten (10) hours of psychiatric specific training before being counted in the staff to child ratio. This applies to employees hired on or after September 1, 2016.
11. Sexual R~~rehabilitative~~ program child-care~~earing~~ staff shall receive their initial ten (10) hours of sexual rehabilitative training within sixty (60) days of employment.
12. All child-care~~ing~~ staff in S~~sexual~~ R~~rehabilitative~~ programs shall have at least ten (10) hours of sexual rehabilitative training annually, which may be included in the required thirty (30) hours of annual training.
13. Documentation verifying annual training shall include the date, number of hours, the name of the source, and the topic~~/~~ or title.
14. The Administrator, Social Services Director, each caseworker, and each therapist of a child welfare agency shall have twenty-four (24) hours of job-related continuing education each year.

15. The agency shall maintain a personnel file for each employee, which shall include:

- a. A resume or application;
- b. Date of hire;
- c. Verifications of qualifications;
- d. Documentation of required annual training;
- e. Criminal Record Check and Child Maltreatment Central Registry Check information as required by law;
- f. Documentation that applicable employees are informed that they are mandated reporters of suspected child maltreatment, according to A.C.A § 12-18-402, and are provided the information needed to make a report;
- g. A functional job description; and
- h. At least three (3) positive personal references from non-relatives.

16. All ~~Owners,~~ operators, employees, or volunteers in a child welfare agency shall be responsible for ensuring the proper care, treatment, safety, and supervision of the children they supervise.

16. —

## 106 Sponsors, Mentors, Volunteers & Student Interns

1. The agency shall have a policy clearly defining the qualifications, duties, and supervision of sponsors, mentors, and volunteers.
2. A sponsor is a non-relative person approved to take a child to the sponsor's home. This does not include normal age-appropriate activities such as overnight visits with friends, extra-curricular activities, church activities, or short-term summer camps. A sponsor's record shall contain the following documentation and narrative:
  - a. Documentation and narrative of at least one (1) home visit for evaluation purposes prior to visitation occurring; (A visual inspection of the home to ensure the home is appropriate and free of health and safety hazards.);
  - b. At least three (3) non-relative character references;
  - c. Documentation of Child Maltreatment Central Registry, State Police Criminal Record Checks, and Federal Bureau of Investigation (FBI) Criminal Record Checks, if applicable, as required for all household members; and
  - d. Documentation of continuing contact and an annual inspection of the sponsor's home to ensure continued compliance.
3. A mentor is a person who offers supportive services to the child on or off campus such as, shopping, movies, sporting events, etc. A mentor's record shall contain:
  - a. At least three (3) non-relative character references; and
  - a.
  - b. Documentation of Child Maltreatment Central Registry Checks, State Police Criminal Record Checks, and FBI Criminal Record Checks, if applicable.

4. A volunteer is a non-paid person who donates their ~~time and/or services~~ time or service, or both, to an agency or the child. A volunteer:
  - a. Who provides direct care, substitutes as staff, and is counted in the staff to child ratio shall meet all qualifications required for a paid employee in that position; and Shall have appropriate supervision by a designated staff person;
  - b. Shall have appropriate supervision by a designated staff person. Who is counted in the staff/child ratio, provides direct care and substitutes as staff, shall meet all qualifications required for a paid employee in that position.
5. A student intern is a student or a recent graduate who is undergoing supervised practical training at an agency. Student interns:
  - a. Who provide direct care, substitute as staff, and are counted in the staff to child ratio shall meet all qualifications required for a paid employee in that position; and Shall have appropriate supervision by a designated staff person;
  - b. Shall have appropriate supervision by a designated staff person. Who are counted in the staff/child ratio, provide direct care and substitute as staff, shall meet all qualifications required for a paid employee in that position.

## 107 Exploitation of Children

1. The agency shall not require a child to acknowledge dependency, destitution, or neglect or to make public statements about ~~his/her~~ their background.
2. The agency shall not use or allow to be used, any reports, pictures, or any other information from which a child can be identified, except under the following conditions:
  - a. The child and the ~~parent/guardian~~ parent or guardian sign a consent form that describes the purposes for which the identification is being made;

- b. The signed consent shall say in which publication or broadcast the identification will appear; and
  - c. The ~~parent/guardian~~ parent or guardian and child shall be informed that the consent may be withdrawn.
3. All information regarding children and their families shall be kept strictly confidential and may only be released with the consent of the child or a parent or guardian, except to authorized persons or agencies.
4. The agency shall document that all staff have been made aware of the need to protect the confidentiality of children in the use of social media.

## 108 Ethical Standards

1. The Arkansas Child Welfare Agency Review Board sets forth this section as a Code of Ethics/Standards for Practice for all child welfare agencies within the State of Arkansas. Violations of the following shall be grounds for disciplinary action:
  - a. Confidentiality: In providing services, a child welfare agency shall safeguard information given by clients. A child welfare agency shall obtain the client's informed written consent before releasing confidential information, except when consent to disclose is permitted by law or required by judicial order. If the client is a minor, then the written consent shall be made with the minor and their legal representative or guardian;
  - b. Misrepresentation: A child welfare agency shall not misrepresent its program services or experience; and
  - c. Client Relationships: Relationships with clients shall not be exploited by the child welfare agency staff for personal gain.

## 109 Unprofessional Conduct

1. Unprofessional conduct in the practice of child welfare activities shall include without limitation; ~~but not limited to the following~~:
  - a. Permitting, aiding, or abetting an unlicensed person ~~to~~in performing activities that requireing a professional license;
  - b. Misrepresenting type or status of education, training, expertise, licensure, or professional affiliations;
  - c. Failing to maintain confidentiality, except as otherwise required or permitted by law, of all information that has been received from a client in confidence during the course of services;
  - d. Violating the ethical standards adopted by the ~~B~~board;
  - e. Failing to report to the Licensing Unit any disciplinary action taken against the child welfare agency by another jurisdiction, domestic or international, ~~or failing to report to the Licensing Unit~~ the surrender of a license, or loss of authorization to practice child welfare activities in another jurisdiction;
  - f. Failing to comply with any stipulation or agreement with the ~~B~~board involving probation or a settlement of any disciplinary matters; and
  - g. Engaging in behavior that could be viewed as sexual, dangerous, exploitative, or physically harmful to children.

## 110 Inspections, Investigations & Corrective Action

1. The Licensing Specialist shall conduct inspections to ensure continued compliance with licensing standards.



2. The Licensing Specialist shall investigate complaints of alleged violation of licensing standards against all residential facilities; and may participate in investigations of alleged child maltreatment.
3. The agency shall cooperate with the Licensing Unit in conducting inspections and investigations; and shall provide information required to verify compliance with rules.
4. Inspections and investigations may be scheduled or unscheduled, at the discretion of the Licensing Specialist, and may be conducted outside regular working hours.
5. The frequency of inspections shall be at the discretion of the Licensing Unit; and may be based on the agency's compliance history.
6. At the discretion of the Licensing Unit, a multi-disciplinary team may be asked to advise the Licensing Specialist during initial approval or during inspections. This team may include a professional in the appropriate field.
7. Upon finding any violations of licensing standards, the Licensing Specialist shall issue to the agency a corrective action notice, which shall state:
  - a. A factual description of the conditions that constitute a violation of the standard;
  - b. The specific law or standard violated; and
  - c. A reasonable time frame within which the violation shall be corrected.
8. The agency shall provide a written corrective action plan, when requested to do so, by the Licensing Specialist in a corrective action notice.

9. Any owner, ~~operator~~, employee, foster parent, or volunteer in a child welfare agency shall immediately notify the Child Abuse Hotline if ~~he or she has~~ they have reasonable cause to suspect that a child has

a. ~~Been~~ Been subjected to child maltreatment;

b. ~~-D~~ied as a result of child maltreatment; or

c. If they observe a child being subjected to conditions or circumstances that would reasonably result in child maltreatment.

~~9.~~

10. If a complaint of child maltreatment is filed against any owner, ~~operator~~, employee, foster parent, volunteer, or other person in a child welfare agency, the agency administration shall evaluate the risk to children and determine the suitability of the person(s) to supervise, be left alone with children, have disciplinary control over children, or remain in the child welfare agency until the allegations are determined to be true or unsubstantiated. Any interim corrective action measures shall be approved by the Licensing Unit.

11. The agency shall maintain a log or file of all calls to the child abuse hotline.

12. The agency shall notify the Licensing Unit by the next business day when a report of child maltreatment is accepted by the child abuse hotline against the owner, ~~operator~~, employee, foster parent, volunteer, child, or other person in a child welfare agency.

13. The agency and all staff shall cooperate fully with investigators during a child maltreatment investigation.

14. The agency shall take steps to prevent harm or retaliation against the child while an allegation of child maltreatment is being investigated.

15. Any person with a true finding of child maltreatment shall have a review ~~be reviewed~~ by the owner or administrator of the agency, in consultation with the Child Welfare Agency Review Board or its designee, to determine corrective action. Corrective action may include without limitation, ~~but is not limited to,~~ counseling, training, probationary employment, non-selection for employment, or termination.

16. Any employee who has been sanctioned by any licensing or certifying entity for any reason pertaining to child safety shall be reviewed by the owner or administrator of the agency, in consultation with the Child Welfare Agency Review Board or its designee, to determine corrective action. Corrective action may include without limitation, ~~but is not limited to~~, counseling, training, probationary employment, non-selection for employment, or termination.
17. The agency shall notify the Licensing Unit by the next business day of serious injuries requiring emergency medical treatment, agency vehicle accidents, arrests, elopements, suicide attempts, or deaths, and maintain documentation of the incident and notification.
18. The agency shall maintain reports on all incidents that cause injury, property damage, or disruption to routine operation or services.

## 200 EMERGENCY RESIDENTIAL FACILITIES

*In addition to all standards in Section 100, the following standards shall be met: Facilities holding an Emergency Residential Facility license provide residential care on an emergency basis for up to ninety (90) days.*

### 201 Admission

1. The agency shall establish written criteria for admitting as well as ~~excluding~~ children.
2. The facility shall not admit any child for whom the facility cannot provide adequate care.
3. Each child shall have a medical examination no more than one (1) year before admission, or a documented appointment date for an exam within one (1) week after admission.
4. Each child shall have proof of current immunizations, ~~or~~ a letter of exemption in accordance with the Arkansas Department of Health, or a scheduled appointment within one (1) week after admission.
5. The facility shall obtain written verification of the placing agent's authority to place the child within five (5) working days.
6. The facility shall obtain written authority for medical care for the child from the placing agent within seventy-two (72) hours.
7. The agency shall comply with the Interstate Compact on the Placement of Children when admitting children from outside Arkansas, if applicable.
8. The facility shall establish that all persons referred for admission are under ~~the age of~~ eighteen (18) years of age at the time of admission.

9. Residents may remain in the program after reaching ~~age~~-eighteen (18) years of age with the reason for continued placement documented.
10. The facility may admit children birth to eighteen (18) years of age.
11. The facility shall admit children for a maximum of ninety (90) days.
12. At the time of admission, the following information shall be documented in the child's record.
  - a. Name, signature, and role or relationship of the person who relinquished the child into care;
  - b. A brief description of the circumstances requiring admission;
  - c. The date and time of the admission;
  - d. A brief description of the child's history (if known) including behavioral history;
  - e. Any known medical history and known current health conditions;
  - f. All medications currently prescribed for the child (if known and available); and
  - g. The child's current behavior or known emotional condition.

13. Intake information shall be completed on each child in care within ten (10) working days after admission.
14. The intake shall include:
  - a. Demographic information on the child and parent(s), including name, address, birth date, gender, race, and religious preference;
  - b. A factual description of the circumstances requiring placement;
  - c. A brief social history of the family;
  - d. The child's current legal status or custody; status/custody; and
  - e. Any history of previous placements outside the family.
15. The facility shall obtain copies of legal documents within thirty (30) days of admission, or shall document their attempts to obtain the documents. The legal documents shall include without limitation, ~~but not be limited to,~~ birth certificates, social security cards, and court orders.
16. A dependent juvenile child of a parent who is in the custody of the Division of Child and Family Services (DCFS) shall be subject to all rules regarding space, ratio, health, and safety.
17. Facilities that have an adult program shall provide sleeping and living arrangements to ensure separation of adults from children.

## 202 Assessment & Case Planning

1. The agency shall assign a caseworker to each child who is responsible for doing assessments, case planning, and casework services.
2. A plan of safe care shall be developed for all children with physical limitations, medical conditions, or behaviors that are indicative of harm to self or others; to include without limitation; ~~but not limited to~~: arson, physical aggression, sexual aggression, suicidal behaviors, or other self-harming tendencies. This plan shall identify the behavior ~~and~~ or problem; and shall specify the safeguards that are to be implemented. The agency shall document that the child-care ~~ing~~ staff are informed of the provisions of the plan and place a copy of the plan in the child's record.
3. An assessment of services needed to ensure the health and welfare of the child, including medical history and psychological history, shall be completed for each child and included in the case plan.
4. A case plan shall be developed for each resident received for care.
5. The case plan shall be developed within thirty (30) days after placement.
6. The child's case plan shall contain, at the minimum:
  - a. Specific needs of the child;
  - b. Plan for meeting the child's needs;
  - c. Special treatment issues (e.g., for example, psychotropic medications, sexual misconduct, and neurological disorders) shall be identified; with a statement of how the special needs shall be met; and

- d. A plan to ensure that the child's educational needs are met according to applicable state law.
- 7. A copy of the case plan shall be made available to the parent(s), guardian(s), court, or other agencies involved in case plan services delivery.
- 8. The agency caseworker shall visit the child monthly to monitor the progress of the case plan.

## 203 Children's Records

- 1. The agency shall keep a confidential case record for each child that includes the following:
  - a. Demographic information;
  - b. Plan of safe care, if applicable;
  - c. A complete intake;
  - d. Consents, including consent for medical care and authority to place the child;
  - e. Interstate Compact information, if applicable;
  - f. Case plans;
  - g. Copies of legal documents (~~e.g.,~~ for example, birth certificate, social security card, or court orders); or documentation of their attempts to obtain the documents;



- h. Physical exams and immunization records; or documentation of their attempts to obtain the documents;
  - i. Psychological reports, if applicable;
  - j. Educational reports, if applicable;
  - k. Disciplinary and incident reports, if applicable;
  - l. Documentation of casework services and child contact; and
  - m. Discharge statement.
2. Records for each child shall be kept for five (5) years from the date of discharge, unless otherwise specified by Arkansas law.

## **204 Behavior Management**

- 1. The agency shall have a written discipline policy that is consistently followed.
- 2. Discipline shall be directed toward teaching the child acceptable behavior and self-control.
- 3. Discipline shall be appropriate to the child's age, development, and history.
- 4. The following disciplinary actions shall not be used; ~~including as discipline:~~

- a. Denial of meals, sleep, shelter, essential clothing, or case plan activities;
  - b. Denial of parental visits or regular ~~phone and mail~~phone/mail contact with family. Non-disciplinary case planning issues are accepted;
  - c. Lewd or obscene language;
  - d. Derogatory comments about the child, the child's family, race, or gender;
  - e. Restriction to a room for more than a short period of time without periodic observation;
  - f. Restriction to a dark room or area;
  - g. Locked isolation;
  - h. Physical injury or threat of bodily harm;
  - i. Humiliating or degrading action;
  - j. Extremely strenuous work or exercise; nor
  - k. Mechanical or chemical restraints.
5. Physical restraint shall be initiated only by a trained staff<sub>2</sub>; ~~and~~ only to prevent injury to the child, other people<sub>2</sub> or property<sub>2</sub>; and shall not be initiated solely as a form of discipline.

6. Physical restraints shall be performed using minimal force and time necessary. Physical restraint means the application of physical force without the use of any device; for the purposes of restraining the free movement of a resident's body. Briefly holding a child without undue force in order to calm or comfort, or holding a hand to safely escort a child from one area to another, is not considered a physical restraint.
7. Documentation of all physical restraints shall be maintained and include child's name, date, time, reason, staff involved, and measures taken prior to restraint.
8. A child shall not be allowed to administer discipline, except teen parents may discipline their own children under the supervision and guidance of staff.
9. Searches of a child or a child's personal property shall be for reasons limited to safety and security of children and staff, in cases of suspected theft, or suspicion of possession of items which are not permitted by agency policy.
10. Any searches requiring removal of clothing shall be done in privacy and shall be witnessed by two (2) staff of the same gender as the child.

## **205 Ratio & Supervision**

1. The facility shall not exceed its total licensed capacity.
2. There shall be a ~~staff/child~~ staff to child ratio of at least one to nine (1:9) during waking hours and at least one to twelve (1:12) during sleeping hours. Staff members' children shall be counted in the ratio.
3. If any child is under ~~age~~ six (6) years of age, the ratio shall be at least one to seven (1:7) at all times.
4. Only staff who directly supervises children shall be counted in this ratio.

5. ~~Child caring~~ Childcare 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~~ childcare 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.

## 206 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. All medications shall be administered to children by staff according to medical instructions.
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.~~ The administering of all medications, including over-the-counter, shall be logged by the person administering the medication at the time the medication is given.
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 without limitation; ~~but are not limited to~~, birth control, acne cream, and 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.

## **207 Program**

- 1. The facility shall ensure each child receives education in accordance with the Arkansas Department of Education.
- 2. The facility shall teach each child the daily living tasks required as a part of living in a group setting; and shall assign only light chores that are age-appropriate.
- 3. The agency shall have a policy regarding each child's money received and shall ensure that each child's funds are available to that child under staff supervision for personal use.
- 4. The facility shall not allow a child's outside employment, chores, or extracurricular activities to interfere with the child's time for school, sleep, family visits, or case plan activities.

5. The facility shall provide each child with adequate and nutritious food.
6. The facility shall ensure that each child has sufficient sleep for ~~his/her~~ their age and physical condition.
7. ~~Each child~~ The facility shall ~~be~~ instruct each child ~~ed~~ in good grooming and personal hygiene habits.
8. The facility shall ensure each child is provided with ~~his/her~~ their own clothing that is clean, well fitting, seasonal, and appropriate to age and gender, unless otherwise directed by a physician.
9. The facility shall ensure each child is provided with opportunities for regular recreational activities and exercise.
10. The facility shall provide activities and equipment that are age appropriate to the children in their care.

The facility shall monitor and time limit

11. ~~t~~The use of television, videos, computer games, and other screen time activities ~~shall be monitored and time limited.~~

## **208 Grounds**

1. The grounds of the facility shall be kept clean and free of safety hazards.
2. The facility shall provide sufficient outdoor recreation space for age appropriate physical activities.

3. Swimming pools shall be inspected and approved annually by the Arkansas Department of Health.

3. \_\_\_\_\_

## 209 Buildings

1. No facility shall be located in a shopping center, strip mall, or other buildings used for commercial activity.
2. Unused or vacant portions of a facility shall not be rented, leased, loaned, or otherwise occupied by any commercial or other business entity, (or private individuals), not associated with the facility or its management.
3. All buildings used by children or staff shall be inspected and approved annually for fire safety by fire department officials.
4. All buildings used by children or staff shall be inspected and approved annually for health and sanitation as required by the Arkansas Department of Health.
5. All buildings shall comply with local zoning ordinances and land use requirements where those exist.
6. All buildings and furnishings shall be safe, clean, and in good repair.
7. There shall be no more than twelve (12) children in a sleeping unit. A sleeping unit is considered to be a group of bedrooms.
8. Sleeping units sharing the same building shall be separated (for example, into different corridors, wings, or floors), ~~etc.~~ Sleeping units modified or newly constructed after September 1, 2016, shall comply with this standard.

9. Licensing shall be notified of any changes to buildings that affect usage, size, capacity, or structural changes.
10. Building usage shall be approved by licensing prior to resident occupancy, and all required inspections, permits, and authorizations shall be provided.
11. Any modifications to buildings used by children, or an increase in capacity, shall require inspection and approval by the Fire and Health Department, if applicable.
12. All parts of buildings used as living, sleeping, or bath areas shall have a heating, ventilating, and air conditioning source that keeps the temperature a minimum of sixty-five ~~(65)~~ degrees (65°) and a maximum of eighty-five ~~(85)~~ degrees (85°).
13. The facility shall provide a living area that has at least thirty-five ~~(35)~~ square feet (35'²) of floor space per child. The dining area and indoor recreation area may be included in this space.
14. The facility shall provide a dining room.
15. The facility shall have a kitchen.
16. Manufactured homes, used as residential facilities, shall be tied down and underpinned as required by the Arkansas Manufactured Home Commission. The home shall obtain an inspection and approval from the Arkansas Manufactured Home Commission prior to being licensed.

## **210 Bathrooms**

1. The facility shall provide bathrooms for the children.
2. There shall be a separate toilet, bathtub or shower, and sink for each six (6) children.



3. There shall be an adequate supply of hot and cold running water.
4. The bathroom shall be clean and sanitary.
5. There shall be separate bath and toilet facilities for males and females.
6. There shall be an adequate supply of soap, towels, and tissue.

## **211 Sleeping Arrangements**

1. The facility shall provide bedrooms for the children.
2. There shall be no more than four (4) children per bedroom.
3. There shall be at least fifty ~~(50)~~ square feet (50<sup>2</sup>) of floor space per child in each bedroom.
4. No child ~~age~~ four (4) years of age or over shall share a bedroom with a child of the opposite gender, except teenaged parents who participate in the care of their own children.
5. Each child shall have a separate bed with a mattress, sheets, pillow, pillowcase, and adequate cover, all in good condition.
6. All cribs used for children shall have current certification of compliance with Consumer Product Safety Commission (CPSC) standards.

7. 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~~ their own, the facility is not required to reposition the child.) If there is a medical reason a child cannot sleep on ~~his/her~~ their 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.
8. Beds shall be positioned to ensure all children can easily exit the room in case of emergency.
9. No child under ~~the age of~~ six (6) years of age shall occupy a top bunk.
10. Bedding shall be changed at least weekly, or more often if needed.
11. Each child shall have an area to store personal belongings.
12. Staff sleeping quarters shall be separate from children's sleeping rooms.
13. Room arrangements shall be based on characteristics of each resident to ensure the safety of each child.

## **212 Safety**

1. The facility shall have an operable telephone or comparable communication system.
2. The facility shall have a continuous supply of clean drinking water. If the water source is not a municipal system, the source shall be approved by the Arkansas Department of Health annually.

3. A private sewage and /septic system shall be approved initially and upon any increase in capacity by the Arkansas Department of Health.
4. There shall be operational smoke detectors near the cooking area, heating units, and within ~~ten (10) feet~~ ten feet (10') of each bedroom.
5. An operational chemical fire extinguisher or other fire suppression system approved by local fire inspection officials shall be in the cooking area of each building. Approval of the fire suppression system shall be documented.
6. There shall be an emergency evacuation plan diagramed and posted in each building used by children.
7. Fire drills shall be practiced with children each month.
8. Severe weather drills shall be practiced with children quarterly.
9. A record of drills shall be maintained, showing date and time of day of the drill, number of participants, and length of time required to reach safety.
10. Each child shall be instructed in emergency procedures at admission.
11. The facility shall have proof of current rabies vaccinations for all household pets as required by Arkansas law.
12. No child shall be allowed to operate dangerous machinery or equipment, including firearms, without proper adult supervision and following manufacturers' guidelines for age, safety precautions, and safety gear.

13. The agency shall have policy and procedure for carrying, storage and use of all firearms located at the facility.
14. All firearms shall be maintained in a secure, locked location, or be secured by a trigger lock.
15. All ammunition shall be secured and locked separately from firearms unless they are stored in a safe; (for example, a hand gun safe or a long gun safe).

## 213 Transportation

1. The facility shall have agency procured transportation available at all times.
2. The facility vehicle(s) shall not be used for personal use, unless other facility transportation is available.
3. Any vehicle used to transport children shall be in safe working condition and maintained in compliance with motor vehicle laws.
4. Any vehicle used to transport children shall be insured.
5. Children shall be transported only by an authorized person possessing a valid driver's license.
6. Children shall be transported according to Arkansas law, including without limitation, ~~but not limited to,~~ use of safety belts, child safety seats, and smoking restrictions.

## 214 Discharge

1. The discharge shall be planned by agency staff.

2. The agency may discharge a child on an emergency basis if failure to do so could result in harm to the child, other persons, or significant property damage.
3. The agency ~~A child~~ shall ~~be~~ discharged the child to the custody of the child's parent or a person with authorization from the parent, guardian, or a person authorized by court order to assume custody of the child.
4. The agency shall complete a discharge statement on each child that includes the discharge date and reason for discharge and provide a copy of it to the child's custodian.

5. Documentation of the discharge shall be maintained in the child's record.

5.

MARK-UP

## 300 EMERGENCY FAMILY STYLE CARE

*In addition to all standards in Section 100, the following standards shall be met: Facilities holding an Emergency Family Style Care license provide residential care on an emergency basis for up to ninety (90) days in a home-like setting.*

### 301 Admission

1. The agency shall establish written criteria for admitting and ~~excluding~~ children.
2. The facility shall not admit any child for whom the facility cannot provide adequate care.
3. Each child shall have a medical exam no more than one (1) year before admission~~;~~ or a documented appointment date for an exam within one (1) week after admission.
4. Each child shall have proof of current immunizations, ~~or~~ a letter of exemption in accordance with the Arkansas Department of Health, or a scheduled appointment within one (1) week after admission.
5. The facility shall obtain written verification of the placing agents' authority to place the child within five (5) working days.
6. The facility shall obtain written authority for medical care for the child from the placing agent within seventy-two (72) hours.
7. The agency shall comply with the Interstate Compact on the Placement of Children when admitting children from outside Arkansas, if applicable.
8. The facility shall establish that all persons referred for admission are under ~~the age of~~ eighteen (18) years of age at the time of admission.

9. Residents may remain in the program after reaching ~~age~~ eighteen (18) years of age with the reason for continued placement documented.
10. The facility may admit children birth to eighteen (18) years of age.
11. The facility shall admit children for a maximum of ninety (90) days.
12. At the time of admission, the following information shall be documented in the child's record:
  - a. Name, signature, and role or relationship of the person who relinquished the child into care;
  - b. A brief description of the circumstances requiring admission;
  - c. The date and time of the admission;
  - d. A brief description of the child's history (if known) including behavioral history;
  - e. Any known medical history and known current health conditions;
  - f. All medications currently prescribed for the child (if known and available); and
  - g. The child's current behavior or known emotional condition.



13. Intake information shall be completed on each child in care within ten (10) working days after admission.
14. The intake shall include:
  - a. Demographic information on the child and parent(s), including name, address, birth date, gender, race, and religious preference;
  - b. A factual description of the circumstances requiring placement;
  - c. A brief social history of the family;
  - d. The child's current legal status or custody; and
  - e. Any history of previous placements outside the family.
15. The facility shall obtain copies of legal documents within thirty (30) days of admission, or shall document their attempts to obtain the documents. The legal documents shall include without limitation, ~~but not be limited to,~~ birth certificates, social security cards, and court orders.
16. A dependent juvenile child of a parent who is in the custody of the Division of Child and Family Services (DCFS) shall be subject to all rules regarding space, ratio, health, and safety.
17. Facilities that have an adult program shall provide sleeping and living arrangements to ensure separation of adults from children.

## 302 Assessment & Case Planning

1. The agency shall assign a caseworker to each child who is responsible for doing assessments, case planning, and casework services.
2. A plan of safe care shall be developed for all children with physical limitations, medical conditions, or behaviors that are indicative of harm to self or others; to include without limitation; ~~but not limited to:~~ arson, physical aggression, sexual aggression, sexual aggression, and/or suicidal behaviors, or other self-harming tendencies. This plan shall identify the behavior ~~/or~~ problem; and shall specify the safeguards that are to be implemented. The agency shall document that the ~~child-care~~ childcare staff are informed of the provisions of the plan and place a copy of the plan in the child's record.
3. An assessment of services needed to ensure the health and welfare of the child, including medical history and psychological history, shall be completed for each child and included in the case plan.
4. A case plan shall be developed for each resident received for care.
5. The case plan shall be developed within thirty (30) days after placement.
6. The child's case plan shall contain, at the minimum:
  - a. Specific needs of the child;
  - b. Plan for meeting the child's needs;
  - c. Special treatment issues (e.g., for example, psychotropic medications, sexual misconduct, and neurological disorders) shall be identified; with a statement of how the special needs shall be met; and

- d. A plan to ensure that the child's educational needs are met according to applicable state law.
- 7. A copy of the case plan shall be made available to the parent(s), guardian(s), court, or other agencies involved in case plan services delivery.
- 8. The agency caseworker shall visit the child monthly to monitor the progress of the case plan.

### 303 Children's Records

- 1. The agency shall keep a confidential case record for each child that includes the following:
  - a. Demographic information;
  - b. Plan of safe care, if applicable;
  - c. A complete intake;
  - d. Consents, including consent for medical care and authority to place the child;
  - e. Interstate Compact information, if applicable;
  - f. Case plans;
  - g. Copies of legal documents (~~e.g.,~~ for example, birth certificate, social security card, court orders); or documentation of their attempts to obtain the documents;

- h. Physical exams and immunization records; or documentation of their attempts to obtain the documents;
  - i. Psychological reports, if applicable;
  - j. Educational reports, if applicable;
  - k. Disciplinary and incident reports, if applicable;
  - l. Documentation of casework services and child contact; and
  - m. Discharge statement.
2. Records for each child shall be kept for five (5) years from the date of discharge, unless otherwise specified by Arkansas law.

### **304 Behavior Management**

- 1. The agency shall have a written discipline policy that is consistently followed.
- 2. Discipline shall be directed toward teaching the child acceptable behavior and self-control.
- 3. Discipline shall be appropriate to the child's age, development, and history.
- 4. The following disciplinary actions shall not be used: ~~including as discipline:~~

- a. Denial of meals, sleep, shelter, essential clothing, or case plan activities;
- b. Denial of parental visits or regular phone and /mail contact with family.
- c. Non-disciplinary case planning issues are accepted;
- d. Lewd or obscene language;
- e. Derogatory comments about the child, the child's family, race, or gender;
- f. Restriction to a room for more than a short period of time without periodic observation;
- g. Restriction to a dark room or area;
- h. Locked isolation;
- i. Physical injury or threat of bodily harm;
- j. Humiliating or degrading action;
- k. Extremely strenuous work or exercise; nor
- l. Mechanical or /chemical restraints.

5. Physical restraint shall be initiated only by a trained staff~~;~~ ~~and~~ only to prevent injury to the child, other people~~,~~ or property~~;~~ and shall not be initiated solely as a form of discipline.
6. Physical restraints shall be performed using minimal force and time necessary. Physical restraint means the application of physical force without the use of any device~~;~~ for the purposes of restraining the free movement of a resident's body. Briefly holding a child without undue force in order to calm or comfort, or holding a hand to safely escort a child from one area to another, is not considered a physical restraint.
7. Documentation of all restraints shall be maintained and include child's name, date, time, reason, staff involved, and measures taken prior to restraint.
8. A child shall not be allowed to administer discipline, except teen parents may discipline their own children under the supervision and guidance of staff.
9. Searches of a child or a child's personal property shall be for reasons limited to safety and security of children and staff, in cases of suspected theft, or suspicion of possession of items which are not permitted by agency policy.
10. Any searches requiring removal of clothing shall be done in privacy.

## **305 Ratio & Supervision**

1. The facility shall use a houseparent staffing model.
2. The facility shall not exceed its total licensed capacity.
3. The facility shall have no more than eight (8) children in each unit, including the houseparent's children.

4. There shall be a ~~staff/child~~ staff to child ratio of at least one to eight (1:8) at all times. Staff members' children shall be counted in the ratio.
5. ~~Child caring~~Childcare 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. The facility shall maintain a daily census report to include the child's name and building or room assignment.

## **306 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. All medications shall be administered to children by staff according to medical instructions.
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.~~The administering of all medications, including over-the-counter, shall be logged by the person administering the medication at the time the medication is given.
4. The medication log shall include:
  - a. The child's name;
  - b. Time and date; and

- c. Medication dosage;
  - 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 without limitation, but are not limited to, birth control, acne cream, and 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.

## **307 Program**

- 1. The facility shall ensure each child receives education in accordance with the Arkansas Department of Education.
- 2. The facility shall teach each child the daily living tasks required as a part of living in a group setting, and shall assign only light chores that are age-appropriate.
- 3. The agency shall have a policy regarding each child's money received and shall ensure that each child's funds are available to that child under staff supervision for personal use.
- 4. The facility shall not allow a child's outside employment, chores, or extracurricular activities to interfere with the child's time for school, sleep, family visits, or case plan activities.



5. The facility shall provide each child with adequate and nutritious food, routinely eaten in the home, cottage, or unit.
6. The facility shall ensure that each child has sufficient sleep for ~~his/her~~ their age and physical condition.
7. ~~Each child~~ The facility shall ~~be~~ instruct each child ~~ed~~ in good grooming and personal hygiene habits.
8. The facility shall ensure each child is provided with ~~his/her~~ their own clothing that is clean, well fitting, seasonal, and appropriate to age and gender, unless otherwise directed by a physician.
9. The facility shall ensure each child is provided with opportunities for regular recreational activities and exercise.
10. The facility shall provide activities and equipment that are age appropriate to the children in their care.
11. The facility shall monitor and time limit the use of television, videos, computer games, and other screen time activities. ~~shall be monitored and time limited.~~
12. The agency shall have policy and procedure to ensure children in care are allowed to participate in age appropriate activities away from the facility.

## 308 Grounds

1. The grounds of the facility shall be kept clean and free of safety hazards.

2. The facility shall provide sufficient outdoor recreation space for age appropriate physical activities.
3. Swimming pools shall be inspected and approved annually by the Arkansas Department of Health.

### **309 Buildings**

1. The building shall be a single-style dwelling, such as a house, ~~or~~ cottage, or duplex in which the facility occupies both units. Multiple units may be located on campus.
2. The building(s) shall house only children in Emergency Family Style Care or Residential Family Style Care.
3. No facility shall be located in a shopping center, strip mall, or other buildings used for commercial activity.
4. Unused or vacant portions of a facility shall not be rented, leased, loaned, or otherwise occupied by any commercial or other business entity, ~~(or private individuals)~~, not associated with the facility or its management.
5. All buildings used by children or staff shall be inspected and approved annually for fire safety by fire department officials.
6. All buildings used by children or staff shall be inspected and approved annually for health and sanitation as required by the Arkansas Department of Health.
7. All buildings shall comply with local zoning ordinances and land use requirements where those exist.

8. All buildings and furnishings shall be safe, clean, and in good repair.
9. Licensing shall be notified of any changes to buildings that affect usage, size, capacity, or structural changes.
10. Building usage shall be approved by licensing prior to resident occupancy, and all required inspections, permits, and authorizations shall be provided.
11. Any modification to buildings used by children, or an increase in capacity shall require inspection and approval by the Fire and Health Department, if applicable.
12. All parts of buildings used as living, sleeping, or bath areas shall have a heating, ventilating, and air conditioning source that keeps the temperature a minimum of sixty-five ~~(65)~~ degrees (65°) and a maximum of eighty-five ~~(85)~~ degrees (85°).
13. The facility shall provide a living area that has at least thirty-five ~~(35)~~ square feet (35<sup>2</sup>) of floor space per child. The dining area and indoor recreation area may be included in this space.
14. The facility shall provide a dining area.
15. The facility shall have a kitchen.
16. Manufactured homes, used as residential facilities, shall be tied down and underpinned as required by the Arkansas Manufactured Home Commission. The home shall obtain an inspection and approval from the Arkansas Manufactured Home Commission prior to being licensed.

## **310 Bathrooms**

1. The facility shall provide bathrooms for the children.

2. There shall be a separate toilet, bathtub or shower, and sink for each six (6) children.
3. There shall be an adequate supply of hot and cold running water.
4. The bathroom shall be clean and sanitary.
5. There shall be an adequate supply of soap, towels, and tissue.

### **311 Sleeping Arrangements**

1. The facility shall provide bedrooms for the children.
2. There shall be no more than four (4) children per bedroom.
3. There shall be at least fifty ~~(50)~~ square feet (50<sup>2</sup>) of floor space per child in each bedroom.
4. No child ~~age~~ four (4) years of age or over shall share a bedroom with a child of the opposite gender, except teenaged parents who participate in the care of their own children.
5. Each child shall have a separate bed with a mattress, sheets, pillow, pillowcase, and adequate cover, all in good condition.
6. All cribs used for children shall have current certification of compliance with Consumer Product Safety Commission (CPSC) standards.

7. 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~~ their own, the facility is not required to reposition the child.) If there is a medical reason a child cannot sleep on ~~his/her~~ their 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.
8. Beds shall be positioned to ensure all children can easily exit the room in case of emergency.
9. No child under ~~the age of~~ six (6) years of age shall occupy a top bunk.
10. Bedding shall be changed at least weekly, more often if needed.
11. Each child shall have an area to store personal belongings.
12. Staff sleeping quarters shall be separate from children's sleeping rooms.
13. Room arrangements shall be based on characteristics of each resident to ensure the safety of each child.

## **312 Safety**

1. The facility shall have an operable telephone or comparable communication system.
2. The facility shall have a continuous supply of clean drinking water. If the water source is not a municipal system, the source shall be approved by the Arkansas Department of Health annually.

3. A private sewage and /septic system shall be approved initially and upon any increase in capacity by the Arkansas Department of Health.
4. There shall be operational smoke detectors near the cooking area, heating units, and within ~~ten (10) feet~~ ten feet (10') of each bedroom.
5. An operational chemical fire extinguisher or other fire suppression system approved by local fire inspection officials shall be in the cooking area of each building. Approval of the fire suppression system shall be documented.
6. There shall be an emergency evacuation plan diagramed and posted in each building used by children.
7. Fire drills shall be practiced with children each month.
8. Severe weather drills shall be practiced with children quarterly.
9. A record of drills shall be maintained, showing date and time of day of the drill, number of participants, and length of time required to reach safety.
10. Each child shall be instructed in emergency procedures at admissions.
11. The facility shall have proof of current rabies vaccinations for all household pets as required by Arkansas law.
12. No child shall be allowed to operate dangerous machinery or equipment, including firearms without proper adult ~~supervisions~~ supervision, and following manufacturers' guidelines for age, safety precautions, and safety gear.

13. The agency shall have policy and procedure for carrying, storage and use of all firearms located at the facility.
14. All firearms shall be maintained in a secure, locked location, or be secured by a trigger lock.
15. All ammunition shall be secured and locked separately from firearms unless they are stored in a safe; (for example, a hand gun safe or a long gun safe).

### **313 Transportation**

1. The facility shall have agency procured transportation available at all times.
2. The facility vehicle(s) shall not be used for personal use, unless other facility transportation is available.
3. Any vehicle used to transport children shall be in safe working condition and maintained in compliance with motor vehicle laws.
4. Any vehicle used to transport children shall be insured.
5. Children shall be transported only by an authorized person possessing a valid driver's license.
6. Children shall be transported according to Arkansas law, including without limitation, ~~but not limited to,~~ use of safety belts, child safety seats, and smoking restrictions.

### **314 Discharge**

1. The discharge shall be planned by agency staff.

2. The agency may discharge a child on an emergency basis if failure to do so could result in harm to the child, other persons, or significant property damage.
3. ~~A child~~The agency shall ~~be discharged~~ the child to the custody of the child's parent or a person with authorization from the parent, guardian, or a person authorized by court order to assume custody of the child.
4. The agency shall complete a discharge statement on each child that includes the discharge date and reason for discharge and provide a copy of it to the child's custodian.
4. \_\_\_\_\_
5. Documentation of the discharge shall be maintained in the child's record.



MARK-UP



## 400 RESIDENTIAL FACILITIES

*In addition to all standards in Section 100, the following standards shall be met: Facilities holding a Residential Facility license provide residential care on a long-term basis.*

### 401 Admission

1. The agency shall establish written criteria for admitting and ~~excluding~~ children.
2. The facility shall not admit any child for whom the facility cannot provide adequate care.
3. Each child shall have a medical exam no more than one (1) year before admission, ~~or~~ a documented appointment date for an exam within one (1) week after admission.
4. Each child shall have proof of current immunizations, ~~or~~ a letter of exemption in accordance with the Arkansas Department of Health, or a scheduled appointment within one (1) week after admission.
5. The facility shall obtain written verification of the placing agent's authority to place the child at the time of admission.
6. The facility shall obtain written authority for medical care for the child from the placing agent at the time of admission.
7. The agency shall comply with the Interstate Compact on the Placement of Children when admitting children from outside Arkansas, if applicable.
8. The facility shall establish that all persons referred for admission are under ~~the age of~~ eighteen (18) years of age at the time of admission.

## INTRODUCTION 400 RESIDENTIAL FACILITIES

9. Residents may remain in the program after reaching ~~age~~ eighteen (18) years of age with the reason for continued placement documented. The resident shall be discharged no later than ~~his/her~~ their twenty-first ~~(21)~~ birthday.
10. The facility may admit a child under ~~age~~ five (5) years of age, only if that child is a part of a sibling group of which one (1) child is ~~age~~ five (5) years of age or older, or if it is the summer before the child is eligible to enter kindergarten. Exception is made for the infant child or children of a parent who is admitted to the facility.
11. At the time of admission, the following information shall be documented in the child's record:
  - a. Name, signature, and role or relationship of the person who relinquished the child into care;
  - b. A brief description of the circumstances requiring admission;
  - c. The date and time of the admission;
  - d. A brief description of the child's history (if known) including behavioral history;
  - e. Any known medical history and known current health conditions;
  - f. All medications currently prescribed for the child (if known and available); and
  - g. The child's current behavior or known emotional condition.
12. Intake information shall be completed on each child in care within ten (10) working days after admission.

13. The intake shall include:
  - a. Demographic information on the child and parent(s), including name, address, birth date, gender, race, and religious preference;
  - b. A factual description of the circumstances requiring placement;
  - c. A brief social history of the family;
  - d. The child's current legal status~~/ or~~ custody; and
  - e. Any history of previous placements outside the family.
14. The facility shall obtain copies of legal documents within thirty (30) days of admission; or shall document their attempts to obtain the documents. The legal documents shall include without limitation,~~but not be limited to,~~ birth certificates, social security cards, and court orders.
15. A dependent juvenile child of a parent who is in the custody of the Division of Child and Family Services (DCFS) shall be subject to all rules regarding space, ratio, health, and safety.
16. Facilities that have an adult program shall provide sleeping and living arrangements to ensure separation of adults from children.

## **402 Assessment & Case Planning**

1. The agency shall assign a caseworker to each child who is responsible for doing assessments, case planning, and casework services.

2. A plan of safe care shall be developed for all children with physical limitations, medical conditions, or behaviors that are indicative of harm to self or others; to include without limitation, ~~but not limited to:~~ arson, physical aggression, sexual aggression, ~~and/or~~ suicidal behaviors, or other self-harming tendencies. This plan shall identify the behavior or ~~problem,~~ and shall specify the safeguards that are to be implemented. The agency shall document that the ~~child-caring~~ childcare staff are informed of the provisions of the plan and place a copy of the plan in the child's record.
3. An assessment of services needed to ensure the health and welfare of the child, including medical history and psychological history, shall be completed for each child and included in the case plan.
4. A case plan shall be developed for each resident received for care.
5. The case plan shall be developed within thirty (30) days after placement.
6. The child's case plan shall contain, at the minimum:
  - a. Specific needs of the child;
  - b. Plan for meeting the child's needs;
  - c. Special treatment issues (e.g., for example, psychotropic medications, sexual misconduct, and neurological disorders) shall be identified, with a statement of how the special needs shall be met;
  - d. A plan to ensure that the child's educational needs are met according to applicable state law; and

- e. Date of next review of the case plan.
- 7. A copy of the case plan shall be made available to the parent(s), guardian(s), court, or other agencies involved in case plan services delivery.
- 8. The case plan shall be reviewed at least semi-annually~~;~~ and shall be updated to reflect the child's progress.

### 403 Children's Records

- 1. The agency shall keep a confidential case record for each child that includes the following:
  - a. Demographic information;
  - b. Plan of safe care, if applicable;
  - c. A complete intake;
  - d. Consents, including consent for medical care and authority to place the child;
  - e. Interstate Compact information, if applicable;
  - f. Case plans and case plan reviews;
  - g. Copies of legal documents (~~e.g.,~~ for example, birth certificate, social security card, court orders)~~;~~ or documentation of their attempts to obtain the documents;

- h. Physical exams and immunization records~~;~~ or documentation of their attempts to obtain the documents;
  - i. Psychological reports, if applicable;
  - j. Educational reports, if applicable;
  - k. Disciplinary and incident reports, if applicable;
  - l. Documentation of casework services and child contact; and
  - m. Discharge statement.
2. Records for each child shall be kept for five (5) years from the date of discharge, unless otherwise specified by Arkansas law.

## **404 Behavior Management**

1. The agency shall have a written discipline policy that is consistently followed.
2. Discipline shall be directed toward teaching the child acceptable behavior and self-control.
3. Discipline shall be appropriate to the child's age, development, and history.
4. The following disciplinary actions shall not be used: ~~including as discipline:~~
  - a. Denial of meals, sleep, shelter, essential clothing, or case plan activities;



- b. Denial of parental visits or regular phone and /mail contact with family. Non-disciplinary case planning issues are accepted;
  - c. Lewd or obscene language;
  - d. Derogatory comments about the child, the child's family, race, or gender;
  - e. Restriction to a room for more than a short period of time without periodic observation;
  - f. Restriction to a dark room or area;
  - g. Locked isolation;
  - h. Physical injury or threat of bodily harm;
  - i. Humiliating or degrading action;
  - j. Extremely strenuous work or exercise; nor
  - k. Mechanical or /chemical restraints.
5. Physical restraint shall be initiated only by trained staff<sub>;</sub> ~~and~~ only to prevent injury to the child, other people<sub>;</sub> or property<sub>;</sub> and shall not be initiated solely as a form of discipline.

6. Physical restraints shall be performed using minimal force and time necessary. Physical restraint means the application of physical force without the use of any device; for the purposes of restraining the free movement of a resident's body. Briefly holding a child without undue force in order to calm or comfort, or holding a hand to safely escort a child from one area to another, is not considered a physical restraint.
7. Documentation of all restraints shall be maintained and include child's name, date, time, reason, staff involved, and measures taken prior to restraint.
8. A child shall not be allowed to administer discipline, except teen parents may discipline their own children under the supervision and guidance of staff.
9. Searches of a child or a child's personal property shall be for reasons limited to safety and security of children and staff, in cases of suspected theft, or suspicion of possession of items which are not permitted by agency policy.
10. Any searches requiring removal of clothing shall be done in privacy and shall be witnessed by two (2) staff of the same gender as the child.

## **405 Ratio & Supervision**

1. The facility shall not exceed its total licensed capacity.
2. There shall be a ~~staff/child~~ staff to child ratio of at least one to nine (1:9) during waking hours and at least one to twelve (1:12) during sleeping hours. Staff members' children shall be counted in the ratio.
3. If any child is under ~~age~~ six (6) years of age, the ratio shall be at least one to seven (1:7) at all times.
4. Only staff who directly supervises children shall be counted in this ratio.

5. Child ~~care-eating~~ 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 ~~care-eating~~ 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.

## **406 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. All medications shall be administered to children by staff according to medical instructions.
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.~~ The administering of all medications, including over-the-counter, shall be logged by the person administering the medicine at the time the medication is given.
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 without limitation, ~~but are not limited to,~~ birth control, acne cream, and 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.

## **407 Program**

- 1. The facility shall ensure each child receives education in accordance with the Arkansas Department of Education.
- 2. The facility shall teach each child the daily living tasks required as a part of living in a group setting, and shall assign only light chores that are age-appropriate.
- 3. The agency shall have a policy regarding each child's money received and shall ensure that each child's funds are available to that child under staff supervision for personal use.
- 4. The facility shall not allow a child's outside employment, chores, or extracurricular activities to interfere with the child's time for school, sleep, family visits, or case plan activities.

## **INTRODUCTION** **400 RESIDENTIAL FACILITIES**

5. The facility shall provide each child with adequate and nutritious food.
6. The facility shall ensure that each child has sufficient sleep for ~~his/her~~ their age and physical condition.
7. Each child shall be instructed in good grooming and personal hygiene habits.
8. The facility shall ensure each child is provided with ~~his/her~~ their own clothing that is clean, well fitting, seasonal, and appropriate to age and gender, unless otherwise directed by a physician.
9. The facility shall ensure each child in care is provided with opportunities for regular recreational activities and exercise.
10. The facility shall provide activities and equipment that are age appropriate to the children in their care.
11. The use of television, videos, computer games, and other screen time activities shall be monitored and time limited.

### **408 Grounds**

1. The grounds of the facility shall be kept clean and free of safety hazards.
2. The facility shall provide sufficient outdoor recreation space for age appropriate physical activities.
3. Swimming pools shall be inspected and approved annually by the Arkansas Department of Health.

## 409 Buildings

1. No facility shall be located in a shopping center, strip mall, or other buildings used for commercial activity.
2. Unused or vacant portions of a facility shall not be rented, leased, loaned, or otherwise occupied by any commercial or other business entity, ~~(or private individuals)~~, not associated with the facility or its management.
3. All buildings used by children or staff shall be inspected and approved annually for fire safety by fire department officials.
4. All buildings used by children or staff shall be inspected and approved annually for health and sanitation as required by the Arkansas Department of Health.
5. All buildings shall comply with local zoning ordinances and land use requirements where those exist.
6. All buildings and furnishings shall be safe, clean, and in good repair.
7. There shall be no more than twelve (12) children in a sleeping unit. A sleeping unit is considered to be a group of bedrooms.
8. Sleeping units sharing the same building shall be separated (for example, into different corridors, wings, or floors), ~~etc.~~ Sleeping units modified or newly constructed after September 1, 2016, shall comply with this standard.
9. Licensing shall be notified of any changes to buildings that affect usage, size, capacity, or structural changes.

## ~~INTRODUCTION~~ 400 RESIDENTIAL FACILITIES

10. Building usage shall be approved by licensing prior to resident occupancy, and all required inspections, permits, and authorizations shall be provided.
11. Any modification to buildings used by children, or an increase in capacity shall require inspection and approval by the Fire and Health Department, if applicable.
12. All parts of buildings used as living, sleeping, or bath areas shall have a heating, ventilating and air conditioning source that keeps the temperature a minimum of sixty-five ~~(65)~~ degrees (65°) and a maximum of eighty-five ~~(85)~~ degrees (85°).
13. The facility shall provide a living area that has at least thirty-five ~~(35)~~ square feet (35'<sup>2</sup>) of floor space per child. The dining area and indoor recreation area may be included in this space.
14. The facility shall provide a dining room.
15. The facility shall have a kitchen.
16. Manufactured homes, used as residential facilities, shall be tied down and underpinned as required by the Arkansas Manufactured Home Commission. The home shall obtain an inspection and approval from the Arkansas Manufactured Home Commission prior to being licensed.

### **410 Bathrooms**

1. The facility shall provide bathrooms for the children.
2. There shall be a separate toilet, bathtub or shower, and sink for each six (6) children.
3. There shall be an adequate supply of hot and cold running water.

4. The bathroom shall be clean and sanitary.
5. There shall be separate bath and toilet facilities for males and females.
6. There shall be an adequate supply of soap, towels, and tissue.

## 411 Sleeping Arrangements

1. The facility shall provide bedrooms for the children.
2. There shall be no more than four (4) children per bedroom.
3. There shall be at least fifty ~~(50)~~ square feet (50<sup>2</sup>) of floor space per child in each bedroom.
4. No child ~~age~~ four (4) years of age or over shall share a bedroom with a child of the opposite gender, except teenaged parents who participate in the care of their own children.
5. Each child shall have a separate bed with a mattress, sheets, pillow, pillowcase, and adequate cover, all in good condition.
6. All cribs used for children shall have current certification of compliance with Consumer Product Safety Commission (CPSC) standards.
7. 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~~ their own, the facility is not required to reposition the child.) If there is a medical reason a



child cannot sleep on ~~his/her~~ their 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.

8. Beds shall be positioned to ensure all children can easily exit the room in case of emergency.
9. No child under ~~the age of~~ six (6) years of age shall occupy a top bunk.
10. Bedding shall be changed at least weekly, more often if needed.
11. Each child shall have an area to store personal belongings.
12. Staff sleeping quarters shall be separate from children's sleeping rooms.
13. Room arrangements shall be based on characteristics of each resident to ensure the safety of each child.

## **412 Safety**

1. The facility shall have an operable telephone or comparable communication system.
2. The facility shall have a continuous supply of clean drinking water. If the water source is not a municipal system, the source shall be approved by the Arkansas Department of Health annually.
3. A private sewage and /septic system shall be approved initially and upon any increase in capacity by the Arkansas Department of Health.

## INTRODUCTION 400 RESIDENTIAL FACILITIES

4. There shall be operational smoke detectors near the cooking area, heating units, and within ~~ten (10) feet~~ ten feet (10') of each bedroom.
5. An operational chemical fire extinguisher or other fire suppression system approved by local fire inspection officials shall be in the cooking area of each building. Approval of the fire suppression system shall be documented.
6. There shall be an emergency evacuation plan diagramed and posted in each building used by children.
7. Fire drills shall be practiced with children each month.
8. Severe weather drills shall be practiced with children quarterly.
9. A record of drills shall be maintained, showing date and time of day of the drill, number of participants, and length of time required to reach safety.
10. Each child shall be instructed in emergency procedures at admission.
11. The facility shall have proof of current rabies vaccinations for all household pets as required by Arkansas law.
12. No child shall be allowed to operate dangerous machinery or equipment, including firearms without proper adult supervision and following manufacturers' guidelines for age, safety precautions, and safety gear.
13. The agency shall have policy and procedure for carrying, storage and use of all firearms located at the facility.

14. All firearms shall be maintained in a secure, locked location, ~~;~~ or be secured by a trigger lock.
15. All ammunition shall be secured and locked separately from firearms unless they are stored in a safe, (for example, a hand gun safe or a long gun safe).

## 413 Transportation

1. The facility shall have agency procured transportation available at all times.
2. The facility vehicle(s) shall not be used for personal use, unless other facility transportation is available.
3. Any vehicle used to transport children shall be in safe working condition and maintained in compliance with motor vehicle laws.
4. Any vehicle used to transport children shall be insured.
5. Children shall be transported only by an authorized person possessing a valid driver's license.
6. Children shall be transported according to Arkansas law, including without limitation, ~~but not limited to,~~ use of safety belts, child safety seats, and smoking restrictions.

## 414 Discharge

1. The discharge shall be planned by agency staff.
2. The agency may discharge a child on an emergency basis if failure to do so could result in harm to the child, other persons, or significant property damage.

3. A child shall be discharged to the custody of the child's parent or a person with authorization from the parent, guardian, or a person authorized by court order to assume custody of the child.
4. The agency shall complete a discharge statement on each child that includes a discharge date and reason for discharge and provide a copy of it to the child's custodian.

~~5.~~ Documentation of the discharge shall be maintained in the child's record

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## 500 RESIDENTIAL FAMILY STYLE CARE

*In addition to all standards in Section 100, the following standards shall be met: Facilities holding a Residential Family Style Care license provide residential care on a long-term basis in a home-like setting.*

### 501 Admission

1. The agency shall establish written criteria for admitting ~~and~~ excluding children.
2. The facility shall not admit any child for whom the facility cannot provide adequate care.
3. Each child shall have a medical exam no more than one (1) year before admission; or a documented appointment date for an exam within one (1) week after admission.
4. Each child shall have proof of current immunizations, ~~or~~ a letter of exemption in accordance with the Arkansas Department of Health, or a scheduled appointment within one (1) week after admission.
5. The facility shall obtain written verification of the placing agent's authority to place the child at the time of admission.
6. The facility shall obtain written authority for medical care for the child from the placing agent at the time of admission.
7. The agency shall comply with the Interstate Compact on the Placement of Children when admitting children from outside Arkansas, if applicable.

8. The facility shall establish that all persons referred for admission are under ~~the age of~~ eighteen (18) years of age at the time of admission.
9. Residents may remain in the program after reaching ~~age~~-eighteen (18) years of age with the reason for continued placement documented. The resident shall be discharged no later than ~~his/her~~ their twenty-first ~~(21)~~ birthday.
10. The facility may admit a child(ren) under ~~age~~ five (5) years of age only if that child is a part of a sibling group of whom one child is ~~age~~-five (5) years of age or older; or if it is the summer before the child is eligible to enter kindergarten. Exception is made for the infant child or children of a parent who is admitted to the facility.
11. At the time of an admission, the following information shall be documented in the child's record:
  - a. Name, signature, and role or relationship of the person who relinquished the child into care;
  - b. A brief description of the circumstances requiring admission;
  - c. The date and time of the admission;
  - d. A brief description of the child's history (if known) including behavioral history;
  - e. Any known medical history and known current health conditions;
  - f. All medications currently prescribed for the child (if known and available); and
  - g. The child's current behavior or known emotional condition.

12. Intake information shall be completed on each child in care within ten (10) working days after admission.
13. The intake shall include:
  - a. Demographic information on the child and parent(s), including name, address, birth date, gender, race, and religious preference;
  - b. A factual description of the circumstances requiring placement;
  - c. A brief social history of the family;
  - d. The child's current legal status or custody; and
  - e. Any history of previous placements outside the family.
14. The facility shall obtain copies of legal documents within thirty (30) days of admission, or shall document their attempts to obtain the documents. The legal documents shall include without limitation, ~~but not be limited to~~, birth certificates, social security cards, and court orders.
15. A dependent juvenile child of a parent who is in the custody of the Division of Child and Family Services (DCFS) shall be subject to all rules regarding space, ratio, health, and safety.
16. Facilities that have an adult program shall provide sleeping and living arrangements to ensure separation of adults from children.

## 502 Assessment & Case Planning

1. The agency shall assign a caseworker to each child who is responsible for doing assessments, case planning, and casework services.
2. A plan of safe care shall be developed for all children with physical limitations, medical conditions, or behaviors that are indicative of harm to self or others; to include without limitation; ~~but not limited to~~: arson, physical aggression, ~~sexual aggression~~, ~~and/or~~ suicidal behaviors, or other self-harming tendencies. This plan shall identify the behavior or ~~problem~~; and shall specify the safeguards that are to be implemented. The agency shall document that the child care-giving staff are informed of the provisions of the plan and place a copy of the plan in the child's record.
3. An assessment of services needed to ensure the health and welfare of the child, including medical history and psychological history, shall be completed for each child and included in the case plan.
4. A case plan shall be developed for each resident received for care.
5. The case plan shall be developed within thirty (30) days after placement.
6. The child's case plan shall contain, at the minimum:
  - a. Specific needs of the child;
  - b. Plan for meeting the child's needs;
  - c. Special treatment issues (e.g., for example, psychotropic medications, sexual misconduct, and neurological disorders) shall be identified; with a statement of how the special needs shall be met;



- d. A plan to ensure that the child's educational needs are met according to applicable state law; and
  - e. Date of next review of the case plan.
7. A copy of the case plan shall be made available to the parent(s), guardian(s), court, or other agencies involved in case plan services delivery.
8. The case plan shall be reviewed at least semi-annually, and shall be updated to reflect the child's progress.

## **503 Children's Records**

1. The agency shall keep a confidential case record for each child that includes the following:
  - a. Demographic information;
  - b. Plan of safe care, if applicable;
  - c. A complete intake;
  - d. Consents, including consent for medical care and authority to place the child;
  - e. Interstate Compact information, if applicable;
  - f. Case plans and case plan reviews;

- g. Copies of legal documents (~~e.g.,~~ for example, birth certificate, social security card, court orders); or documentation of their attempts to obtain the documents;
  - h. Physical exams and immunization records; or documentation of their attempts to obtain the documents;
  - i. Psychological reports, if applicable;
  - j. Educational reports, if applicable;
  - k. Disciplinary and incident reports, if applicable;
  - l. Documentation of casework services and child contact; and
  - m. Discharge statement.
2. Records for each child shall be kept for five (5) years from the date of discharge, unless otherwise specified by Arkansas law.

## **504 Behavior Management**

- 1. The agency shall have a written discipline policy that is consistently followed.
- 2. Discipline shall be directed toward teaching the child acceptable behavior and self-control.
- 3. Discipline shall be appropriate to the child's age, development, and history.

4. The following disciplinary actions shall not be used: ~~including as discipline:~~
- a. Denial of meals, sleep, shelter, essential clothing, or case plan activities;
  - b. Denial of parental visits or regular phone and /mail contact with family. Non-disciplinary case planning issues are accepted;
  - c. Lewd or obscene language;
  - d. Derogatory comments about the child, the child's family, race, or gender;
  - e. Restriction to a room for more than a short period of time without periodic observation;
  - f. Restriction to a dark room or area;
  - g. Locked isolation;
  - h. Physical injury or threat of bodily harm;
  - i. Humiliating or degrading action;
  - j. Extremely strenuous work or exercise; nor
  - k. Mechanical or /chemical restraints.

5. Physical restraint shall be initiated only by trained staff~~;~~ ~~and~~ only to prevent injury to the child, other people~~,~~ or property~~;~~ and shall not be initiated solely as a form of discipline.
6. Physical restraints shall be performed using minimal force and time necessary. Physical restraint means the application of physical force without the use of any device~~;~~ for the purposes of restraining the free movement of a resident's body. Briefly holding a child without undue force in order to calm or comfort, or holding a hand to safely escort a child from one area to another, is not considered a physical restraint.
7. Documentation of all restraints shall be maintained and include child's name, date, time, reason, staff involved, and measures taken prior to restraint.
8. A child shall not be allowed to administer discipline, except teen parents may discipline their own children under the supervision and guidance of staff.
9. Searches of a child or a child's personal property shall be for reasons limited to safety and security of children and staff, in cases of suspected theft, or suspicion of possession of items which are not permitted by agency policy.
10. Any searches requiring removal of clothing shall be done in privacy.

## **505 Ratio & Supervision**

1. The facility shall use a house parent staffing model.
2. The facility shall not exceed its total licensed capacity.
3. The facility shall have no more than eight (8) children in each unit, including the houseparent's children.

4. There shall be a staff ~~to~~ /child ratio of at least one to eight (1:8) at all times. Staff members' children shall be counted in the ratio.
5. Child~~care~~-~~earing~~ 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. The facility shall maintain a daily census report to include the child's name and room or building assignment.

## 506 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 facility or agency to another, provided the results of the exam are available to the receiving facility or agency.
2. All medications shall be administered to children by staff according to medical instructions.
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.~~ The administering of all medications, including over-the-counter, shall be logged by the person administering the medication at the time the medication is given.
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 without limitation, but are not limited to, birth control, acne cream, and 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.

## **507 Program**

- 1. The facility shall ensure each child receives education in accordance with the Arkansas Department of Education.
- 2. The facility shall teach each child the daily living tasks required as a part of living in a group setting, and shall assign only light chores that are age- appropriate.
- 3. The agency shall have a policy regarding each child's money received and shall ensure that each child's funds are available to that child under staff supervision for personal use.
- 4. The facility shall not allow a child's outside employment, chores, or extracurricular activities to interfere with the child's time for school, sleep, family visits, or case plan activities.

5. The facility shall provide each child with adequate and nutritious food, routinely eaten in the home, ~~/cottage, or /unit.~~
6. The facility shall ensure that each child has sufficient sleep for ~~his/her~~ their age and physical condition.

The facility

7. ~~Each child~~ shall ~~be~~ instruct each child in good grooming and personal hygiene habits.
8. The facility shall ensure each child is provided with ~~his/her~~ their own clothing that is clean, well fitting, seasonal, and appropriate to age and gender, unless otherwise directed by a physician.
9. The facility shall ensure each child in care is provided with opportunities for regular recreational activities and exercise.
10. The facility shall provide activities and equipment that are age appropriate to the children in their care.
11. The facility shall monitor and time limit the use of television, videos, computer games, and other screen time activities ~~shall be monitored and time limited.~~
12. The agency shall have policy and procedure to ensure children in care are allowed to participate in age appropriate activities away from the facility.

## **508 Grounds**

1. The grounds of the facility shall be kept clean and free of safety hazards.
2. The facility shall provide sufficient outdoor recreation space for age appropriate physical activities.

3. Swimming pools shall be inspected and approved annually by the Arkansas Department of Health.

## **509 Buildings**

1. The building shall be a single-style dwelling, such as a house, ~~or~~ cottage, or duplex, in which the facility occupies both units. Multiple units may be located on campus.
2. The building(s) shall house only children in Residential Family Style Care or Emergency Family Style Care.
3. No facility shall be located in a shopping center, strip mall, or other buildings used for commercial activity.
4. Unused or vacant portions of a facility shall not be rented, leased, loaned, or otherwise occupied by any commercial or other business entity, ~~(or private individuals)~~, not associated with the facility or its management.
5. All buildings used by children or staff shall be inspected and approved annually for fire safety by fire department officials.
6. All buildings used by children or staff shall be inspected and approved annually for health and sanitation as required by the Arkansas Department of Health.
7. All buildings shall comply with local zoning ordinances and land use requirements where those exist.
8. All buildings and furnishings shall be safe, clean, and in good repair.



9. Licensing shall be notified of any changes to buildings that affect usage, size, capacity, or structural changes.
10. Building usage shall be approved by licensing prior to resident occupancy, and all required inspections, permits, and authorizations shall be provided.
11. Any modification to buildings used by children, or an increase in capacity shall require inspection and approval by the Fire and Health Department, if applicable.
12. All parts of buildings used as living, sleeping, or bath areas shall have a heating, ventilating, and air conditioning source that keeps the temperature a minimum of sixty-five ~~(65)~~ degrees (65°) and a maximum of eighty-five ~~(85)~~ degrees (85°).
13. The facility shall provide a living area that has at least thirty-five ~~(35)~~ square feet (35'²) of floor space per child. The dining area and indoor recreation area may be included in this space.
14. The facility shall provide a dining area.
15. The facility shall have a kitchen.
16. Manufactured homes, used as residential facilities, shall be tied down and underpinned as required by the Arkansas Manufactured Home Commission. The home shall obtain an inspection and approval from the Arkansas Manufactured Home Commission prior to being licensed.

## **510 Bathrooms**

1. The facility shall provide bathrooms for the children.
2. There shall be a separate toilet, bathtub or shower, and sink for each six (6) children.

3. There shall be an adequate supply of hot and cold running water.
4. The bathroom shall be clean and sanitary.
5. There shall be an adequate supply of soap, towels, and tissue.

## 511 Sleeping Arrangements

1. The facility shall provide bedrooms for the children.
2. There shall be no more than four (4) children per bedroom.
3. There shall be at least fifty ~~(50)~~ square (50<sup>2</sup>) feet of floor space per child in each bedroom.
4. No child ~~age~~ four (4) years of age or over shall share a bedroom with a child of the opposite gender, except teenaged parents who participate in the care of their own children.
5. Each child shall have a separate bed with a mattress, sheets, pillow, pillowcase, and adequate cover, all in good condition.
6. All cribs used for children shall have current certification of compliance with Consumer Product Safety Commission (CPSC) standards.
7. 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~~ their own, the facility is not required to reposition the child.) If there is a medical reason a

child cannot sleep on ~~his/her~~ their 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.

8. Beds shall be positioned to ensure all children can easily exit the room in case of emergency.
9. No child under ~~the age of~~ six (6) years of age shall occupy a top bunk.
10. Bedding shall be changed at least weekly, more often if needed.
11. Each child shall have an area to store personal belongings.
12. Staff sleeping quarters shall be separate from children's sleeping rooms.
13. Room arrangements shall be based on characteristics of each resident to ensure the safety of each child.

## **512 Safety**

1. The facility shall have an operable telephone or comparable communication system.
2. The facility shall have a continuous supply of clean drinking water. If the water source is not a municipal system, the source shall be approved by the Arkansas Department of Health annually.
3. A private sewage and /septic system shall be approved initially and upon any increase in capacity by the Arkansas Department of Health.

4. There shall be operational smoke detectors near the cooking area, heating units, and within ~~ten (10) feet~~ ten feet (10') of each bedroom.
5. An operational chemical fire extinguisher or other fire suppression system approved by local fire inspection officials shall be in the cooking area of each building. Approval of the fire suppression system shall be documented.
6. There shall be an emergency evacuation plan diagramed and posted in each building used by children.
7. Fire drills shall be practiced with children each month.
8. Severe weather drills shall be practiced with children quarterly.
9. A record of drills shall be maintained, showing date and time of day of the drill, number of participants, and length of time required to reach safety.
10. Each child shall be instructed in emergency procedures at admission.
11. The facility shall have proof of current rabies vaccinations for all household pets as required by Arkansas law.
12. No child shall be allowed to operate dangerous machinery or equipment, including firearms without proper adult supervision and following manufacturers' guidelines for age, safety precautions, and safety gear.
13. The agency shall have policy and procedure for carrying, storage and use of all firearms located at the facility.

14. All firearms shall be maintained in a secure, locked location, or be secured by a trigger lock.
15. All ammunition shall be secured and locked separately from firearms unless they are stored in a safe, (for example, a hand gun safe or a long gun safe).

## 513 Transportation

1. The facility shall have agency procured transportation available at all times.
2. The facility vehicle(s) shall not be used for personal use, unless other facility transportation is available.
3. Any vehicle used to transport children shall be in safe working condition and maintained in compliance with motor vehicle laws.
4. Any vehicle used to transport children shall be insured.
5. Children shall be transported only by an authorized person possessing a valid driver's license.
6. Children shall be transported according to Arkansas law, including without limitation, ~~but not limited to,~~ use of safety belts, child safety seats, and smoking restrictions.

## 514 Discharge

1. The discharge shall be planned by agency staff.
2. The agency may discharge a child on an emergency basis if failure to do so could result in harm to the child, other persons, or significant property damage.

3. A child shall be discharged to the custody of the child's parent or a person with authorization from the parent, guardian, or a person authorized by court order to assume custody of the child.
4. The agency shall complete a discharge statement on each child that includes a discharge date and reason for discharge and provide a copy of it to the child's custodian.
5. Documentation of the discharge shall be maintained in the child's record.

MARK-UP

MARK-UP



## 600 INDEPENDENT LIVING

*In addition to all standards in Sections 100, the following standards shall be met: Agencies holding an Independent Living license provide residential care while preparing the residents, ages sixteen (16) years of age and older, for living independently.*

### 601 Agency Responsibilities

1. The agency shall have written policies and procedures specific to the program, which shall include:
  - a. Written rules of conduct;
  - b. A plan for reduced supervision ~~/ratio~~;
  - c. Transportation for residents;
  - d. Outside employment for residents;
  - e. Medication management; and
  - f. Social ~~A~~activities off campus.

### 602 Admission

1. The agency shall establish written criteria for admitting and ~~/~~excluding children.
2. The facility shall not admit any child for whom the facility cannot provide adequate care.

3. Each child shall have a medical exam no more than one (1) year before admission~~;~~ or a documented appointment date for an exam within one (1) week after admission.
4. Each child shall have proof of current immunizations~~, or~~ a letter of exemption in accordance with the Arkansas Department of Health~~,~~ or a scheduled appointment within one (1) week after admission.
5. The facility shall obtain written verification of the placing agent's authority to place the child at the time of admission.
6. The facility shall obtain written authority for medical care for the child from the placing agent at the time of admission.
7. The agency shall comply with the Interstate Compact on the Placement of Children when admitting children from outside Arkansas, if applicable.
8. The facility shall establish that all persons referred for admission are between ~~the ages of~~ sixteen (16) and eighteen (18) years of age at the time of admission.
9. Residents may remain in the program after reaching ~~age~~ eighteen (18) years of age with the reason for continued placement documented. The resident shall be discharged no later than ~~his/her~~ their twenty-first ~~(21)~~ birthday.
10. At the time of an admission, the following information shall be documented in the child's record:
  - a. Name, signature~~,~~ and role or relationship of the person who relinquished the child into care;

- b. A brief description of the circumstances requiring admission;
  - c. The date and time of the admission;
  - d. A brief description of the child's history (if known) including behavioral history;
  - e. Any known medical history and known current health conditions;
  - f. All medications currently prescribed for the child (if known and available); and
  - g. The child's current behavior or known emotional condition.
11. Intake information shall be completed on each child in care within ten (10) working days after admission.
12. The intake shall include:
- a. Demographic information on the child and parent(s), including name, address, birth date, gender, race, and religious preference;
  - b. A factual description of the circumstances requiring placement;
  - c. A brief social history of the family;
  - d. The child's current legal status or /custody; and

- e. Any history of previous placements outside the family.
- 13. The facility shall obtain copies of legal documents within thirty (30) days of admission, or shall document their attempts to obtain the documents. The legal documents shall include without limitation,~~but not be limited to,~~ birth certificates, social security cards, and court orders.
- 14. A dependent juvenile child of a parent who is in the custody of the Division of Child and Family Services (DCFS) shall be subject to all rules regarding space, ratio, health, and safety.
- 15. Facilities that have an adult program shall provide sleeping and living arrangements to ensure separation of adults from children.

## 603 Eligibility Requirements

- 1. For a child to be eligible for placement into the Independent Living program, the agency shall document:
  - a. An evaluation by the caseworker to determine that placement in the Independent Living program does not present a health or safety risk to the children;
  - b. The resident is at least sixteen (16) years of age;
  - c. The resident is actively engaged in an educational program such as high school, GED, vocational training, or post-secondary education (including college). If the child has completed all educational requirements according to state law, they shall be employed or actively involved in a supervised job search program; and
  - e.d. The resident is working towards mastering basic~~life skills~~ life skills, including without limitation:~~but not limited to:~~
    - i. ~~money~~Money management;

- ii. ~~food~~Food management;
- iii. ~~personal~~Personal appearance;
- iv. ~~personal hygiene/health/birth control;~~Birth control and personal health and hygiene;
- v. ~~housekeeping~~Housekeeping;
- vi. ~~transportation~~Transportation;
- vii. ~~emergency~~Emergency and safety skills;
- viii. ~~knowledge~~Knowledge of community resources;
- ix. ~~interpersonal~~Interpersonal skills;
- x. ~~legal~~Legal skills;
- xi. ~~housing~~Housing;
- xii. ~~educational~~Educational planning; and
- xiii. ~~job-seeking~~Job seeking and job maintenance skills.

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

## 604 Assessment & Case Planning

1. The agency shall assign a caseworker to each child who is responsible for doing assessments, case planning, and casework services.
2. A plan of safe care shall be developed for all children with physical limitations, medical conditions, or behaviors that are indicative of harm to self or others; to include without limitation; ~~but not limited to:~~ arson, physical aggression; sexual aggression, ~~and/or~~ suicidal behaviors, or other self-harming tendencies. This plan shall identify the behavior ~~or~~ problem; and shall specify the safeguards that are to be implemented. The agency shall document that the child ~~care-easing~~ staff are informed of the provisions of the plan and place a copy of the plan in the child's record.
3. An assessment of services needed to ensure the health and welfare of the child, including medical history and psychological history, shall be completed and included in the case plan.
4. A case plan shall be developed for each child within thirty (30) days after placement.
5. A case plan shall be completed and entered into the child's record showing a goal of independence and indicating all persons responsible for services to be provided.
6. The case plan shall contain, at the minimum:
  - a. Specific needs;
  - b. Plan for meeting needs;

- c. Special treatment issues (~~e.g.,~~ for example, psychotropic medications, sexual misconduct, and neurological disorders) shall be identified; with a statement of how the special needs shall be met;
  - d. A plan to ensure the educational needs are met according to applicable state law; and
  - e. Date of next review of the case plan.
7. A copy of the case plan shall be made available to the parent(s), guardian(s), court, or other agencies involved in case plan services delivery.
8. The case plan shall be reviewed at least semi-annually, and shall be updated to reflect progress.

## **605 Children's Records**

1. The agency shall keep a confidential case record for each child that includes the following:
  - a. Demographic information;
  - b. Plan of safe care, if applicable;
  - c. A complete intake;
  - d. Consents, including consent for medical care and authority to place the child;

- e. Interstate Compact information, if applicable;
  - f. Case plans and case plan reviews;
  - g. Copies of legal documents (~~e.g.,~~ for example, birth certificate, social security card, court orders), or documentation of their attempts to obtain the documents;
  - h. Physical exams and immunization records, or documentation of their attempts to obtain the documents;
  - i. Psychological reports, if applicable;
  - j. Educational reports, if applicable;
  - k. Disciplinary and incident reports, if applicable;
  - l. Documentation of casework services and child contact; and
  - m. Discharge statement.
2. Records shall be kept for five (5) years from the date of discharge, unless otherwise specified by Arkansas law.

## **606 Behavior Management**

1. The agency shall have a written discipline policy that is consistently followed.



2. Discipline shall be directed toward teaching the child acceptable behavior and self-control.
3. Discipline shall be appropriate to the child's age, development, and history.
4. The following disciplinary actions shall not be used: ~~including as discipline:~~
  - a. Denial of meals, sleep, shelter, essential clothing, or case plan activities;
  - b. Denial of parental visits or regular phone ~~and~~ /mail contact with family. Non-disciplinary case planning issues are accepted;
  - c. Lewd or obscene language;
  - d. Derogatory comments about the child, the child's family, race, or gender;
  - e. Restriction to a room for more than a short period of time without periodic observation;
  - f. Restriction to a dark room or area;
  - g. Locked isolation;
  - h. Physical injury or threat of bodily harm;
  - i. Humiliating or degrading action;

- j. Extremely strenuous work or exercise; nor
  - k. Mechanical or chemical restraints.
5. Physical restraint shall be initiated only by trained staff; ~~and~~ only to prevent injury to the child, other people, or property; ~~and~~ shall not be initiated solely as a form of discipline.
  6. Physical restraints shall be performed using minimal force and time necessary. Physical restraint means the application of physical force without the use of any device, for the purposes of restraining the free movement of a resident's body. Briefly holding a child without undue force in order to calm or comfort, or holding a hand to safely escort a child from one area to another, is not considered a physical restraint.
  7. Documentation of all restraints shall be maintained and include child's name, date, time, reason, staff involved, and measures taken prior to restraint.
  8. A child shall not be allowed to administer discipline, except teen parents may discipline their own children under the supervision and guidance of staff.
  9. Searches of a child or a child's personal property shall be for reasons limited to safety and security of children and staff, in cases of suspected theft, or suspicion of possession of items which are not permitted by agency policy.
  10. Any searches requiring removal of clothing shall be done in privacy.

## 607 Ratio & Supervision

1. The facility shall not exceed its total licensed capacity.

2. There shall be a staff ~~to~~ child ratio of at least one to nine (1:9) during waking hours and at least one to twelve (1:12) during sleeping hours. Staff members' child~~ren~~ shall be counted in the ratio.
3. If any child is under ~~age~~ six (6) years of age, the ratio shall be at least one to seven (1:7) at all times.
4. Only staff who directly supervises children shall be counted in this ratio.
5. Child~~care-easing~~ 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~~care-easing~~ 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. The administering of all medications, including over-the-counter, shall be logged by the person administering the medication at the time the medication is given.

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 without limitation, ~~but are not limited to,~~ birth control, acne cream, and 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.

## 609 Program

1. The facility shall ensure each child receives education in accordance with the Arkansas Department of Education.
2. The facility shall teach each child the daily living tasks required as a part of living in a group setting, and shall assign only light chores that are age-appropriate.

3. The agency shall have a policy regarding each child's money received and shall ensure that each child's funds are available to that child under staff supervision for personal use.
4. The facility shall not allow a child's outside employment, chores, or extracurricular activities to interfere with the child's time for school, sleep, family visits, or case plan activities.
5. The facility shall provide each child with adequate and nutritious food.
6. The facility shall ensure that each child has sufficient sleep for ~~his/her~~ their age and physical condition
7. ~~The facility~~ Each child shall ~~be~~ instruct each child in good grooming and personal hygiene habits.
8. The facility shall ensure each child is provided with ~~his/her~~ their own clothing that is clean, well fitting, seasonal, and appropriate to age and gender, unless otherwise directed by a physician.
9. The facility shall ensure each child in care is provided with opportunities for regular recreational activities and exercise.
10. The facility shall provide activities and equipment that are age appropriate to the children in their care.
11. The facility shall monitor and time limit the use of television, videos, computer games, and other screen time activities ~~shall be monitored and time limited.~~

## 610 Grounds

1. The grounds of the facility shall be kept clean and free of safety hazards.
2. The facility shall provide sufficient outdoor recreation space for age appropriate physical activities.
3. Swimming pools shall be inspected and approved annually by the Arkansas Department of Health.

## 611 Buildings

1. No facility shall be located in a shopping center, strip mall, or other buildings used for commercial activity.
2. Unused or vacant portions of a facility shall not be rented, leased, loaned, or otherwise occupied by any commercial or other business entity, ~~(or private individuals)~~, not associated with the facility or its management.
3. All buildings used by children or staff shall be inspected and approved annually for fire safety by fire department officials.
4. All buildings used by children or staff shall be inspected and approved annually for health and sanitation as required by the Arkansas Department of Health.
5. All buildings shall comply with local zoning ordinances and land use requirements where those exist.
6. All buildings and furnishings shall be safe, clean, and in good repair.

7. There shall be no more than twelve (12) children in a sleeping unit. A sleeping unit is considered to be a group of bedrooms.
8. Sleeping units sharing the same building shall be separated (for example, into different corridors, wings, ~~or~~ floors).~~, etc.~~ Sleeping units modified or newly constructed after September 1, 2016, shall comply with this standard.
9. Licensing shall be notified of any changes to buildings that affect usage, size, capacity, or structural changes.
10. Building usage shall be approved by licensing prior to resident occupancy, and all required inspections, permits, and authorizations shall be provided.
11. Any modification to buildings used by children, or an increase in capacity shall require inspection and approval by the Fire and Health Department, if applicable.
12. All parts of buildings used as living, sleeping, or bath areas shall have a heating, ventilating, and air conditioning source that keeps the temperature a minimum of sixty-five ~~(65)~~ degrees (65°) and a maximum of eighty-five ~~(85)~~ degrees (85°).
13. The facility shall provide a living area that has at least thirty-five ~~(35)~~ square feet (35<sup>2</sup>) of floor space per child. The dining area and indoor recreation area may be included in this space.
14. The facility shall provide a dining room.
15. The facility shall have a kitchen.
16. Manufactured homes, used as residential facilities, shall be tied down and underpinned as required by the Arkansas Manufactured Home Commission. The home shall obtain an

inspection and approval from the Arkansas Manufactured Home Commission prior to being licensed.

## **612 Bathrooms**

1. The facility shall provide bathrooms for the children.
2. There shall be a separate toilet, bathtub or shower, and sink for each six (6) children.
3. There shall be an adequate supply of hot and cold running water.
4. The bathroom shall be clean and sanitary.
5. There shall be separate bath and toilet facilities for males and females.
6. There shall be an adequate supply of soap, towels, and tissue.

## **613 Sleeping Arrangements**

1. The facility shall provide bedrooms for the children.
2. There shall be no more than four (4) children per bedroom.
3. There shall be at least fifty ~~(50)~~ square feet (50<sup>2</sup>) of floor space per child in each bedroom.
4. No child shall share a bedroom with a child of the opposite gender.



5. Each child shall have a separate bed with a mattress, sheets, pillow, pillowcase, and adequate cover, all in good condition.
6. Beds shall be positioned to ensure all children can easily exit the room in case of emergency.
7. Bedding shall be changed at least weekly, more often if needed.
8. Each child shall have an area to store personal belongings.
9. Staff sleeping quarters shall be separate from children's sleeping rooms.
10. Room arrangements shall be based on characteristics of the each resident to ensure the safety of each child.

## **614 Safety**

1. The facility shall have an operable telephone or comparable communication system.
2. The facility shall have a continuous supply of clean drinking water. If the water source is not a municipal system, the source shall be approved by the Arkansas Department of Health annually.
3. A private sewage ~~and~~ /septic system shall be approved initially and upon any increase in capacity by the Arkansas Department of Health.
4. There shall be operational smoke detectors near the cooking area, heating units, and within ~~ten (10) feet~~ ten feet (10') of each bedroom.

5. An operational chemical fire extinguisher or other fire suppression system approved by local fire inspection officials shall be in the cooking area of each building. Approval of the fire suppression system shall be documented.
6. There shall be an emergency evacuation plan diagramed and posted in each building used by children.
7. Fire drills shall be practiced with children each month.
8. Severe weather drills shall be practiced with children quarterly.
9. A record of drills shall be maintained, showing date and time of day of the drill, number of participants, and length of time required to reach safety.
10. Each child shall be instructed in emergency procedures at admission.
11. The facility shall have proof of current rabies vaccinations for all household pets as required by Arkansas law.
12. No child shall be allowed to operate dangerous machinery or equipment, including firearms without proper adult supervision and following manufacturers' guidelines for age, safety precautions, and safety gear.
13. The agency shall have policy and procedure for carrying, storage and use of all firearms located at the facility.
14. All firearms shall be maintained in a secure, locked location, or be secured by a trigger lock.

15. All ammunition shall be secured and locked separately from firearms unless they are stored in a safe; (for example, a hand gun safe or a long gun safe).

## 615 Transportation

1. The facility shall have agency procured transportation available at all times.
2. The facility vehicle(s) shall not be used for personal use, unless other facility transportation is available.
3. Any vehicle used to transport children shall be in safe working condition and maintained in compliance with motor vehicle laws.
4. Any vehicle used to transport children shall be insured.
5. Children shall be transported only by an authorized person possessing a valid driver's license.
6. Children shall be transported according to Arkansas law, including without limitation, ~~but not limited to,~~ use of safety belts, child safety seats, and smoking restrictions.

## 616 Discharge

1. The discharge shall be planned by agency staff.
2. The agency may discharge a child on an emergency basis if failure to do so could result in harm to the child, other persons, or significant property damage.
3. A child shall be discharged to the custody of the child's parent or a person with authorization from the parent, guardian or a person authorized by court order to assume custody of the child.

4. The agency shall complete a discharge statement on each child that includes a discharge date and reason for discharge and provide a copy of it to the child's custodian.

5. Documentation of the discharge shall be maintained in the child's record.

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## **700 INDEPENDENT LIVING FAMILY STYLE CARE**

*In addition to all standards in Sections 100, the following standards shall be met: Agencies holding an Independent Living Family Style Care license provide residential care, in a home-like setting, while preparing the residents, ~~ages sixteen (16)~~ years of age and older, for living independently.*

### **701 Agency Responsibilities**

1. The agency shall have written policies and procedures specific to the program, which shall include:
  - a. Written rules of conduct;
  - b. A plan for reduced supervision;
  - c. Transportation for residents;
  - d. Outside employment for residents;
  - e. Medication management; and
  - f. Social ~~A~~activities off campus.

### **702 Admission**

1. The agency shall establish written criteria for admitting and ~~/~~excluding children.

2. The facility shall not admit any child for whom the facility cannot provide adequate care.
3. Each child shall have a medical exam no more than one (1) year before admission~~;~~ or a documented appointment date for an exam within one (1) week after admission.
4. Each child shall have proof of current immunizations,~~or~~ a letter of exemption in accordance with the Arkansas Department of Health<sub>2</sub> or a scheduled appointment within one (1) week after admission.
5. The facility shall obtain written verification of the placing agent's authority to place the child at the time of admission.
6. The facility shall obtain written authority for medical care for the child from the placing agent at the time of admission.
7. The agency shall comply with the Interstate Compact on the Placement of Children when admitting children from outside Arkansas, if applicable.
8. The facility shall establish that all persons referred for admission are between ~~the ages of~~ sixteen (16) and eighteen (18) years of age at the time of admission.
9. Residents may remain in the program after reaching ~~age~~ eighteen (18) years of age with the reason for continued placement documented. The resident shall be discharged no later than ~~his/her~~ their twenty-first ~~(21)~~ birthday.
10. At the time of an admission, the following information shall be documented in the child's record:
  - a. Name, signature<sub>2</sub> and role or relationship of the person who relinquished the child into care;



- b. A brief description of the circumstances requiring admission;
  - c. The date and time of the admission;
  - d. A brief description of the child's history (if known) including behavioral history;
  - e. Any known medical history and known current health conditions;
  - f. All medications currently prescribed for the child (if known and available); and
  - g. The child's current behavior or known emotional condition.
11. Intake information shall be completed on each child in care within ten (10) working days after admission.
12. The intake shall include:
- a. Demographic information on the child and parent(s), including name, address, birth date, gender, race, and religious preference;
  - b. A factual description of the circumstances requiring placement;
  - c. A brief social history of the family;
  - d. The child's current legal status or ~~/~~ custody; and

- e. Any history of previous placements outside the family.
- 13. The facility shall obtain copies of legal documents within thirty (30) days of admission; or shall document their attempts to obtain the documents. The legal documents shall include without limitation, ~~but not be limited to~~, birth certificates, social security cards, and court orders.
- 14. A dependent juvenile child of a parent who is in the custody of the Division of Child and Family Services (DCFS) shall be subject to all rules regarding space, ratio, health and safety.
- 15. Facilities that have an adult program shall provide sleeping and living arrangements to ensure separation of adults from children.

## 703 Eligibility Requirements

- 1. For a child to be eligible for placement into the Independent Living program, the agency shall document:
  - a. An evaluation by the caseworker to determine that placement in the Independent Living program does not present a health or safety risk to the children;
  - ~~b.~~ The resident is at least sixteen (16) years of age;
  - ~~b.c.~~ The resident is actively engaged in an educational program such as high school, GED, vocational training, or post-secondary education (including college). If the child has completed all educational requirements according to state law, they shall be employed or actively involved in a supervised job search program; and
  - ~~e.d.~~ The resident is working towards mastering basic ~~life skills~~ life skills, including without limitation; ~~but not limited to~~;

- i. ~~money~~Money management;
- ii. ~~food~~Food management;
- iii. ~~personal~~Personal appearance;
- iv. ~~personal hygiene/health/birth control;~~Birth control and personal health and hygiene;
- v. ~~housekeeping~~Housekeeping;
- vi. ~~transportation~~Transportation;
- vii. ~~emergency~~Emergency and safety skills;
- viii. ~~knowledge~~Knowledge of community resources;
- ix. ~~interpersonal~~Interpersonal skills;
- x. ~~legal~~Legal skills;
- xi. ~~housing~~Housing;
- xii. ~~educational~~Educational planning; and
- ~~xiii. — job seeking~~Job seeking and job maintenance skills.

xiii.

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

## 704 Assessment & Case Planning

1. The agency shall assign a caseworker to each child who is responsible for doing assessments, case planning, and casework services.
2. A plan of safe care shall be developed for all children with physical limitations, medical conditions, or behaviors that are indicative of harm to self or others; to include without limitation; ~~but not limited to:~~ arson, physical aggression, ~~/sexual aggression, and/or~~ suicidal behaviors, or other self-harming tendencies. This plan shall identify the behavior or ~~/problem~~; and shall specify the safeguards that are to be implemented. The agency shall document that the child care-easing staff are informed of the provisions of the plan and place a copy of the plan in the child's record.
3. An assessment of services needed to ensure the health and welfare of the child, including medical history and psychological history, shall be completed and included in the case plan.
4. A case plan shall be developed for each child within thirty (30) days after placement.
5. A case plan shall be completed and entered into the child's record showing a goal of independence and indicating all persons responsible for services to be provided.
6. The case plan shall contain, at the minimum:
  - a. Specific needs;

- b. Plan for meeting needs;
  - c. Special treatment issues (~~e.g., for example,~~ psychotropic medications, sexual misconduct, and neurological disorders) shall be identified, with a statement of how the special needs shall be met;
  - d. A plan to ensure the educational needs are met according to applicable state law; and
  - e. Date of next review of the case plan.
7. A copy of the case plan shall be made available to the parent(s), guardian(s), court, or other agencies involved in case plan services delivery.
8. The case plan shall be reviewed at least semi-annually, and shall be updated to reflect progress.

## 705 Children's Records

1. The agency shall keep a confidential case record for each child that includes the following:
  - a. Demographic information;
  - b. Plan of safe care, if applicable;
  - c. A complete intake;
  - d. Consents, including consent for medical care and authority to place the child;

- e. Interstate Compact information, if applicable;
  - f. Case plans and case plan reviews;
  - g. Copies of legal documents (~~e.g.,~~ for example, birth certificate, social security card, court orders); or documentation of their attempts to obtain the documents;
  - h. Physical exams and immunization records; or documentation of their attempts to obtain the documents;
  - i. Psychological reports, if applicable;
  - j. Educational reports, if applicable;
  - k. Disciplinary and incident reports, if applicable; and
  - l. Documentation of casework services and child contact;
  - m. Discharge statement.
2. Records shall be kept for five (5) years from the date of discharge, unless otherwise specified by Arkansas law.

## 706 Behavior Management

1. The agency shall have a written discipline policy that is consistently followed.

2. Discipline shall be directed toward teaching the child acceptable behavior and self-control.
3. Discipline shall be appropriate to the child's age, development, and history.
4. The following disciplinary actions shall not be used: ~~, including as discipline:~~
  - a. Denial of meals, sleep, shelter, essential clothing, or case plan activities;
  - b. Denial of parental visits or regular phone ~~and~~ /mail contact with family. Non-disciplinary case planning issues are accepted;
  - c. Lewd or obscene language;
  - d. Derogatory comments about the child, the child's family, race, or gender;
  - e. Restriction to a room for more than a short period of time without periodic observation;
  - f. Restriction to a dark room or area;
  - g. Locked isolation;
  - h. Physical injury or threat of bodily harm;
  - i. Humiliating or degrading action;

- j. Extremely strenuous work or exercise; nor
  - k. Mechanical or ~~chemical~~ restraints.
5. Physical restraint shall be initiated only by trained staff; ~~and~~ only to prevent injury to the child, other people, or property; ~~and~~ and shall not be initiated solely as a form of discipline.
  6. Physical restraints shall be performed using minimal force and time necessary. Physical restraint means the application of physical force without the use of any device, for the purposes of restraining the free movement of a resident's body. Briefly holding a child without undue force in order to calm or comfort, or holding a hand to safely escort a child from one area to another, is not considered a physical restraint.
  7. Documentation of all restraints shall be maintained and include child's name, date, time, reason, staff involved, and measures taken prior to restraint.
  8. A child shall not be allowed to administer discipline, except teen parents may discipline their own children under the supervision and guidance.
  9. Searches of a child or a child's personal property shall be for reasons limited to safety and security of children and staff, in cases of suspected theft, or suspicion of possession of items which are not permitted by agency policy.
  10. Any searches requiring removal of clothing shall be done in privacy.

## 707 Ratio & Supervision

1. The facility shall use a house parent staffing model.
2. The facility shall not exceed its total licensed capacity.



3. The facility shall have no more than eight (8) children in each unit, including the houseparent's children.
4. There shall be a ~~staff/child~~ staff to child ratio of at least one to eight (1:8) at all times. Staff members' children shall be counted in the ratio.
5. Child ~~care~~ earing 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. The facility shall maintain a daily census report to include the child's name and room or building assignment.

## 708 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.~~ The administering of all medications, including over-the-counter, shall be logged by the person administering the medication at the time the medication is given.
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 without limitation, ~~but are not limited to,~~ birth control, acne cream, and 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.

## 709 Program

- 1. The facility shall ensure each child receives education in accordance with the Arkansas Department of Education.
- 2. The facility shall teach each child the daily living tasks required as a part of living in a group setting, and shall assign only light chores that are age-appropriate.
- 3. The agency shall have a policy regarding each child's money received and shall ensure that each child's funds are available to that child under staff supervision for personal use.

## 7800 — ~~TRANSITIONAL~~INDEPENDENT LIVING FAMILY STYLE CARE

4. The facility shall not allow a child's outside employment, chores, or extracurricular activities to interfere with the child's time for school, sleep, family visits, or case plan activities.
5. The facility shall provide each child with adequate and nutritious food, routinely eaten in the home, ~~the~~ cottage, ~~or~~ unit.
6. The facility shall ensure that each child has sufficient sleep for ~~his/her~~ their age and physical condition.

### The facility

7. ~~Each child~~ shall ~~be~~ instruct each child in good grooming and personal hygiene habits.
8. The facility shall ensure each child is provided with ~~his/her~~ their own clothing that is clean, well fitting, seasonal, and appropriate to age and gender, unless otherwise directed by a physician.
9. The facility shall ensure each child in care is provided with opportunities for regular recreational activities and exercise.
10. The facility shall provide activities and equipment that are age appropriate to the children in their care.
11. The facility shall monitor and time limit the use of television, videos, computer games, and other screen time ~~activities shall be monitored and time limited.~~

## **710 Grounds**

1. The grounds of the facility shall be kept clean and free of safety hazards.
2. The facility shall provide sufficient outdoor recreation space for age appropriate physical activities.

3. Swimming pools shall be inspected and approved annually by the Arkansas Department of Health.

## 711 Buildings

1. The building shall be a single-style dwelling, such as a house, ~~or~~ cottage, or duplex, in which the facility occupies both units. Multiple units may be located on campus.
2. The building shall house only the Independent Living Family Style Care license type.
3. No facility shall be located in a shopping center, strip mall, or other buildings used for commercial activity.
4. Unused or vacant portions of a facility shall not be rented, leased, loaned, or otherwise occupied by any commercial or other business entity, ~~(or private individuals)~~, not associated with the facility or its management.
5. All buildings used by children or staff shall be inspected and approved annually for fire safety by fire department officials.
6. All buildings used by children or staff shall be inspected and approved annually for health and sanitation as required by the Arkansas Department of Health.
7. All buildings shall comply with local zoning ordinances and land use requirements where those exist.
8. All buildings and furnishings shall be safe, clean, and in good repair.

9. Licensing shall be notified of any changes to buildings that affect usage, size, capacity, or structural changes.
10. Building usage shall be approved by licensing prior to resident occupancy, and all required inspections, permits, and authorizations shall be provided.
11. Any modification to buildings used by children, or an increase in capacity shall require inspection and approval by the Fire and Health Department, if applicable.
12. All parts of buildings used as living, sleeping, or bath areas shall have a heating, ventilating, and air conditioning source that keeps the temperature a minimum of sixty-five ~~(65)~~ degrees (65°) and a maximum of eighty-five ~~(85)~~ degrees (85°).
13. The facility shall provide a living area that has at least thirty-five ~~(35)~~ square feet (35'²) of floor space per child. The dining area and indoor recreation area may be included in this space.
14. The facility shall provide a dining area.
15. The facility shall have a kitchen.
16. Manufactured homes, used as residential facilities, shall be tied down and underpinned as required by the Arkansas Manufactured Home Commission. The home shall obtain an inspection and approval from the Arkansas Manufactured Home Commission prior to being licensed.

## 712 Bathrooms

1. The facility shall provide bathrooms for the children.
2. There shall be a separate toilet, bathtub or shower, and sink for each six (6) children.

3. There shall be an adequate supply of hot and cold running water.
4. The bathroom shall be clean and sanitary.
5. There shall be an adequate supply of soap, towels, and tissue.

## 713 Sleeping Arrangements

1. The facility shall provide bedrooms for the children.
2. There shall be no more than four (4) children per bedroom.
3. There shall be at least fifty ~~(50)~~ square feet (50<sup>2</sup>) of floor space per child in each bedroom.
4. No child shall share a bedroom with a child of the opposite gender.
5. Each child shall have a separate bed with a mattress, sheets, pillow, pillowcase, and adequate cover, all in good condition.
6. Bedding shall be changed at least weekly, more often if needed.
7. Each child shall have an area to store personal belongings.
8. Staff sleeping quarters shall be separate from children's sleeping rooms.

9. Room arrangements shall be based on characteristics of each resident to ensure the safety of each child.

## 714 Safety

1. The facility shall have an operable telephone or comparable communication system.
2. The facility shall have a continuous supply of clean drinking water. If the water source is not a municipal system, the source shall be approved by the Arkansas Department of Health annually.
3. A private sewage and /septic system shall be approved initially and upon any increase in capacity by the Arkansas Department of Health.
4. There shall be operational smoke detectors near the cooking area, heating units, and within ~~ten (10) feet~~ ten feet (10') of each bedroom.
5. An operational chemical fire extinguisher or other fire suppression system approved by local fire inspection officials shall be in the cooking area of each building. Approval of the fire suppression system shall be documented.
6. There shall be an emergency evacuation plan diagramed and posted in each building used by children.
7. Fire drills shall be practiced with children each month.
8. Severe weather drills shall be practiced with children quarterly.
9. A record of drills shall be maintained, showing date and time of day of the drill, number of participants, and length of time required to reach safety.

10. Each child shall be instructed in emergency procedures at admission.
11. The facility shall have proof of current rabies vaccinations for all household pets as required by Arkansas law.
12. No child shall be allowed to operate dangerous machinery or equipment, including firearms without proper adult supervision and following manufacturers' guidelines for age, safety precautions, and safety gear.
13. The agency shall have policy and procedure for carrying, storage and use of all firearms located at the facility.
14. All firearms shall be maintained in a secure, locked location, or be secured by a trigger lock.
15. All ammunition shall be secured and locked separately from firearms unless they are stored in a safe; (for example, a hand-gun handgun safe or a long gun safe).

## 715 Transportation

1. The facility shall have agency procured transportation available at all times.
2. The facility vehicle(s) shall not be used for personal use, unless other facility transportation is available.
3. Any vehicle used to transport children shall be in safe working condition and maintained in compliance with motor vehicle laws.
4. Any vehicle used to transport children shall be insured.



5. Children shall be transported only by an authorized person possessing a valid driver's license.
6. Children shall be transported according to Arkansas law, including without limitation, ~~but not limited to,~~ use of safety belts, child safety seats, and smoking restrictions.

## 716 Discharge

1. The discharge shall be planned by agency staff.
2. The agency may discharge a child on an emergency basis if failure to do so could result in harm to the child, other persons, or significant property damage.
3. A child shall be discharged to the custody of the child's parent or a person with authorization from the parent, guardian, or a person authorized by court order to assume custody of the child.
4. The agency shall complete a discharge statement on each child that includes a discharge date and reason for discharge and provide a copy of it to the child's custodian.
5. Documentation of the discharge shall be maintained in the child's record.

## 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 youth that have turned eighteen (18) years of age while in a licensed or exempt program a licensed or exempt program.*

### 801 Agency Responsibilities

1. The agency's written policies and procedures specific to the Transitional Living program shall include:
  - a. Written rules of conduct and potential consequences for rule violations;
  - b. Transportation for residents; and
  - c. Medication management.
2. Each youth in the Transitional Living program will be assigned a specific caseworker 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 include a budget that is developed jointly by the youth and the caseworker.

5. The case plan shall include written rules of conduct for the youth that include without limitation, ~~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~~ twenty-four-hour ability to contact the agency.
7. The assigned caseworker shall visit the youth's residence at least once per month and shall document the visit and observations in the case record.

## 802 Eligibility Requirements

1. Eligibility for placement into the Transitional Living program include:
  - 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. The youth is at least eighteen (18) years of age and is being transferred from a **licensed or exempt program** into the Transitional Living program~~;~~;
  - c. The resident is actively engaged in an educational program such as high school, GED, vocational training, or post-secondary education, (including college). When the youth has completed all educational requirements according to state law, they shall be employed or actively involved in a supervised job search program;
  - e.d. The resident is knowledgeable in basic ~~life skills~~ life skills, including ~~without limitation;~~ but not limited to:
    - i. ~~money~~Money management;
    - ii. ~~food~~Food management;
    - iii. ~~personal~~Personal appearance;
    - iv. ~~personal hygiene/health/birth control;~~Birth control and personal health and hygiene;
    - v. ~~housekeeping~~Housekeeping;

- vi. ~~transportation~~Transportation;
- vii. ~~emergency~~Emergency and safety skills;
- viii. ~~knowledge~~Knowledge of community resources;
- ix. ~~interpersonal~~Interpersonal skills;
- x. ~~legal~~Legal skills;
- xi. ~~housing~~Housing;
- xii. ~~educational~~Educational planning; and
- ~~xiii. — job seeking~~Job seeking and job maintenance skills.

~~d.xiii. The resident is actively engaged in an educational program such as high school, GED, vocational training, or post-secondary education, including college. When the youth has completed all educational requirements according to state law, 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., for example,~~ laundry arrangements) shall be noted in the case plan or accompanying documentation.

8900 — ~~PSYCHIATRIC RESIDENTIAL TREATMENT FACILITIES~~ TRANSITIONAL LIVING

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.
5. The living unit shall be clean, safe, and in good repair.
6. There shall be operational smoke alarms within ten feet (10') 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., for example,~~ 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 or her~~ their care, the parent shall have current CPR and First Aid certification and an approved childcare plan.
12. Each living unit shall be occupied by members of the same gender.

8900 — ~~PSYCHIATRIC RESIDENTIAL TREATMENT FACILITIES~~ TRANSITIONAL LIVING

13. Overnight guests shall have prior approval of the caseworker and cannot include unrelated members of the opposite gender.

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## 900 PSYCHIATRIC RESIDENTIAL TREATMENT FACILITIES

*In addition to all standards in Sections 100, the following standards shall be met: Agencies holding a Psychiatric Residential Treatment Facilities license shall provide treatment in a non-hospital setting to children not requiring acute care.*

### 901 Licensing Approval & Monitoring

1. The agency shall have a written program description that is available to residents and parents or guardians. The following information shall be included:
  - a. Program philosophy and mission;
  - b. Services and treatment modalities;
  - c. Treatment planning procedures;
  - d. Behavior management program and expectations of each child;
  - e. Levels and privileges (if applicable);
  - f. Admission, exclusion, and discharge criteria; and
  - g. Aftercare services.
2. The agency shall have written policies and procedures for family therapy, family visitation, and therapeutic passes subject to progress, treatment, and physician's orders.

3. The agency shall establish and post a written list of children's rights.
4. The agency shall establish a procedure for hearing children's grievances.
5. At the discretion of the Licensing Unit, a multi-disciplinary team may be asked to assist the Licensing Specialist in the initial study, or during an investigation of a licensing complaint. This team may include a licensed mental health professional (as recognized by Arkansas Medicaid), or a person with professional expertise in the appropriate field.
6. At the discretion of the Licensing Unit, a multi-disciplinary team may be asked to assist the Licensing Specialist during inspections for advisory purposes.
7. All applicants for a Psychiatric Residential Treatment Facility licensed after March 1, 2003, shall obtain a Permit of Approval (POA) from the Arkansas Health Services Agency prior to submitting an application or change of status request to the Child Welfare Agency Review Board.
8. If a licensee is operating at less than or at the capacity licensed by the board as of March 1, 2021, the licensee shall obtain a permit from the Health Services Permit Agency of the Health Services Permit Commission for any increase in capacity.
9. Any new license or expansion of capacity by an existing licensee of the board shall require a license and permit from the office of Long-Term Care or the Health Services Permit Agency.
10. In addition to any other basis provided by law or rule, the board shall terminate the license that has not been in operation for a consecutive twelve-month period.
- 7.11. The Department of Human Services may recommend to the board the revocation, suspension, or termination of a license for any basis provided by law or rule, including

without limitation, the failure to be in operation or in substantial compliance for a  
consecutive six-month period.

## 902 Admission

1. The facility shall not admit any child for whom the facility cannot provide adequate care.
2. Each child shall have a medical exam no more than one (1) year before admission<sup>5</sup> or a documented appointment date for an exam within one (1) week after admission.
3. Each child shall have proof of current immunizations<sup>5,2</sup> a letter of exemption in accordance with the Arkansas Department of Health<sup>2</sup> or a scheduled appointment within one (1) week after admission.
4. The facility shall obtain written verification of the placing agent's authority to place the child at the time of admission.
5. The facility shall obtain written authority for medical care for the child from the placing agent at the time of admission.
6. The agency shall comply with the Interstate Compact on the Placement of Children when admitting children from outside Arkansas, if applicable.
7. The facility shall establish that all persons referred for admission are under ~~the age of~~ eighteen (18) years of age at the time of admission.
8. Residents may remain in the program after reaching ~~age~~ eighteen (18) years of age with the reason for continued placement documented. The resident shall be discharged no later than ~~his/her~~ their twenty-first ~~(21)~~ birthday.
9. The facility shall not admit a child under ~~age~~ five (5) years of age.

10. At the time of admission, the following information shall be documented in the child's record:
  - a. Name, signature, and role or relationship of the person who relinquished the child into care;
  - b. A brief description of the circumstances requiring admission;
  - c. The date and time of the admission;
  - d. A brief description of the child's history (if known) including behavioral history;
  - e. Any known medical history and known current health conditions;
  - f. All medications currently prescribed for the child (if known and available); and
  - g. The child's current behavior or known emotional condition.
11. Intake information shall be completed on each child in care within ten (10) working days after admission.
12. The intake shall include:
  - a. Demographic information on the child and parent(s), including name, address, birth date, gender, race, and religious preference;

- b. A factual description of the circumstances requiring placement;
  - c. A brief social history of the family;
  - d. The child's current legal status or ~~/~~ custody; and
  - e. Any history of previous placements outside the family.
13. The facility shall obtain copies of legal documents within thirty (30) days of admission, or shall document their attempts to obtain the documents. The legal documents shall include without limitation, ~~but not be limited to,~~ birth certificates, social security cards, and court orders.
14. Facilities that have an adult program shall provide sleeping and living arrangements to ensure separation of adults from children.

## 903 Assessment & Treatment Planning

- 1. An assessment of services needed to ensure the health and welfare of each child, including medical history and psychological history, shall be completed for each child and be included in the treatment plan.
- 2. A plan of safe care shall be developed for all children with physical limitations, medical conditions, or behaviors that are indicative of harm to self or others; to include without limitation, ~~but not limited to:~~ arson, physical aggression, ~~/~~ sexual aggression, ~~and/or~~ suicidal behaviors, or other self-harming tendencies. This plan shall identify the behavior ~~/~~ or problem, and shall specify the safeguards that are to be implemented. The agency shall document that the child care-easing staff are informed of the provisions of the plan and place a copy of the plan in the child's record.
- 3. A treatment plan shall be developed for each resident received for care.

4. The treatment plan shall be developed within thirty (30) days after placement.
5. The child's treatment plan shall contain, at the minimum:
  - a. Specific needs of the child;
  - b. Plan for meeting the child's needs;
  - c. Special treatment issues (~~e.g., for example,~~ psychotropic medications, sexual misconduct, and neurological disorders) shall be identified, with a statement of how the special needs shall be met;
  - d. A plan to ensure that the child's educational needs are met according to applicable state law; and
  - e. Date of next review of the treatment plan.
6. A copy of the treatment plan shall be made available to the parent(s), guardian(s), court, or other agencies involved in treatment plan services delivery.
7. The child's treatment plan shall be reviewed monthly, and shall be updated to reflect the child's progress.
8. The agency therapist shall visit the child monthly to monitor the progress of the plan.

## 904 Children's Records

1. The agency shall keep a confidential case record for each child that includes the following:

- a. Demographic information;
- b. Plan of safe care, if applicable;
- c. A complete intake;
- d. Assessments;
- e. Consents, including consent for medical care and authority to place the child;
- f. Interstate Compact information, if applicable;
- g. Treatment plans and treatment plan reviews;
- h. Copies of legal documents (~~e.g.,~~ for example, birth certificate, social security card, court orders), or documentation of their attempts to obtain the documents;
- i. Physical exams and immunization records or documentation of their attempts to obtain the documents;
- j. Psychological reports, if applicable;
- k. Educational reports, if applicable;
- l. Disciplinary and incident reports, if applicable;



- m. Daily behavioral observations;
  - n. Nightly visual observations;
  - o. Medication and physician's orders;
  - p. Therapy progress notes;
  - q. Physician notes;
  - r. Documentation of casework services and child contact; and
  - s. Discharge statement.
2. Records for each child shall be kept for five (5) years from the date of discharge, unless otherwise specified by Arkansas law.
  3. The agency shall establish safeguards to limit access to records by authorized individuals only.

## **905 Behavior Management**

1. The agency shall have a written discipline policy that is consistently followed.
2. Discipline shall be directed toward teaching the child acceptable behavior and self-control.

3. Discipline shall be appropriate to the child's age, development, and history.
4. The following disciplinary actions shall not be used: ~~including as discipline:~~
  - a. Denial of meals, sleep, shelter, essential clothing, or treatment plan activities;
  - b. Denial of parental visits or regular phone and /mail contact with family. Non-disciplinary treatment planning issues are accepted;
  - c. Lewd or obscene language;
  - d. Derogatory comments about the child, the child's family, race, or gender;
  - e. Restriction to a room for more than a short period of time without periodic observation;
  - f. Restriction to a dark room or area;
  - g. Physical injury or threat of bodily harm;
  - h. Humiliating or degrading action; nor
  - i. Extremely strenuous work or exercise.
5. A child shall not be allowed to administer discipline.

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6. Searches of a child or a child's personal property shall be for reasons limited to safety and security of children and staff, in cases of suspected theft, or suspicion of possession of items which are not permitted by agency policy.
7. Any searches requiring removal of clothing shall be done in privacy and shall be witnessed by two (2) staff of the same gender as the child.
8. The agency shall have a written policy governing the use of behavior control measures with children, including physical, mechanical, or chemical restraints and seclusion rooms.
9. Physical restraints shall be performed using minimal force and time necessary. Physical restraint means the application of physical force without the use of any device, for the purposes of restraining the free movement of a resident's body. Briefly holding a child without undue force in order to calm or ~~comfort, or~~ comfort or holding a hand to safely escort a child from one area to another, is not considered a physical restraint.
10. Physical restraint shall be initiated only by staff trained by a certified instructor in a nationally recognized curriculum, and only to prevent injury to the child, other people or property, and shall not be initiated solely as a form of discipline. The agency shall maintain documentation that staff is deemed competent in physical restraint.
11. Chemical restraints shall be used only if ordered by a physician. A chemical restraint is an emergency behavioral intervention that uses pharmaceuticals by topical application, oral administration, injection, or other means to modify a child's behavior. Prescribed treatment medications that have a secondary effect on the child's behavior are not considered chemical restraint.
12. Seclusion, mechanical, or physical restraints shall be used only if ordered by a physician.
13. Each written order for a physical restraint or seclusion is limited to two (2) hours for children ~~ages~~ nine (9) through seventeen (17) years of age, or one (1) hour for children under ~~age~~ nine (9) years of age. A physician, clinically qualified registered nurse or other authorized licensed independent practitioner shall conduct a ~~face-to-face~~ face-to-face assessment of the child within one (1) hour after the initiation of the ordered intervention.

14. The original order may only be renewed in accordance with these limits for up to a total of twenty-four (24) hours. After the original order expires, a physician, clinically qualified registered nurse<sub>2</sub>, or other authorized licensed independent practitioner shall see and assess the child before issuing a new order.
15. Staff shall search each child before placement in seclusion, and all potentially hazardous items shall be removed.
16. Staff shall continually monitor each child in seclusion or restraints and shall document.
17. Documentation of all restraints shall be maintained and include the child's name, date, time, reason, staff involved, and measures taken prior to restraint.

## 906 Personnel

1. The agency shall have:
  - a. A physician currently licensed by the Arkansas State Medical Board who has experience in the practice of psychiatry;
  - b. A Director of Nursing~~/or~~ Nurse Manager currently licensed in Arkansas as a Registered Nurse;
  - c. A Clinical Director who has at least a master's degree in a human services field and is currently licensed in Arkansas as a mental health professional (as recognized by Arkansas Medicaid);
  - d. One (1) or more therapists having at least a master's degree in a human services field and is currently licensed as a mental health professional~~s~~ (as recognized by Arkansas Medicaid); and

- e. A therapist assigned to each child who is responsible for assessments, treatment planning, and casework services.

## 907 Ratio & Supervision

1. The facility shall not exceed its total licensed capacity.
2. Child~~care~~~~-earing~~ 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.
3. ~~Staff/child~~Staff to child ratio shall be at least one to six (1:6) during waking hours and one to eight (1:8) during sleeping hours.
4. Only staff who directly supervises children shall be counted in this ratio.
5. All child~~care~~~~-earing~~ shift -staff counted in the staff child ratio shall remain awake at all times.
6. Supervision during sleeping hours shall include a visual check on each child at least every thirty (30) minutes.
7. The visual checks shall be documented.
8. The facility shall maintain a daily census report to include the child's name and room or building assignment.

## 908 Health & Medical Care

1. The agency shall have a written policy for conducting health and related exams and assessments upon admission.
2. 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.
3. The agency shall have a written plan for prescribing, ~~receiptreceiving, storage~~storing, administering, and accounting for all medications, including medications in the child's possession at the time of admission.
4. All medications shall be kept securely locked, and stored according to pharmaceutical recommendations.
5. Keys to medication storage areas shall be on the premises and readily accessible by staff at all times.
6. All controlled substances shall be kept under double lock.
7. Medication shall be administered in accordance with state and federal laws.
8. ~~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. The~~  
administering of all medications, including over-the-counter, shall be logged by the person administering the medication at the time the medication is given.
9. 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.
- 10. Disposal of unused medications and contaminated medical supplies shall follow established medical procedures.
  - 11. Any stimulant or psychotropic medicine requiring intra-muscular injection shall be administered only by a physician, registered nurse, or LPN.
  - 12. The agency shall require medical representation at major treatment staffing on each child.
  - 13. When psychotropic medications are prescribed by a physician, they shall be used in conjunction with other treatment interventions.

## **909 Program**

- 1. The facility shall ensure each child receives education in accordance with applicable state law.
- 2. The facility shall teach each child the daily living tasks required as a part of living in a group setting; and shall assign only light chores that are ~~age appropriate~~ age appropriate.
- 3. The agency shall have a policy regarding each child's money received and shall ensure that each child's funds are available to that child under staff supervision for personal use.

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4. The facility shall provide each child with adequate and nutritious food.
5. The facility shall ensure that each child has sufficient sleep for ~~his/her~~ their age and physical condition.

The facility

6. ~~Each child~~ shall ~~be~~ instruct each child in good grooming and personal hygiene habits.
7. The facility shall ensure each child is provided with ~~his/her~~ their own clothing that is clean, well fitting, seasonal, and appropriate to age and gender, unless otherwise directed by a physician.
8. The facility shall ensure each child in care is provided with opportunities for regular recreational activities and exercise.
9. The facility shall provide activities and equipment that are age appropriate to the children in their care.
10. The facility shall monitor and time limit the use of television, videos, computer games, and other screen time activities ~~shall be monitored and time limited.~~

## 910 Grounds

1. The grounds of the facility shall be kept clean and free of safety hazards.
2. The facility shall provide sufficient outdoor recreation space for age appropriate physical activities
3. Swimming pools shall be inspected and approved annually by the Arkansas Department of Health.



## 911 Buildings

1. No facility shall be located in a shopping center, strip mall, or other buildings used for commercial activity.
2. Unused or vacant portions of a facility shall not be rented, leased, loaned, or otherwise occupied by any commercial or other business entity, ~~(or private individuals)~~, not associated with the facility or its management.
3. All buildings used by children or staff shall be inspected and approved annually for fire safety by fire department officials.
4. All buildings used by children or staff shall be inspected and approved annually for health and sanitation as required by the Arkansas Department of Health.
5. All buildings shall comply with local zoning ordinances and land use requirements where those exist.
6. All buildings and furnishings shall be safe, clean, and in good repair.
7. Licensing shall be notified of any changes to buildings that affect usage, size, capacity, or structural changes.
8. Building usage shall be approved by licensing prior to resident occupancy, and all required inspections, permits, and authorizations shall be provided.
9. Any modification to buildings used by children, or an increase in capacity shall require inspection and approval by the Fire and Health Department, if applicable.

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10. All parts of buildings used as living, sleeping, or bath areas shall have a heating, ventilating, and air conditioning source that keeps the temperature a minimum of sixty-five ~~(65)~~ degrees (65°) and a maximum of eighty-five ~~(85)~~ degrees (85°).
11. The facility shall provide a living area that has at least thirty-five ~~(35)~~ square feet (35'²) of floor space per child. The dining area and indoor recreation area may be included in this space.
12. The facility shall provide a dining room.
13. The facility shall have a kitchen.
14. Seclusion rooms shall meet the following criteria:
  - a. At least thirty-five ~~(35)~~ square feet (35'²) of floor space;
  - b. Sufficient lighting; with a shatterproof, recessed light fixture beyond reach of the child;
  - c. A door able to be opened from the outside at all times without use of a key or a removable locking device;
  - d. A door with a shatterproof observation window; and
  - e. Located reasonably near to the staff work area.
15. Areas used by children shall be designed, constructed, and furnished to reduce risk of suicide and assault including without limitation; ~~but not limited to:~~

- a. Light fixtures that are recessed or abut to the ceiling;
  - b. No wooden or wire hangers;
  - c. Non-breakable windows and mirrors;
  - d. No loose wires, cords, chains, or ropes;
  - e. Sturdy, well-constructed furniture that cannot be broken for use as a weapon or means of self-inflicted injuries; and
  - f. Children's personal items that contain cords, pull-ties, strings, or other parts that could be used to inflict self-injury shall not be left in the child's room unless the dangerous component has been removed.
16. Manufactured homes, used as residential facilities, shall be tied down and underpinned as required by the Arkansas Manufactured Home Commission. The home shall obtain an inspection and approval from the Arkansas Manufactured Home Commission prior to being licensed.

## **912 Bathrooms**

1. The facility shall provide bathrooms for the children.
2. There shall be a separate toilet, bathtub or shower, and sink for each six (6) children.
3. There shall be an adequate supply of hot and cold running water.
4. The bathroom shall be clean and sanitary.

5. There shall be separate bath and toilet facilities for males and females.
6. There shall be an adequate supply of soap, towels, and tissue.

## 913 Sleeping Arrangements

1. The facility shall provide bedrooms for the children
2. There shall be no more than four (4) children per bedroom.
3. There shall be at least fifty ~~(50)~~ square feet (50<sup>2</sup>) of floor space per child in each bedroom.
4. No child shall share a bedroom with a child of the opposite gender.
5. Each child shall have a separate bed with a mattress, sheets, pillow, pillowcase, and adequate cover, all in good condition.
6. No child under ~~the age of~~ six (6) years of age shall occupy a top bunk.
7. Bedding shall be changed at least weekly, more often if needed.
8. Each child shall have an area to store personal belongings.
9. Room arrangements shall be based on characteristics of each resident to ensure the safety of each child.

10. Beds shall be positioned to ensure all children can easily exit the room in case of emergency.
11. Beds shall be positioned to minimize opportunity for physical contact between children.

## 914 Safety

1. The facility shall have an operable telephone or comparable communication system.
2. The facility shall have a continuous supply of clean drinking water. If the water source is not a municipal system, the source shall be approved by the Arkansas Department of Health annually.
3. A private sewage and /septic system shall be approved initially and upon any increase in capacity by the Arkansas Department of Health.
4. There shall be operational smoke detectors near the cooking area, heating units, and within ~~ten (10) feet~~ ten feet (10') of each bedroom.
5. An operational chemical fire extinguisher or other fire suppression system approved by local fire inspection officials shall be in the cooking area of each building. Approval of the fire suppression system shall be documented.
6. There shall be an emergency evacuation plan diagramed and posted in each building used by children.
7. Fire drills shall be practiced with children each month.
8. Severe weather drills shall be practiced with children quarterly.

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9. A record of drills shall be maintained, showing date and time of day of the drill, number of participants, and length of time required to reach safety.
10. Each child shall be instructed in emergency procedures at admission.
11. The facility shall have proof of current rabies vaccinations for all household pets as required by Arkansas law.
12. No child shall be allowed to operate dangerous machinery or equipment, including firearms without proper adult supervision and following manufacturers' guidelines for age, safety precautions, and safety gear.
13. The agency shall have policy and procedure for carrying, storage and use of all firearms located at the facility,
14. All firearms shall be maintained in a secure, locked location, or be secured by a trigger lock.
15. All ammunition shall be secured and locked separately from firearms unless they are stored in a safe; (for example, a handgun handgun safe or a long gun safe).

## 915 Transportation

1. The facility shall have agency procured transportation available at all times.
2. The facility vehicle(s) shall not be used for personal use, unless other facility transportation is available.
3. Any vehicle used to transport children shall be in safe working condition and maintained in compliance with motor vehicle laws.

4. Any vehicle used to transport children shall be insured.
5. Children shall be transported only by an authorized person possessing a valid driver's license.
6. Children shall be transported according to Arkansas law, including without limitation,  
~~but not limited to,~~ use of safety belts, child safety seats, and smoking restrictions.

## 916 Discharge

1. The discharge shall be planned by agency staff.
2. The agency may discharge a child on an emergency basis if failure to do so could result in harm to the child, other persons, or significant property damage.
3. A child shall be discharged to the custody of the child's parent or a person with authorization from the parent, guardian, or a person authorized by court order to assume custody of the child.
4. The agency shall complete a discharge statement on each child that includes a discharge date and reason for discharge and provide a copy of it to the child's custodian.
5. Documentation of the discharge shall be maintained in the child's record.

## 1000 SEXUAL REHABILITATIVE PROGRAMS

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

### 1001 Licensing Approval & Monitoring

1. At the discretion of the Licensing Unit, a multi-disciplinary team may be asked to assist the Licensing Specialist in the initial study, or during an investigation of a licensing complaint. This team may include a licensed mental health professional (as recognized by Arkansas Medicaid), or a person with professional expertise in the appropriate field.
2. At the discretion of the Licensing Unit, a multi-disciplinary team may be asked to assist the Licensing Specialist during inspections for advisory purposes.

### 1002 Admission

1. The agency shall have written policies regarding description of the target population and admission, exclusion, and discharge criteria. ~~admission/exclusion criteria, and discharge criteria.~~
2. The facility shall not admit any child for whom the facility cannot provide adequate care.
3. In order to be admitted to the program, one of the following shall be met:
  - a. The child has committed a sexual offense that has been found true or exempt by an official investigation by conducted by the Department of Human Services or the Arkansas State Police;
  - b. The child has committed an offense involving the use of power, control, threat, coercion, or intimidation;



- c. The child has committed an offense in which there was at least a ~~three (3) year~~ three-year age difference between the offender and the victim; or
  - d. The child has a documented pattern of deviant sexualized behavior, sexual misconduct, or sexually maladaptive behaviors as indicated by the psychosexual assessment.
- 4. Children admitted to the program shall have the cognitive ability to benefit from the treatment program.
  - 5. Each child shall have a medical exam no more than one (1) year before admission, or a documented appointment date for an exam within one (1) week after admission.
  - 6. Each child shall have proof of current immunizations, ~~or~~ a letter of exemption in accordance with the Arkansas Department of Health, or a scheduled appointment within one (1) week after admission.
  - 7. The facility shall obtain written verification of the placing agent's authority to place the child at the time of admission.
  - 8. The facility shall obtain written authority for medical care for the child from the placing agent at the time of admission.
  - 9. The agency shall comply with the Interstate Compact on the Placement of Children when admitting children from outside Arkansas, if applicable.
  - 10. The facility shall establish that all persons referred for admission are under ~~the age of~~ eighteen (18) years of age at the time of admission.

11. Residents may remain in the program after reaching ~~age~~ eighteen (18) years of age with the reason for continued placement documented. The resident shall be discharged no later than ~~his/her~~ their twenty-first ~~(21)~~ birthday.
12. The facility shall not admit a child under ~~age~~ five (5) years of age.
13. At the time of admission, the following information shall be documented in the child's record:
  - a. Name, signature, and role or relationship of the person who relinquished the child into care;
  - b. A brief description of the circumstances requiring admission;
  - c. The date and time of the admission;
  - d. A brief description of the child's history (if known) including behavioral history;
  - e. Any known medical history and known current health conditions;
  - f. All medications currently prescribed for the child (if known and available); and
  - g. The child's current behavior or known emotional condition.
14. The agency shall obtain copies of legal documents within thirty (30) days of admission. The legal documents shall include without limitation, ~~but not be limited to~~, birth certificates, social security cards, and court orders.

15. Facilities that have an adult program shall provide sleeping and living arrangements to ensure separation of adults from children.

## 1003      **Assessment & Treatment Planning**

1. A plan of safe care shall be developed for all children with physical limitations, medical conditions, or behaviors that are indicative of harm to self or others; to include without limitation; but not limited to: arson, physical aggression, sexual aggression, ~~and/or~~ suicidal behaviors, or other self-harming tendencies. This plan shall identify the behavior/or problem; and shall specify the safeguards that are to be implemented. The agency shall document that the childcare-easing staff are informed of the provisions of the plan and place a copy of the plan in the child's record.
2. ~~The agency shall have a written policy describing children with sexually maladaptive behaviors' risk levels it will accept for admission, and therapeutic interventions it will utilize for each risk level.~~ The agency shall have a written policy describing the risk levels it will accept in children with sexually maladaptive behaviors who are being considered for admission. The written policy shall also describe the therapeutic interventions it will utilize for each risk level.
3. The agency shall assign a caseworker to each child who is responsible for doing assessments, treatment planning, and casework services.
4. Intake information shall be completed on each child in care within ten (10) working days after admission.
5. The intake shall include:
  - a. Demographic information on the child and parent(s), including name, address, birth date, gender, race, and religious preference;
  - b. A factual description of the circumstances requiring placement;

- c. A brief social history of the family;
- d. The child's current legal status ~~/or~~ custody;
- e. Any history of previous placements outside the family;
- f. Description of the offense or sexually maladaptive behavior, including police reports and victim statements (if available);
- g. Psychosexual assessment (if available); and
- h. Discharge summary from previous sexual rehabilitative--specific treatment (if applicable and available).

6. A psychosexual evaluation shall be conducted by a licensed mental health professional (as recognized by Arkansas Medicaid) that is a member of the Association for the Treatment of Sexual Abusers or has forty (40) hours of sexual rehabilitative treatment training. The evaluation shall be completed within the past twelve (12) months, ~~or~~ within seven (7) days following admission of the child.

~~6.~~

- 7. Each child shall be evaluated for learning disabilities, ~~and/or~~ and language disorders within the past eighteen (18) months. If a child is admitted without an evaluation, the evaluation shall be completed within thirty (30) days of admission.
- 8. An assessment of services needed to ensure the health and welfare of the child, including medical history and psychological history, shall be completed for each child and included in the treatment plan.
- 9. The agency shall develop a treatment plan for each child that includes tasks appropriate to the needs of the child as identified in the intake, psychosexual assessment and (if applicable) the psychological evaluation.

10. The treatment plan shall be developed within thirty (30) days after placement.
11. The child's treatment plan shall contain, at the minimum:
  - a. A diagnosis related to their sexually maladaptive behavior;
  - b. Specific needs of the child;
  - c. Plan for meeting child's needs;
  - d. Special treatment issues (e.g., for example, psychotropic medications, sexual misconduct, and neurological disorders) shall be identified; with a statement of how the special needs shall be met;
  - e. A plan to ensure that the child's educational needs are met according to applicable state law; and
  - f. Date of next review of the treatment plan.
12. If treatment services are contracted, there shall be evidence of participation by the contracted therapist in treatment planning reviews and individualized program implementation.
13. The child's treatment plan shall be reviewed quarterly; and shall be updated to reflect the child's progress.
14. A copy of the treatment plan shall be made available to the parent(s), guardian(s), court, or other agencies involved in treatment plan services delivery.

15. An agency caseworker shall visit the child monthly to monitor the progress of the treatment plan.

## 1004 Children's Records

1. The agency shall keep a confidential case record for each child that includes the following:
  - a. Demographic information;
  - b. Plan of safe care, if applicable;
  - c. A complete intake;
  - d. Consents, including consent for medical care and authority to place the child;
  - e. Interstate Compact information, if applicable;
  - f. Treatment plans and treatment plan reviews;
  - g. Copies of legal documents (~~e.g., for example,~~ birth certificate, social security card, court orders); or documentation of their attempts to obtain the documents;
  - h. Physical exams and immunization records; or documentation of their attempts to obtain the documents;
  - i. Psychological reports, if applicable;

- j. Educational reports, if applicable;
  - k. Disciplinary and incident reports, if applicable;
  - l. Documentation of casework services and child contact; and
  - m. Discharge statement.
2. Records for each child shall be kept for five (5) years from the date of discharge, unless otherwise specified by Arkansas law.

## **1005 Behavior Management**

- 1. The agency shall have a written discipline policy that is consistently followed.
- 2. Discipline shall be directed toward teaching the child acceptable behavior and self-control.
- 3. Discipline shall be appropriate to the child's age, development, and history.
- 4. The following disciplinary actions shall not be used: ~~including as discipline:~~
  - a. Denial of meals, sleep, shelter, essential clothing, or treatment plan activities;
  - b. Denial of parental visits or regular phone and /mail contact with family. Non-disciplinary treatment planning issues are accepted;

- c. Lewd or obscene language;
  - d. Derogatory comments about the child, the child's family, race, or gender;
  - e. Restriction to a room for more than a short period of time without periodic observation;
  - f. Restriction to a dark room or area;
  - g. Locked isolation (psychiatric facilities excepted);
  - h. Physical injury or threat of bodily harm;
  - i. Humiliating or degrading action;
  - j. Extremely strenuous work or exercise; nor
  - k. Mechanical or /chemical restraints- (psychiatric facilities excepted).<sub>2</sub>
5. Physical restraint shall be initiated only by trained staff;<sub>2</sub> ~~and~~ only to prevent injury to the child, other people<sub>2</sub> or property;<sub>2</sub> and shall not be initiated solely as a form of discipline.
6. Physical restraints shall be performed using minimal force and time necessary. Physical restraint means the application of physical force without the use of any device<sub>5</sub> for the purposes of restraining the free movement of a resident's body. Briefly holding a child without undue force in order to calm or comfort<sub>5</sub> or holding a hand to safely escort a child from one area to another, is not considered a physical restraint.



7. Documentation of all restraints shall be maintained and include child's name, date, time, reason, staff involved, and measures taken prior to restraint.
8. A child shall not be allowed to administer discipline.
9. Searches of a child or a child's personal property shall be for reasons limited to safety and security of children and staff, in cases of suspected theft, or suspicion of possession of items which are not permitted by agency policy.
10. Any searches requiring removal of clothing shall be done in privacy and shall be witnessed by two (2) staff of the same gender as the child.

## **1006 Personnel**

1. The agency shall have:
  - a. A Clinical Director who has:
    - i. At least a master's degree in a human services field;
    - ii. ~~Be currently licensed~~ A current license in Arkansas as a mental health professional (as recognized by Arkansas Medicaid);
    - iii. ~~Not~~ No less than forty (40) hours of sexual rehabilitative treatment training; and
    - iv. A minimum of two (2) years of sexual rehabilitative treatment experience. Certification as a sexual rehabilitative treatment trainer may be substituted for the required experience.

- b. A Therapist who is a licensed mental health professional (as recognized by Arkansas Medicaid) and has at least one (1) of the following:
  - i. At least two (2) years of experience in a sexual rehabilitative treatment program and at least forty (40) hours of sexual rehabilitative treatment training;
  - ii. At least three (3) years of experience in sexual rehabilitative specific treatment;
  - iii. ~~Maintains-A~~ current membership in or is actively working toward fulfilling the requirements for membership ~~from in~~ the Association for the Treatment of Sexual Abusers.

## **1007 Ratio & Supervision**

1. The facility shall not exceed its total licensed capacity.
2. Child~~care~~~~-earing~~ 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.
3. The agency shall have a written plan providing for appropriate supervision of children during activities away from the facility.
4. The ~~staff/child~~ staff to child ratio shall be at least one to six (1:6) during waking hours and at least one to eight (1:8) during sleeping hours.

~~5. Twenty-four (24) hour~~ Twenty-four-hour awake supervision is required

~~5.~~

6. Only staff who directly supervises children shall be counted in this ratio.
7. The facility shall maintain a daily census report to include the child's name and room or building assignment.
8. The agency shall have written policies governing the supervision and monitoring of children in the buildings, on the grounds, and in the community, including direct visual or auditory monitoring of moderate or ~~high-risk~~ high-risk children (based on 1003.2). Policy shall include appropriate grouping of children according to chronological age ~~and/or~~ or cognitive development.
9. If cameras, heat sensors, or motion detectors are used as part of the safety plan, they shall be operational and placed for effective monitoring according to the plan.
10. The agency shall have a written safety plan to protect children in the program and to ensure public safety.

## **1008 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. All medications shall be administered to children by staff according to medical instructions.
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.~~ The administering of all medications, including over-the-counter, shall be logged by the person administering the medication at the time the medication is given.
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 without limitation, ~~but are not limited to~~, birth control, acne cream, and 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.

## **1009 Program**

1. The facility shall ensure each child receives education in accordance with applicable state law.
2. The facility shall teach each child the daily living tasks required as a part of living in a group setting, and shall assign only light chores that are age-appropriate.

3. The agency shall have a policy regarding each child's money received and shall ensure that each child's funds are available to that child under staff supervision for personal use.
4. The facility shall not allow a child's outside employment, chores, or extracurricular activities to interfere with the child's time for school, sleep, family visits, or treatment plan activities.
5. The facility shall provide each child with adequate and nutritious food.
6. The facility shall ensure that each child has sufficient sleep for ~~his/her~~ their age and physical condition.

The facility shall

7. ~~Each child shall be~~ instruct each child in good grooming and personal hygiene habits.
8. The facility shall ensure each child is provided with ~~his/her~~ their own clothing that is clean, well fitting, seasonal, and appropriate to age and gender, unless otherwise directed by a physician.
9. The facility shall ensure each child in care is provided with opportunities for regular recreational activities and exercise.
10. The facility shall provide activities and equipment that are age appropriate to the children in their care.
11. The facility shall monitor and time limit the use of television, videos, computer games, and other screen time activities ~~shall be monitored and time limited.~~

## 1010 Grounds

1. The grounds of the facility shall be kept clean and free of safety hazards.

2. The facility shall provide sufficient outdoor recreation space for age appropriate physical activities.
3. Swimming pools shall be inspected and approved annually by the Arkansas Department of Health.

## 1011 Buildings

1. A sexual rehabilitative program shall not be located within ~~one thousand (1000) feet~~ one thousand feet (1,000') of an elementary school, child care center, or child care family home.
2. No facility shall be located in a shopping center, strip mall, or other buildings used for commercial activity.
3. Unused or vacant portions of a facility shall not be rented, leased, loaned, or otherwise occupied by any commercial or other business entity; ~~(or private individuals);~~ not associated with the facility or its management.
4. All buildings used by children or staff shall be inspected and approved annually for fire safety by fire department officials.
5. All buildings used by children or staff shall be inspected and approved annually for health and sanitation as required by the Arkansas Department of Health.
6. All buildings shall comply with local zoning ordinances and land use requirements where those exist.
7. All buildings and furnishings shall be safe, clean, and in good repair.

8. There shall be no more than twelve (12) children in a sleeping unit. A sleeping unit is considered to be a group of bedrooms- (psychiatric facilities excepted).
9. Sleeping units sharing the same building shall be separated (for example, into different corridors, wings, or floors).~~,-etc.~~ Sleeping units modified or newly constructed after September 1, 2016, shall comply with this standard.
10. Licensing shall be notified of any changes to buildings that affect usage, size, capacity, or structural changes.
11. Building usage shall be approved by licensing prior to resident occupancy, and all required inspections, permits, and authorizations shall be provided.
12. Any modification to buildings used by children, or an increase in capacity shall require inspection and approval by the Fire and Health Department, if applicable.
13. All parts of buildings used as living, sleeping, or bath areas shall have a heating, ventilating, and air conditioning source that keeps the temperature a minimum of sixty-five ~~(65)~~ degrees (65°) and a maximum of eighty-five ~~(85)~~ degrees (85°).
14. The facility shall provide a living area that has at least thirty-five ~~(35)~~ square feet (35<sup>1/2</sup>) of floor space per child. The dining area and indoor recreation area may be included in this space.
15. The facility shall provide a dining room.
16. The facility shall have a kitchen.
17. Manufactured homes, used as residential facilities, shall be tied down and underpinned as required by the Arkansas Manufactured Home Commission. The home shall obtain an

inspection and approval from the Arkansas Manufactured Home Commission prior to being licensed.

## **1012 Bathrooms**

1. The facility shall provide bathrooms for the children.
2. There shall be a separate toilet, bathtub or shower, and sink for each six (6) children.
3. There shall be an adequate supply of hot and cold running water.
4. The bathroom shall be clean and sanitary.
5. There shall be separate bath and toilet facilities for males and females.
6. There shall be an adequate supply of soap, towels, and tissue.

## **1013 Sleeping Arrangements**

1. The facility shall provide bedrooms for the children.
2. Children shall be placed in individual bedrooms unless each child's treatment plan specifically approves sharing a bedroom. If children are approved to share a bedroom, there shall be three (3) or four (4) children in the room so as to limit the ability to keep secret any improper physical contact. When three (3) or four (4) children share a bedroom, the agency shall have a clearly defined supervision plan to ensure the safety of each child.
3. There shall be no more than four (4) children per bedroom.



4. There shall be at least fifty ~~(50)~~ square feet (50<sup>2</sup>) of floor space per child in each bedroom.
5. Males and females shall not share a bedroom
6. Each child shall have a separate bed with a mattress, sheets, pillow, pillowcase, and adequate cover, all in good condition.
7. No child under ~~the age of~~ six (6) years of age shall occupy a top bunk.
- 7.
8. Bedding shall be changed at least weekly, more often if needed.
9. Each child shall have an area to store personal belongings.
10. Room arrangements shall be based on characteristics of each resident to ensure the safety of each child.
11. Beds shall be positioned to minimize opportunity for physical contact between children.
12. Beds shall be positioned to ensure all children can easily exit the room in case of emergency.
13. Males and females shall not share an unsupervised sleeping unit.

## **1014 Safety**

1. The facility shall have an operable telephone or comparable communication system.

2. The facility shall have a continuous supply of clean drinking water. If the water source is not a municipal system, the source shall be approved by the Arkansas Department of Health annually.
3. A private sewage and /septic system shall be approved initially and upon any increase in capacity by the Arkansas Department of Health.
4. There shall be operational smoke detectors near the cooking area, heating units, and within ~~ten (10) feet~~ ten feet (10') of each bedroom.
5. An operational chemical fire extinguisher or other fire suppression system approved by local fire inspection officials shall be in the cooking area of each building. Approval of the fire suppression system shall be documented.
6. There shall be an emergency evacuation plan diagramed and posted in each building used by children.
7. Fire drills shall be practiced with children each month.
8. Severe weather drills shall be practiced with children quarterly.
9. A record of drills shall be maintained, showing date and time of day of the drill, number of participants, and length of time required to reach safety.
10. Each child shall be instructed in emergency procedures at admission.
11. The facility shall have proof of current rabies vaccinations for all household pets as required by Arkansas law.

12. No child shall be allowed to operate dangerous machinery or equipment, including firearms without proper adult supervision and following manufacturers' guidelines for age, safety precautions, and safety gear.
13. The agency shall have policy and procedure for carrying, storage and use of all firearms located at the facility,
14. All firearms shall be maintained in a secure, locked location, or be secured by a trigger lock.
15. All ammunition shall be secured and locked separately from firearms unless they are stored in a safe; (for example, a hand gun safe or a long gun safe).

## **1015      Transportation**

1. The facility shall have agency procured transportation available at all times.
2. The facility vehicle(s) shall not be used for personal use, unless other facility transportation is available.
3. Any vehicle used to transport children shall be in safe working condition and maintained in compliance with motor vehicle laws.
4. Any vehicle used to transport children shall be insured.
5. Children shall be transported only by an authorized person possessing a valid driver's license.
6. Children shall be transported according to Arkansas law, including without limitation, ~~but not limited to,~~ use of safety belts, child safety seats, and smoking restrictions.

## 1016 Discharge

1. The discharge shall be planned by agency staff.
2. The agency may discharge a child on an emergency basis if failure to do so could result in harm to the child, other persons, or significant property damage.
3. A child shall be discharged to the custody of the child's parent or a person with authorization from the parent, guardian, or a person authorized by court order to assume custody of the child.
4. The agency shall complete a discharge statement on each child that includes a discharge date and reason for discharge and provide a copy of it to the child's custodian.
5. Documentation of the discharge shall be maintained in the child's record.

5. —

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## Appendix A: DEFINITIONS

1. "**Adoption agency**" means a child placement agency which places, plans for, or assists in the placement of an unrelated minor in a household of one (1) or more persons which has been approved to accept a child for adoption.
2. "**Adoptive home**" means a household of one (1) or more persons that has been approved by a licensed child placement agency to accept a child for adoption.
3. "**Adverse action**" means any petition by the Department of Human Services before the Child Welfare Agency Review Board to take any of the following actions against a licensee or applicant for a license:
  - a. Revocation of license;
  - b. Suspension of license;
  - c. Conversion of license from regular or provisional status to probationary status;
  - d. Imposition of a civil penalty;
  - e. Denial of application; or
  - f. Reduction of licensed capacity.
4. "**Alternative compliance**" means approval from the Child Welfare Agency Review Board to allow a licensee to deviate from the letter of a rule, provided that the licensee has

demonstrated how an alternate plan of compliance will meet or exceed the intent of the rule.†

5. **"Board"** means the Child Welfare Agency Review Board.†
6. **"Boarding school"** means an institution that is operated solely for educational purposes and that meets each of the following criteria:
  - a. The institution is in operation for a period of time not to exceed the minimum number of weeks of classroom instruction required of schools accredited by the Department of Education;
  - b. The children in residence must customarily return to their family homes or legal guardians during school breaks and must not be in residence year round, except that this provision does not apply to students from foreign countries; and
  - c. The parents of children placed in the institution retain custody, ~~and~~ planning, and financial responsibility for the children.†
7. **"Child"** means a person who is:
  - a. From birth to eighteen (18) years of age; or
  - b. Adjudicated dependent-neglected, dependent, or a member of a family in need of services before eighteen (18) years of age and for whom the juvenile division of a circuit court retains jurisdiction under the Arkansas Juvenile Code of 1989, § 9-27-301 et seq.†
8. **"Child placement agency"** means a child welfare agency, not including any person licensed to practice medicine or law in the State of Arkansas, ~~that~~ engages in any of the following activities:

- a. Places a child in a foster home, adoptive home, or any type of facility licensed or exempted by this subchapter;
  - b. Plans for the placement of a child into a foster home, adoptive home, or any type of facility licensed or exempted by this subchapter; ~~or~~
  - c. Assists the placement of a child in a foster home, adoptive home, or any type of facility licensed or exempted by this subchapter; or
  - d. Places, plans, or assists in the placement of a child victim of human trafficking in a home or any type of shelter or facility.
9. **"Child welfare agency"** means any person, corporation, partnership, voluntary association, or other entity or identifiable group of entities having a coordinated ownership of controlling interest, whether established for profit or otherwise, that engages in any of the following activities:
- a. Receives a total number of six (6) or more unrelated minors for care on a twenty-four-hour basis for the purpose of ensuring the minors receive care, training, education, custody, or supervision, whether or not there are six (6) or more children cared for at any single physical location;
  - b. Places any unrelated minor for care on a twenty-four-hour basis with persons other than themselves; ~~or~~
  - c. Plans for or assists in the placements described in subdivision (8)(B) of this section; or
  - d. Places, plans, or assists in the placement of a child victim of human trafficking in a home or any type of shelter or facility.



10. **"Church-related exemption"** means:

- a. Any church or group of churches exempt from the state income tax levied by § 26-51-101 et seq. when operating a child welfare agency shall be exempt from obtaining a license to operate the facility by the receipt by the Child Welfare Agency Review Board of written request therefore, together with the written verifications~~;~~.
- b. A written request shall be made by those churches desiring exemption to the board, which is mandated under the authority of this subchapter to license all child welfare agencies~~;~~.
- c. In order to maintain an exempt status, the child welfare agency shall state every two (2) years in written form signed by the persons in charge that the agency has met the fire, safety, and health inspections and is in substantial compliance with published standards that similar nonexempt child welfare agencies are required to meet~~;~~ and
- d. Visits to review and advise exempt agencies shall be made as deemed necessary by the board to verify and maintain substantial compliance with all published standards for nonexempt agencies.

11. **"Emergency child-care"** means any residential child-care facility that provides care to children on a time-limited basis, not to exceed ninety (90) days~~;~~.

12. **"Emergency Family Style Care"** means any child welfare agency that provides ~~twenty-four (24) hour~~ twenty-four-hour custodial care, in a home--like setting, for six (6) or more unrelated children or a child victim of human trafficking on an emergency basis, not to exceed ninety (90) days.

13. **"Emergency Residential Child Care Facility"** means any child welfare agency that provides ~~twenty-four (24) hour~~ twenty-four-hour custodial care for six (6) or more unrelated children or a child victim of human trafficking on an emergency basis, not to

exceed ninety (90) days. Any child admitted as an emergency placement shall be designated as such and shall be discharged within ninety (90) days.

14. **"Exempt child welfare agency"** means any person, corporation, partnership, voluntary association, or other entity, whether established for profit or otherwise, that otherwise fits the definition of a child welfare agency but that is specifically exempt from the requirement of obtaining a license under this subchapter. Those agencies specifically exempt from the license requirement are:

- a. A facility or program owned or operated by an agency of the United States Government;
- b. Any agency of the State of Arkansas that is statutorily authorized to administer or supervise child welfare activities. In order to maintain exempt status, the state child welfare agency shall state every two (2) years in written form signed by the persons in charge that their agency is in substantial compliance with published state agency child welfare standards. Visits to review and advise exempt state agencies shall be made as deemed necessary by the Child Welfare Agency Review Board to verify and maintain substantial compliance with the standards;
- c. A facility or program owned or operated by or under contract with the Department of Correction;
- d. A hospital providing acute care licensed pursuant to § 20-9-201 et seq.;
- e. Any facility governed by the Department of Human Services State Institutional System Board or its successor;
- f. Human development centers regulated by the Board of Developmental Disabilities Services pursuant to § 20-48-201 et seq.;
- g. Any facility licensed as a family home pursuant to § 20-48-601 et seq.;

- h. Any boarding school as defined in this section;
  - i. Any temporary camp as defined in this section;
  - j. Any state-operated facility to house juvenile delinquents or any serious offender program facility operated by a state designee to house juvenile delinquents. Those facilities shall be subject to program requirements modeled on nationally recognized correctional facility standards that shall be developed, administered, and monitored by the Division of Youth Services of the Department of Human Services;
  - k. Any child welfare agency operated solely by a religious organization that elects to be exempt from licensing and that complies within the conditions of the exemption for church-operated agencies as set forth in this subchapter;
  - l. The Division of Developmental Disabilities Services of the Department of Human Services; and
  - m. Any developmental disabilities services waiver provider licensed under § 2048-208 or § 20-48-601 et seq.;
15. **"Foster Care Placement Agency"** means a child placement agency which places plans for or assists in the placement of an unrelated minor in a private residence of one (1) or more family members for care and supervision on a ~~twenty-four (24) hour~~ twenty-four-hour basis; or places, plans, or assists in the placement of a child victim of human trafficking in a home.
16. **"Foster home"** means a private residence of one (1) or more family members that receives from a child placement agency any child who is unattended by a parent or guardian in order to provide care, training, education, or supervision on a twenty-four-hour basis, not to include adoptive homes. **"Foster home"** does not include a home suspended or closed by a child placement agency.;

17. **"Transitional Living"** means any child welfare agency that provides specialized services in adult living preparation in a structured setting for persons eighteen (18~~7~~) years of age or older who have been admitted into the agencies residential program prior to ~~the age of~~ eighteen (18) years of age.
18. **"Independent Living"** means a child welfare agency that provides specialized services in adult living preparation in an experiential home~~-~~like setting for persons sixteen (16) years of age or older.
19. **"Independent Living Family Style Care"** means a child welfare agency that provides specialized services in adult living preparation in an experiential home~~-~~like setting for persons sixteen (16) years of age or older.
20. **"Minimum standards"** means those rules as established by the Child Welfare Agency Review Board that set forth the minimum acceptable level of practice for the care of children by a child welfare agency.
21. **"Placement Residential"** means a child placement agency which places, plans for, or assists in the placement of an unrelated minor into a residential child care facility or a child victim of human trafficking in any type of shelter or facility. The agency may be licensed for any or all types of licenses, depending on the types of services it provides.
22. **"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 for a relative or fictive kin of a child in the custody of the Division of Children and Family Services of the Department of Human Services after it:
  - a. Conducts a health and safety check, including a central registry check and a criminal background check (or a check with local law enforcement), of the relative's home; and
  - b. Performs a visual inspection of the home of the relative to verify that the relative and the home will meet the standards for opening a regular foster home.

23. **"Probationary"** means a type of license issued to an agency that has not maintained compliance with minimum licensing standards, but the ~~Board~~ board believes that compliance can be restored and subsequently maintained. This license may be issued for up to one (1) year, at the discretion of the ~~Board~~ board.
24. **"Psychiatric residential treatment facility"** means a residential child care facility in a nonhospital setting that provides a structured, systematic, therapeutic program of treatment under the supervision of a psychiatrist, for children who are emotionally disturbed and in need of daily nursing services, psychiatrist's supervision, and residential care but who are not in an acute phase of illness requiring the services of an inpatient psychiatric hospital;
25. **"Relative"** means a person within the fifth degree of kinship by virtue of blood or adoption.
26. **"Religious organization"** means a church, synagogue, ~~or~~ mosque, or association of same whose purpose is to support and serve the propagation of truly held religious beliefs.
27. **"Residential child care facility"** means any child welfare agency that provides care, training, education, custody, or supervision on a twenty-four-hour basis for six (6) or more unrelated children, excluding foster homes that have six (6) or more children who are all related to each other but who are not related to the foster parents; or receives a child victim of human trafficking in any type of shelter or facility.
28. **"Residential Family Style Care"** means any child welfare agency that provides care, training, education, custody or supervision, in a ~~home-like~~ home-like setting, on a ~~twenty-four (24) hour~~ twenty-four-hour basis for six (6) or more unrelated minors or receives a child victim of human trafficking in any type of shelter or facility.
29. **"Sexual Rehabilitative Program"** means a treatment program that offers a specific and specialized therapeutic program for children with sexually maladaptive behaviors. A licensed sexual rehabilitative program may be in a residential childcare facility, a therapeutic foster care home, or a psychiatric residential treatment facility.

30. "**Special consideration**" means approval from the Child Welfare Agency Review Board to allow a licensee to deviate from the letter of a rule if the licensee has demonstrated that the deviation is in the best interest of the children and does not pose a risk to persons served by the licensee.
31. "**Substantial compliance**" means compliance with all essential standards necessary to protect the health, safety, and welfare of the children in the care of the child welfare agency. Essential standards include ~~without limitation, but are not limited to,~~ those relating to issues involving fire, health, safety, nutrition, discipline, staff-to-child ratio, and space.
32. "**Temporary camp**" means any facility or program providing twenty-four-hour care or supervision to children that meets the following criteria:
- a. The facility or program is operated for recreational, educational, or religious purposes only;
  - b. No child attends the program more than forty (40) days in a calendar year; and
  - c. The parents of children placed in the program retain custody, ~~and~~ planning, and financial responsibility for the children during placement.
33. "**Therapeutic Foster Care**" means any child placement agency that places, plans for, or assists in the placement of an unrelated minor or a child victim of human trafficking in a therapeutic foster home. Therapeutic foster care is intensive therapeutic care for children provided in specially trained family homes supported by licensed mental health professionals (as recognized by Arkansas Medicaid). A therapeutic foster care program is a family-based services delivery approach providing individualized treatment for children, youth, and their families. Treatment is delivered through an integrated set of services with key interventions and supports provided by therapeutic foster parents who are trained, supervised, and supported by qualified program staff. Therapeutic foster care services shall be provided in a separately identified program of a larger agency or be provided by an independent agency.

34. **"Therapeutic Foster Care - Sexual Rehabilitative Program"** means a treatment program that offers a specific and specialized therapeutic program for children with sexually maladaptive behaviors. A licensed sexual rehabilitative program may be in a residential childcare facility, a therapeutic foster care home, or a psychiatric residential treatment facility.
35. **"Unrelated minor"** means a child who is not related by blood, marriage, or adoption to the owner or operator of the child welfare agency and who is not a ward of the owner or operator of the child welfare agency pursuant to a guardianship order issued by a court of competent jurisdiction.

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## Appendix B: PROHIBITED 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:

1.

01. Abuse of an endangered or impaired person, if felony;	§ 5-28-103;
02. Arson;	§ 5-38-301;
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;
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;



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 <del>court-ordered</del> <u>court-ordered</u> 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 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.

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

- a. ~~a~~A person who is required to have a criminal records check, ~~and~~ 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~~ their term of confinement, probation, or parole supervision, unless the conviction is vacated or reversed.
- 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~~ 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~~ 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~~ board and is not subject to review.

MARK-UP