



# Foster Care in Arkansas: How the System Works

*A plain-language guide for biological, foster, and kinship families · The Healing Home Approach™*

When a child cannot safely stay at home, several people share one goal: the child’s safety and, whenever possible, a path back home. This guide explains how Arkansas’s child welfare system works and what each person’s rights and role are, so **biological parents, kinship caregivers, and foster (resource) parents** can all understand the whole picture. Read the parts that apply to you, and read the rest to understand the people you are working alongside.

## What “dependency-neglect” means

“Dependency-neglect” is the legal name for a case where the court looks at whether a child has been abused, neglected, abandoned, or left without a safe caregiver. It is **not** a finding that a parent is a bad person. It is about whether the child is safe and what help the family may need.

## How a case usually begins

Most cases start with a call to the statewide **Child Abuse Hotline (1-800-482-5964)**, which in Arkansas is run by the State Police. If the report is accepted, it is assigned for investigation based on how serious it is. **Most reports do not lead to a child being removed**; many families are offered services and support instead. A child is only removed when the court finds the child cannot safely stay home.

## The people in a case

Who	Their role
<b>Biological parent</b>	The child’s parent or legal custodian; usually the person the case is about, with the goal of safe reunification.
<b>Kinship caregiver</b>	A relative or close family friend (sometimes called fictive kin) who may care for the child during the case.
<b>Foster (resource) parent</b>	A trained, approved caregiver who provides temporary care when the child cannot be with family.
<b>The child</b>	At the center of the case; their safety and best interest guide every decision.
<b>Attorney Ad Litem (AAL)</b>	The child’s court-appointed lawyer, who speaks to the child’s best interest and shares what the child wants.
<b>CASA volunteer</b>	If the court appoints one, a trained community volunteer who gets to know the child and shares what they believe is best.
<b>DCFS caseworker (FSW)</b>	Builds the case plan, arranges services, and reports progress to the court.
<b>DHS attorney</b>	Brings the case to court on behalf of the agency.
<b>Parent’s attorney</b>	Represents a parent, protects their rights, and speaks for them in court.
<b>Judge</b>	Hears the evidence and makes the legal decisions about safety and custody.

## Two systems, and how Arkansas courts are set up

Two systems run side by side. **DHS** (its child welfare division is called DCFS) looks into concerns, places children when needed, and offers services. The **court** is where a judge makes the legal decisions. Importantly, Arkansas does **not** have a separate juvenile court: these cases are heard in the **juvenile division of circuit court**, which also handles criminal, civil, probate, and domestic-relations matters. This differs from some states, where these cases start in a separate juvenile court. If a parent disagrees with the judge’s final decision, the appeal goes up to the **Arkansas Court of Appeals**, not to another trial court.

## Why a child may be removed, and whether a court order is needed

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In Arkansas, a child is generally removed from home through a **court order** that places custody with DHS, rather than by a parent's agreement alone. In a true emergency, DCFS or law enforcement can take a child into protective custody first, often called a **72-hour hold**, when the child is in immediate danger and without a prior order. Within 72 hours, DHS files a petition and the judge signs an emergency order. The court looks at safety **child by child**, so in some families one child may return home while another stays in care for a time.

## What biological (custodial) parents have the right to

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*Foster and kinship caregivers: knowing these rights helps you support the child and the case.*

- **A lawyer.** Parents have the right to an attorney in every case. A parent the child was removed from has the right to a court-appointed attorney for free if the court finds they cannot afford one and they request it, and the court must tell them this. Being told "you don't need a lawyer" is not the same as having no right to one.
- **Notice and a voice.** The right to be told about hearings and to attend them.
- **A case plan and a path home.** For most families the goal is to safely return the child home. Parents have the right to a written case plan listing the specific steps to get there. DHS usually works this plan and a backup permanency plan at the same time (called concurrent planning), so it is normal to hear both discussed.
- **Family time.** The right to visits with their child, as set by the court.
- **To appeal a finding.** If DHS makes a maltreatment finding, the parent can appeal it (see the registry section).

**Reasonable efforts:** In most cases DHS must make reasonable efforts to avoid removal and to help reunify the family. In narrow situations (called **aggravated circumstances**, which must be proven by clear and convincing evidence), a court can decide those efforts are not required.

**Fathers:** A father who is not married to the mother may need to **establish paternity** (legal fatherhood) to be fully recognized in the case and to receive rights such as notice, counsel, and placement consideration. Ask the caseworker or an attorney how to start.

## What kinship caregivers should know

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Arkansas and federal law direct DHS to **notify adult relatives** when a child enters care and to give **preferential consideration to a fit, willing relative** over a non-relative when it is in the child's best interest. Close family friends with a strong bond to the child (fictive kin) can be considered too. A relative may care for the child as a **provisional foster home** while becoming approved, or may seek **legal custody**. Relative caregivers also have the right to notice of hearings and to be heard by the judge.

## What foster (resource) parents should know

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Foster parents provide **temporary** care and, in most cases, support the goal of reunification. They have the right to **notice of any hearing** about the child and the right to **be heard** by the judge. In general, foster, pre-adoptive, and relative caregivers are **not made parties** to the case while reunification is the goal, and they may offer evidence only if called as a witness. Understanding biological parents' rights helps foster parents partner with the family rather than work against them. Foster parents may also use the reasonable and prudent parent standard to approve everyday, age-appropriate activities, such as sleepovers, field trips, sports, and camps, without first getting agency sign-off.

## Siblings and older youth

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When children cannot stay home, Arkansas works to keep **siblings together** when it is possible and safe. **Older youth have a say** in their own case and case plan. And youth do not simply age out at 18: Arkansas offers **extended foster care up to age 21** for young people who are in school, working, in a training program, or unable to do so for a medical reason, with help finding housing and building independence.

## While a child is in care: school and health

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Children in foster care keep important supports. Under federal law, a child can usually **stay in their same school** when it is in their best interest, with transportation arranged, and every Arkansas school district has a **foster care liaison** to help. Children in care are also covered by

**Medicaid** for medical, dental, and behavioral health needs. It helps to ask the caseworker about school stability and health appointments early.

## The hearings, in order

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- **Probable cause (PC) hearing.** The first court date after a removal, held within 5 business days of the emergency order. The judge decides whether there was, and still is, a safety reason to keep the child in care, and can set family time, early services, and the next date. DHS only has to show its case is “more likely than not,” a lower bar than a criminal case.
- **Adjudication (the trial).** The judge decides whether the child is dependent-neglected, usually within about 30 days of the PC hearing. If not, the child goes home.
- **Disposition.** The judge decides where the child lives going forward and approves the case plan; this is often the same day as adjudication.
- **Review hearings.** About every 6 months, the court checks how the family and the plan are progressing.
- **Permanency planning hearing.** Within 12 months, the judge sets the goal: return home, custody or guardianship with a relative, or adoption.
- **Termination of parental rights (TPR).** Only if the child cannot safely return home. It ends the legal parent-child relationship so the child can have permanency another way.

## Who comes to the hearings

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Parents should attend every hearing: dress neatly, arrive early, and bring any important information written down. The child is represented by the **Attorney Ad Litem**, and children are usually **not required to attend**, especially younger ones, though a judge can ask for a child to be present in a particular case. Foster and kinship caregivers receive notice and may be heard. **Juvenile hearings are generally closed to the public** to protect the child’s privacy. If anyone is told to bring the children, it is fair to ask which children and why.

## What a CASA volunteer does

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A **CASA (Court Appointed Special Advocate)** is a trained community volunteer the judge may appoint to focus on one child or sibling group. The CASA gets to know the child by talking with the people in the child’s life, such as family, foster parents, teachers, doctors, and caseworkers, then gives the court independent information and recommendations about what the child needs and where they should live. In Arkansas, the CASA works alongside the child’s **Attorney Ad Litem** and helps make sure court orders are followed. Not every case has a CASA, because there are not enough volunteers for every child.

## DHS meetings and “staffings”

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Along with court, DHS holds its own meetings to make case decisions. A **“decision meeting”** is not one fixed hearing. It usually means an internal step such as a safety decision, the investigation finding (“true” or “unsubstantiated”), or a **staffing** (also called a facilitation or family team meeting) where the caseworker, the family, and others talk through needs and next steps. If you are invited, it is fair to ask what kind it is, what will be decided, and whether you may bring a support person.

## The Child Maltreatment Central Registry

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Separate from the court case, DHS can make a **“true” finding** of maltreatment (abuse, sexual abuse, sexual exploitation, neglect, or abandonment) when the evidence shows it is “more likely than not.” A true finding can place a person’s name on the state’s Central Registry, which can affect jobs that involve children. The person receives notice by certified mail and has **30 days to appeal** to the Office of Appeals and Hearings. The deadline matters, so anyone who disagrees with a finding should act quickly.

### A few things that are unusual about Arkansas

**State Police investigate the serious cases.** The Crimes Against Children Division of the Arkansas State Police runs the hotline and investigates the most serious reports (such as sexual abuse and severe harm); DCFS investigates the rest.

**Garrett's Law.** Newborns exposed to illegal substances are reported. Such a finding is usually "true but exempted," so it does not go on the Central Registry, but it does bring DCFS in to assess the family.

**Every child gets a lawyer.** Arkansas appoints an Attorney Ad Litem for the child in every case, often in addition to a CASA volunteer.

**"Family time."** Arkansas now uses this term in its laws instead of "visitation."

### If your family may have Native American heritage

Tell your caseworker and the court **right away**. A federal law, the Indian Child Welfare Act (ICWA), may give your family added protections, and it works best when raised early.

**Language and special needs:** Anyone in a case can ask for a free interpreter, and should tell the court or caseworker early about any medical, medication, or disability needs for themselves or the child.

### A few court words, in plain language

**Adjudication:** the trial where the judge decides whether the child is dependent-neglected.

**Disposition:** the judge's decision about where the child lives and what the case plan requires.

**Attorney Ad Litem (AAL):** the child's own court-appointed lawyer.

**Permanency:** the long-term plan for the child: home, a relative, or adoption.

**Family time:** visits between a child and their parents or siblings.

### The typical schedule

Stage	Typical timing in Arkansas
<b>Report and investigation</b>	Hotline call, then DCFS or State Police (CACD) investigates within 24 to 72 hours.
<b>Removal or 72-hour hold</b>	A child in immediate danger may be taken into protective custody.
<b>Petition and emergency order</b>	DHS files a petition within 72 hours of removal; the judge signs the emergency order.
<b>Probable cause hearing</b>	Within 5 business days of the emergency order.
<b>Case plan</b>	Completed within 30 days of removal.
<b>Adjudication and disposition</b>	Usually within about 30 days of the PC hearing; up to 60 days after removal for good cause.
<b>Review hearings</b>	About every 6 months; some courts review more often.
<b>Permanency planning</b>	Within 12 months of the child entering care.

### Questions worth asking your caseworker or attorney

- Is the child in care on a 72-hour hold or under a signed court order, and when is the PC hearing?
- How does a parent request a court-appointed attorney, and can that happen before the hearing?
- Have all adult relatives been notified, and can a relative be considered for placement?
- What is the case plan, and what specifically needs to change for the child to come home?
- How much family time will there be, and when do visits start?
- Was a "true" maltreatment finding made, and if so, what is the appeal deadline?

### **If you have a concern: the Child Welfare Ombudsman**

Arkansas has an **independent** Office of the Child Welfare Ombudsman (based at the Arkansas Commission on Child Abuse, Rape and Domestic Violence, separate from DHS). Anyone connected to a case, including parents, children, grandparents, and foster parents, can bring a complaint or question. They respond within 48 hours, review records, and can make referrals, suggest solutions, or push for system improvements.

**Phone:** 501-661-7974 · **Email:** [childwelfareombudsman@uams.edu](mailto:childwelfareombudsman@uams.edu)

### **Where to get help**

Ask your caseworker or the court clerk how to reach the **Commission for Parent Counsel** (for appointed parent attorneys), **Legal Aid of Arkansas**, and your **local CASA program**. The statewide Child Abuse Hotline is **1-800-482-5964**.

#### **Arkansas official sources (retrieved June 2026)**

[§ 9-27-314 Emergency orders](#) · [§ 9-27-315 Probable cause hearing](#) · [§ 9-27-316 Right to counsel](#) · [§ 9-27-325 Hearings: foster/kin notice](#) · [§ 9-27-303 Reasonable efforts: definitions](#) · [§ 12-18-909 Central Registry](#) · [AR State Police Crimes Against Children Division](#) · [DHS: How to Report Child Abuse & Neglect](#) · [DHS: Services for Older Youth](#) · [AR DESE: Foster Care \(school stability\)](#) · [DCFS PUB-30 \(prudent parent / normalcy\)](#) · [AR Judiciary: CASA program](#) · [AR Child Welfare Ombudsman](#) · [A Relative's Guide \(PUB-15\)](#) · [AOC Guidebook for Families](#)

### **Please verify before you rely on this guide**

This document is a **general educational overview only**. It is **not legal advice** and should not be treated as a statement of current law or of the facts of any case. Laws, policies, timelines, and phone numbers change, and they can be applied differently from one county, court, caseworker, or family to the next. **Before you act on anything here, confirm it** with your DHS caseworker, the court, or a licensed Arkansas attorney. Reading this guide does not create an attorney-client or other professional relationship.