

Excerpt: Appendix 1: Glossary

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ABANDONMENT-- Failure of the parent to provide reasonable support for a juvenile and to maintain regular contact with the juvenile through statement or contact when. ~~When~~ this failure is accompanied by an intention on the part of the parent to permit the condition to continue for an indefinite period in the future, or when the failure of a parent to support or maintain regular contact with the juvenile is without just cause, or when there is an articulated intent to forego parental responsibility. Abandonment does not include acts or omissions of a parent toward a married minor.

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ABUSE -- Any of the following acts or omissions by a parent, guardian, custodian, foster parent, person 18 years of age or older living in the home with a child whether related or unrelated to the child, or any person who is entrusted with the juvenile's care by a parent, guardian, custodian, or foster parent, including, but not limited to, an agent or employee of a public or private residential home, child care facility, public or private school, a significant other of the child's parent, or any person legally responsible for the juvenile's welfare, but excluding the spouse of a minor:

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- A. Extreme or repeated cruelty to a juvenile;
 - B. Engaging in conduct creating a realistic and serious threat of death, permanent or temporary disfigurement, or impairment of any bodily organ.
 - C. Injury to a juvenile's intellectual, emotional or psychological development as evidenced by observable and substantial impairment of the juvenile's ability to function within the juvenile's normal range of performance and behavior.
 - D. Any history that is at variance with the history given.
 - E. Any non-accidental physical injury.
 - F. Any of the following intentional or knowing acts, with physical injury and without justifiable cause:
 - 1) Throwing, kicking, burning, biting or cutting a child.
 - 2) Striking a child with a closed fist.
 - 3) Shaking a child.
 - 4) Striking a child on the face or head.
 - G. Any of the following intentional or knowing acts, with or without injury:
 - 1) Striking a child age six or younger on the face or head.
 - 2) Shaking a child age three or younger.
 - 3) Interfering with a child's breathing.
 - 4) Pinching or striking a child's genital area.
- NOTE: The prior list of unreasonable actions are considered illustrative and not exclusive.
- H. No unreasonable action shall be construed to permit a finding of abuse without having established the elements of abuse.
 - I. Abuse shall not include physical discipline of a child when it is reasonable and moderate and is inflicted by a parent or guardian for purposes or restraining or correcting the child.
 - 1) The person exercising the restraint is an employee of an agency licensed or exempted from licensure under the Child Welfare Agency Licensing Act;
 - 2) The agency has policy and procedures regarding restraints;
 - 3) No other alternative exists to control the child except for a restraint;
 - 4) The child is in danger of hurting himself or others;
 - 5) The person exercising the restraint has been trained in properly restraining children, de-escalation, and conflict resolution techniques; and
 - 6) The restraint is for a reasonable period of time.
 - J. Reasonable and moderate physical discipline inflicted by a parent or guardian shall not include any act that is likely to cause and which does cause injury more serious than transient pain or minor temporary marks.
 - K. The age, size and condition of the child and the location of the injury and the frequency of recurrence of injuries shall be considered when determining whether the physical discipline is reasonable or moderate.

AGGRAVATED CIRCUMSTANCES--Aggravated circumstances exist when a child has been abandoned, chronically abused, subjected to extreme or repeated cruelty, sexually abused, sexually exploited, or a determination has been or is made by a judge that there is little likelihood that services to the family will result in successful

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reunification; or a child has been removed from the custody of the parent or guardian and placed in foster care or in the custody of another person three or more times in the last 15 months; or, a child or a sibling has been neglected or abused such that the abuse could endanger the life of the child.

CARETAKER – A parent, guardian, custodian, foster parent, or any person 1410 years of age or older who is entrusted with a child's care by a parent, guardian, custodian, or foster parent, including, but not limited to, an agent or employee of a public or private residential home, child care facility, public or private school, or any person legally responsible for a child's welfare.

DEPENDENT JUVENILES – Includes a child:

- A. Whose parent is in the custody of the Department of Human Services;
- B. Whose parent or guardian is incarcerated for a reason unrelated to the health, safety, or welfare of the child and the parent or guardian has no appropriate relative or friend willing or able to provide care for the child;
- C. Whose parent or guardian is incapacitated, whether temporarily or permanently, such that the parent or guardian cannot provide care for the juvenile and the parent or guardian has no appropriate relative or friend willing or able to provide care for the child;
- D. Whose custodial parent dies and no stand-by guardian exists;
- E. Who is an infant relinquished to the custody of DHS for the sole purpose of adoption; ~~OR~~
- F. Who is a safe haven baby. (Safe Haven Act–2001);
- G. Who has disrupted his or her adoption, and the adoptive parents have exhausted resources available to them; or,
- F.H. Who has been a victim of human trafficking as a result of threats, coercion, or fraud without the knowledge of the parent.

DEPENDENT-NEGLECTED JUVENILE – Any juvenile who is at substantial risk of harm as a result of the following acts or omissions to the juvenile, a sibling, or another juvenile:

- A. ~~a~~ Abandonment
- B. ~~A~~ Abuse
- C. ~~S~~ Sexual abuse
- D. ~~S~~ Sexual exploitation
- E. ~~N~~ Neglect or parental unfitness or being present in a dwelling or structure during the manufacture of methamphetamine with the knowledge of his/her parent, guardian, or custodian, or
- F. Human trafficking if they parent knew or should have known the child was a victim of human trafficking as a result of threats, coercion, or fraud.

HOME STUDY – The specific interviewing and reporting tool used to determine if a family is ready, willing, and able to become a suitable and safe placement resource for a child. The home study must evaluate a family's dynamics in areas including, but not limited to, motivation for wanting to foster, health, education, lifestyle, daily schedules, parenting practices, support systems, and personal histories. It shall include a Vehicle Safety Check on all applicable household members, a Child Maltreatment Central Registry Check on all members of the household age 140 or older, excluding children in foster care, and an Arkansas State Police Criminal Record Check and a fingerprint-based FBI Criminal Background Check on all members of the household age 18 and one-half years or older, excluding children in foster care.

MANDATED REPORTER -- Individuals identified in the "Child Maltreatment Reporting Act" who must immediately notify the Child Abuse Hotline or law enforcement if they have reasonable cause to suspect that a child has been subjected to or died from child maltreatment, or who observe the child being subjected to conditions or circumstances which would reasonably result in child maltreatment. These individuals include:

AR State Police Crimes Against Children Division (CACD) Employee
Attorney ad litem in the course of his or her duties as an attorney ad litem
Child abuse advocate or volunteer

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Child advocacy center employee
Child Care center worker
Child Care worker
Child safety center employee
Clergyman*
Coroner
Court Appointed Special Advocate (CASA) program staff or volunteer
Dental hygienist
Dentist
Department of Human Services employee
Domestic abuse advocate
Domestic violence shelter employee
Domestic violence volunteer

Employee of a reproductive health care facility

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Employee working under contract for the Division of Juvenile Services
Foster care worker
Foster parent
Judge
Juvenile intake or probation officer
Law enforcement official
Licensed nurse
Medical personnel who may be engaged in admission, examination, care, or treatment of persons
Mental health professional
Osteopath
Peace officer
Physician
Prosecuting attorney
Rape crisis advocate or volunteer
Resident intern
School counselor
School official**
Sexual abuse advocate or volunteer
Social worker
Surgeon
Teacher
Victim assistance professional or volunteer
Victim/witness coordinator

Volunteer at a reproductive healthcare facility

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*Clergyman includes a minister, a priest, rabbi, accredited Christian Science practitioner, or other similar functionary of a religious organization, or an individual reasonably believed to be so by the person consulting him, except to the extent he has acquired knowledge of suspected maltreatment through communications required to be kept confidential pursuant to the religious discipline of the relevant denomination or faith, or he received knowledge of the suspected maltreatment from the offender in the context of a statement of admission.

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**“School Official” means any person authorized by a school to exercise administrative or supervisory authority over employees, students, or agents of the school. A volunteer exercising administrative or supervisory authority in a program conducted by a school is also considered a school official.

NEGLECT -- Acts or omissions of a parent, guardian, custodian, foster parent, or any person who is entrusted with the juvenile’s care by a parent, custodian, guardian, or foster parent, including, but not limited to, an agent or employee of a public or private residential home, child care facility, public or private school, or any person legally responsible under state law for the juvenile’s welfare, but excluding the spouse of a minor and the parents of a married minor, which constitute:

- A. Failure or refusal to prevent the abuse of the child when the person knows or has reasonable cause to know the child is or has been abused;
- A-B. Failure or refusal to provide the necessary food, clothing, or shelter, ~~and education required by law,~~ or medical treatment necessary for the ~~juvenile’s child’s~~ well-being, except when the failure or refusal is caused primarily by the financial inability of the person legally responsible and no services for relief have been offered ~~or rejected~~;
- B-C. Failure to take reasonable action to protect the ~~juvenile-child~~ from abandonment, abuse, sexual abuse, sexual exploitation, neglect, or parental unfitness where the existence of such condition was known or should have been known;
- C-D. Failure or irremediable inability to provide for the essential and necessary physical, mental, or emotional, needs of the ~~juvenile child~~, including the failure to provide a shelter that does not pose a risk to the health or safety of the child;
- D-E. Failure to provide for the ~~juvenile’s child’s~~ care and maintenance, proper or necessary support, or medical, surgical, or other necessary care;
- F. Failure, although able, to assume responsibility for the care and custody of the ~~juvenile-child~~ or participate in a plan to assume such responsibility;
- G. ~~Failure to appropriately supervise the child that results in the child being left alone at an inappropriate age creating a dangerous situation or a situation that puts the child at risk of harm; or in inappropriate circumstances creating a dangerous situation or a situation that puts the child at risk of harm.~~
- H. ~~Failure, regardless of whether the parent, guardian, custodian, foster parent, or any person who is entrusted with the child’s care, etc. is present, to appropriately supervise the child that results in the child being placed in inappropriate circumstances creating a dangerous situation or in a situation that puts the child at risk of harm;~~
- I. ~~Failure to ensure a child between 6 and 17 years of age is enrolled in school or is legally being home schooled or as a result of an act or omission by the child’s parent or guardian, the child is habitually and without justification absent from school.~~

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NON-ACCIDENTAL OR ABUSIVE HEAD TRAUMA - Form of inflicted head trauma that can be caused by direct blows to the head, dropping or throwing a child, or shaking a child. Shaken Baby Syndrome may be a component of non-accidental or accidental head trauma.

PERMANENT CUSTODY – Custody that is transferred to a person as a permanent disposition in a juvenile case when the court has ordered that reunification services are no longer required and 6 month reviews are no longer required and the case is closed.

SEXUAL ABUSE – Any of the following acts committed:

- A. By a person ~~1440~~ years of age or older to a person younger than 18 years of age:
 - 1) Sexual intercourse, deviate sexual activity or sexual contact by forcible compulsion
 - 2) Attempted sexual intercourse, deviate sexual activity or sexual contact by forcible compulsion
 - 3) Indecent exposure or forcing the watching of pornography or live sexual activity

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- B. By a person 18 years of age or older to a person not his or her spouse who is younger than 16 years of age:
- 1) Sexual intercourse, deviate sexual activity or sexual contact
 - 2) Attempted sexual intercourse, deviate sexual activity or sexual contact
- C. By a caretaker to a person younger than 18 years of age:
- 1) Sexual intercourse, deviate sexual activity or sexual contact
 - 2) Attempted sexual intercourse, deviate sexual activity or sexual contact
 - 3) Forcing or encouraging the watching of pornography
 - 4) Forcing, permitting or encouraging the watching of live sexual activity
 - 5) Forcing listening to a phone sex line
 - 6) Committing an act of voyeurism

- D. By a person younger than 18 years of age to a person younger than 18 years of age:

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- 1) Sexual intercourse, deviate sexual activity or sexual contact by forcible compulsion
- 2) Attempted sexual intercourse, deviate sexual activity or sexual contact by forcible compulsion

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SIGNIFICANT OTHER – A person with whom the parent shares a household or who has a relationship with the parent that results in the person acting in place of the parent with respect to the parent's child or children, regardless of living arrangements.

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2) **UNDERAGED JUVENILE OFFENDER** – Any child younger than 14 years of age for whom a report of sexual abuse has been determined to be true for sexual abuse to another child.

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