

## NOTICE OF RULE MAKING

Pursuant to A.C.A. § 9-28-103, the Director, Division of Children and Family Services issues proposed changes to:

- **POLICY XIV-A (and Related Procedures): NOTICES REGARDING CHILD MALTREATMENT**
  - Revised to reflect change in definition of underaged juvenile offender per Act 1006 of the 89<sup>th</sup> General Assembly, Regular Session 2013
  - Revised to include the elderly, individuals with disabilities or mental illness, or juveniles within at risk determination categories per Act 1006 of the 89<sup>th</sup> General Assembly, Regular Session 2013
  - Clarified chain of command for at risk determination notices
  - Deleted references to special notification of 13-15 Year Olds if involved in delinquency proceeding based on same set of facts in child maltreatment report per Act 1006 of the 89<sup>th</sup> General Assembly, Regular Session 2013
- **PROCEDURE IX-A3: Appeals and Hearings of True Child Maltreatment Decisions**
  - Added reference to CACD when their investigations are appealed per “Agreement Between Arkansas Department of Human Services and Arkansas State Police”
- **PROCEDURE IX-A4: Regular Administrative Hearing Process**
  - Added reference to CACD when their investigations are appealed per “Agreement Between Arkansas Department of Human Services and Arkansas State Police”
  - Clarified that CACD will appear and testify in Administrative Hearings relating to their investigations and all court proceedings relating to their investigations without a subpoena
  - Updated information regarding timeframe and proceeding per “Agreement Between Arkansas Department of Human Services and Arkansas State Police”
  - requirements for Administrative Hearings per Act 1006 of the 89<sup>th</sup> General Assembly, Regular Session 2013
- **PROCEDURE IX-A5: Expedited Hearing Process**
  - Added reference to CACD when their investigations are appealed per “Agreement Between Arkansas Department of Human Services and Arkansas State Police”
  - Revised to include different types of electronic media for which department may charge a reasonable fee for researching, copying, or mailing per Act 1006 of the 89<sup>th</sup> General Assembly, Regular Session 2013
- **PROCEDURE IX-A6: Preliminary Administrative Hearing**
  - Added reference to CACD when their investigations require Preliminary Administrative Hearing per “Agreement Between Arkansas Department of Human Services and Arkansas State Police”
  - Revised to include preliminary administrative hearing shall proceed even if there is an ongoing criminal or delinquency investigation or criminal or delinquency charges have been or will be filed per Act 1006 of the 89<sup>th</sup> General Assembly, Regular Session 2013
- **PROCEDURE IX-A7: Investigative File for the Administrative Hearing**
  - Clarified that investigative file submitted to Child Maltreatment Central Registry shall include copies of pictures, audio tapes, and video tapes, if applicable per “Agreement Between Arkansas Department of Human Services and Arkansas State Police”
  - Added that CACD will appear and testify in Administrative Hearings related to their investigations and all court proceedings relating to their investigations without a subpoena per “Agreement Between Arkansas Department of Human Services and Arkansas State Police”
  - Removed prohibition to DCFS testifying at Administrative Hearing if file not provided

- PROCEDURE XIII-A3: Information Disclosure on True Findings
  - Updated to include reference to administrative hearing proceedings per Act 1006 of the 89<sup>th</sup> General Assembly, Regular Session 2013
- PROCEDURE XIII-A4: Information Disclosure on Screened Out and Unsubstantiated Reports
  - Updated to include reference to administrative hearing proceedings per Act 1006 of the 89<sup>th</sup> General Assembly, Regular Session 2013
- PROCEDURE XIII-A5: Central Registry Fees
  - Revised to include different types of electronic media for which department may charge a reasonable fee for researching, copying, or mailing per Act 1006 of the 89<sup>th</sup> General Assembly, Regular Session 2013
- PUB-52 Child Protective Services: A Caretaker's Guide
  - Revised to reflect change in definition of age of underaged juvenile offender per Act 1006 of the 89<sup>th</sup> General Assembly, Regular Session 2013
- PUB-357 Child Maltreatment Assessment Protocol
  - Revised to reflect change in definition of age of underaged juvenile offender and caretaker and corresponding impact on changes to sexual abuse and related definitions per Act 1006 of the 89<sup>th</sup> General Assembly, Regular Session 2013
  - Revised to clarify reports of child sexual abuse naming as the victim a person who is now an adult will not be accepted from counselor or therapist per Act 1006 of the 89<sup>th</sup> General Assembly, Regular Session 2013
  - Revised requirements for accepting a report of educational neglect from a school and environmental neglect cases pertaining to lice per Act 1486 of the 89<sup>th</sup> General Assembly, Regular Session 2013
- CACD-223-T1: Child Maltreatment True Investigative Determination Notice to Underaged Juvenile Offender (under 14 years old)
  - Revised to reflect change in definition of age of underaged juvenile offender per Act 1006 of the 89<sup>th</sup> General Assembly, Regular Session 2013
- CACD-223-T3: Child Maltreatment True Investigative Determination Notice to Alleged Juvenile Offender 14-17 Years of Age
  - Revised to reflect change in definition of ages of juvenile offenders per Act 1006 of the 89<sup>th</sup> General Assembly, Regular Session 2013
- CACD-224-T1: Child Maltreatment True Investigative Determination Notice to Legal Parents and Legal Guardians of Underaged Juvenile Offender (under 14 years old)
  - Revised to reflect change in definition of age of underaged juvenile offender per Act 1006 of the 89<sup>th</sup> General Assembly, Regular Session 2013
- CACD-224-T3: Child Maltreatment True Investigative Determination Notice to Legal Parents or Legal Guardians of the Alleged Juvenile Offender (14 -17 Years of Age)
  - Revised to reflect change in definition of age of juvenile offenders per Act 1006 of the 89<sup>th</sup> General Assembly, Regular Session 2013
- CACD-240-U1: Notice of Unsubstantiated Child Maltreatment Investigative Determination to Alleged Underaged Juvenile Offender (Under 14 years old)
  - Revised to reflect change in definition of age of underaged juvenile offenders per Act 1006 of the 89<sup>th</sup> General Assembly, Regular Session 2013
- CACD-240-U2: Notice of Unsubstantiated Child Maltreatment Investigative Determination to Alleged Juvenile Offender (14-17 years of age)
  - Revised to reflect change in definition of age of juvenile offenders per Act 1006 of the 89<sup>th</sup> General Assembly, Regular Session 2013
- CACD-284-N: Notice of Name Placement on Central Registry to Legal Parents or Legal Guardians of the Juvenile Offender (14 -17 Years of Age)

- Revised to reflect change in definition of age of juvenile offenders per Act 1006 of the 89<sup>th</sup> General Assembly, Regular Session 2013
- CFS-223-T1: Child Maltreatment True Investigative Determination Notice to Underaged Juvenile Offender (under 14 years old)
  - Revised to reflect change in definition of age of underaged juvenile offenders per Act 1006 of the 89<sup>th</sup> General Assembly, Regular Session 2013
- CFS-223-T3: Child Maltreatment True Investigative Determination Notice to Alleged Juvenile Offender 14-17 Years of Age
  - Revised to reflect change in definition of age of juvenile offenders per Act 1006 of the 89<sup>th</sup> General Assembly, Regular Session 2013
- CFS-224-T1: Child Maltreatment True Investigative Determination Notice to Legal Parents and Legal Guardians of Underaged Juvenile Offender (under 14 years old)
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  - Revised to reflect change in definition of age of juvenile offenders per Act 1006 of the 89<sup>th</sup> General Assembly, Regular Session 2013
- POLICY II-E (and Related Procedures): INVESTIGATION OF CHILD MALTREATMENT REPORTS
  - Developed to outline all requirements pertaining investigations; includes extension of timeframe to complete investigations per Act 426 of the 89<sup>th</sup> General Assembly, Regular Session 2013; information to align policy with Agreement Between Arkansas Department of Human Services and Arkansas State Police”; instructions aligning policy with Division’s current structured decision making processes and best practices
- CFS-200: Protection Plan
  - Provides standard form to document protection plan for families when safety factor identified
- CFS-217: Request for Investigation Timeframe Extension
  - Provides standard way through which to request investigation timeframe extension per Act 426 of the 89<sup>th</sup> General Assembly, Regular Session 2013
- POLICY II-K (and Related Procedures): PROTECTION PLANS
  - No longer needed because incorporated into Policy II-E
- CACD-223-T2: Child Maltreatment True Investigative Determination Notice to Alleged Juvenile Offender 13- 15 Years of Age
  - No longer needed due to Child Maltreatment Act definition changes per Act 1006 of the 89<sup>th</sup> General Assembly, Regular Session 2013

- CACD-224-T2: Child Maltreatment True Investigative Determination Notice to Legal Parents and Legal Guardians of Alleged Juvenile Offender 13-15 Years of Age
  - No longer needed due to Child Maltreatment Act definition changes per Act 1006 of the 89<sup>th</sup> General Assembly, Regular Session 2013
- CFS-223-T2: Child Maltreatment True Investigative Determination Notice to Alleged Juvenile Offender 13- 15 Years of Age
  - No longer needed due to Child Maltreatment Act definition changes per Act 1006 of the 89<sup>th</sup> General Assembly, Regular Session 2013
- CFS-224-T2 Child Maltreatment True Investigative Determination Notice to Legal Parents and Legal Guardians of Alleged Juvenile Offender 13-15 Years of Age
  - No longer needed due to Child Maltreatment Act definition changes per Act 1006 of the 89<sup>th</sup> General Assembly, Regular Session 2013

The proposed changes are available for review at the Division of Children and Family Services, Policy Unit, 5<sup>th</sup> floor Donaghey Plaza South, 7<sup>th</sup> and Main Streets, Little Rock, AR. 72203-1437. All comments must be submitted in writing to the Policy Unit no later than July 13, 2013. All the proposed changes may be viewed in their entirety at

<https://ardhs.sharepointsite.net/CW/Notice%20of%20Rule%20Making/Forms/AllItems.aspx>.

If you need this material in a different format, such as large print, contact our Americans with Disabilities Act Coordinator at 501- 682-8830 (Voice) or 501- 682-1442 (TDD). The Arkansas Department of Human Services is in compliance with Titles VI and VII of the Civil Rights Act and operates, manages and delivers services without regard to age, religion, disability, political affiliation, veteran status, sex, race, color or national origin.

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Cecile Blucker  
Director, Division of Children and Family Services

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Date