

PROCEDURE XIII-A9: Name Removal from Child Maltreatment Central Registry by an Adult Offender's Request

023/20132

REMOVAL CRITERIA

An adult offender is defined as a person age 18 years or older at the time of the act or omission that resulted in a true finding of child maltreatment.

~~If an adult offender has been entered into the Child Maltreatment Central Registry for the types of child maltreatment listed below, An the adult offender may request that his or her name be removed from the Child Maltreatment Central Registry when:~~

- ~~A. The individual has not had a subsequent true report of this type for one year; and,~~
- ~~B. More than one year has passed since the adult offender's name was placed on the Child Maltreatment Central Registry.~~

~~B. However, if the adult offender was placed into the Child Maltreatment Central Registry for any type of child maltreatment that resulted in a child fatality as a direct result of the offender's act or omission, he or she may not submit a removal request, and,~~

~~C. The individual was entered into the Child Maltreatment Central Registry for the following types of child maltreatment:~~

- ~~1) Medical Neglect Priority II~~
- ~~2) Mental Injury Priority I~~
- ~~3) Medical Neglect of an Infant with Disabilities Priority I~~
- ~~4) Munchausen Syndrome by Proxy or Illness Falsification by Proxy Priority II (Non-Serious Injury)~~
- ~~5) Sprains/Dislocations Priority II~~
- ~~6) Striking a Child Age Seven or Older on the Face or Head Priority II~~
- ~~7) Striking a Child Age Six or Younger on the Face or Head Priority I~~
- ~~8) Throwing or Kicking a Child Priority II (Non-Serious Injury)~~
- ~~9) Abandonment Priority I~~
- ~~10) Cuts, Welts, or Bruises Priority I or II~~
- ~~11) Human Bites Priority II~~
- ~~12) Inadequate Supervision Priority II~~
- ~~13) Lock-Out Priority II~~
- ~~14) Substance Misuse Priority II~~
- ~~15) Sexual Contact Priority I (Non-Coercive Contact between two juveniles and the victim was not under the age of 13)~~
- ~~16) Failure to Thrive Priority I~~
- ~~17) Pornography/Live Sex Act Exposure Priority I~~
- ~~18) Indecent Exposure Priority I~~
- ~~19) Threat of Harm Priority I~~
- ~~20) Failure to Protect Priority I or II~~
- ~~21) Shaking a Child Age Four or Older Priority I~~
- ~~22) Tying/Close Confinement Priority II~~
- ~~23) Pinching or Striking a Child in the Genital Area Priority II~~
- ~~24) Extreme or Repeated Cruelty to a Juvenile Priority II~~
- ~~25) Voyeurism Priority I~~

(A.C.A. § 12-18-908 allows the types of maltreatment that may be considered for removal to be set at the discretion of the Director of the Department. However, these can only be changed through normal promulgation after a special review by the House Interim Committee on Aging, Children and Youth, Legislative and Military Affairs and the Senate Interim Committee on Children and Youth [A.C.A. § 12-18-908].

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~~In addition~~ However, in accordance per A.C.A. § 12-18-908, If an adult offender is found guilty of, pleads guilty to, or pleads nolo contendere to an act that is the same act for which the offender is named in the Child Maltreatment Central Registry regardless of any subsequent expungement of the offense from the offender's criminal record, the offender shall always remain in the Child Maltreatment Central Registry unless the conviction is reversed or vacated.

APPLICATION FORMAT FOR AN ADULT OFFENDER

An application for name removal from the Child Maltreatment Central Registry shall conform to the following:

- A. The adult offender will submit his or her request to the DCFS Director of DCFS via the CFS-328-Aa: Request for Name Removal from the Child Maltreatment Central Registry and shall also submit, which shall:

1) A personal letter describing:

- a) The offender's reason for the removal request;
- b) The events and circumstances surrounding the child maltreatment finding Outline the request; and,
- c) The offender's rehabilitation, and must mention the date and type of maltreatment, and the victim's name, as well as any other identifying information;

1) —

2) Arkansas Child Maltreatment Central Registry results free from a true finding of the same maltreatment type for the preceding year;

3) Child Maltreatment Registry results from the offender's current state of residence and/or any state in which the offender has resided in the preceding year free from a true finding of the same maltreatment type for the preceding year;

4) Include an Arkansas Crime Information Center (ACIC) background check results free from child maltreatment-related offense for the preceding one year;

5) Include a state background check results from the offender's current state of residence and/or any state in which the offender has resided in the preceding year free from child maltreatment-related offense for the preceding one year;

6) Include evidence of the offender's rehabilitation, including, but not limited to,:

- a) A personal letter from the offender describing his rehabilitation
- a) Documentations proving participation completion of a treatment, remediation, or rehabilitation programs as related to the specific offense if applicable,
- b) For removal requests related to sexual abuse, proof of rehabilitation must include documentation of successful completion of a state-certified sexual offender specific treatment program and the final assessment received upon discharge;
- b) One to three letters of reference from professionals (not to include DCFS employees), employers, spiritual counselors, friends, or family describing the offender's rehabilitation
 - i. No more than one letter of reference can be submitted from a family member.

- 5) The Child Maltreatment Central Registry Review Team, as described in Procedure XIII-A9, may select additional, non-child maltreatment-related offenses which prevent name -removal from the Child Maltreatment Central Registry.

DETERMINATION OF NAME REMOVAL REQUEST BY AN ADULT OFFENDER

The Child Maltreatment Central Registry Review Team will consider requests for removal of names from the Registry. In determining whether or not to remove an offender from the Child Maltreatment Central Registry the Review Team shall consider any relevant evidence, which may include, but is not limited to the following:

- A. The circumstances surrounding the maltreatment;
- B. The seriousness of the harm caused by the maltreatment to the child or children;
- C. The probability of the offender engaging in future maltreatment;
- D. Evidence of the offender's completion of training, rehabilitation, and efforts to learn effective strategies to care for children;
- E. And any other information that is relevant to the specific offense.

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If the child maltreatment type is in the removal-by-request category, and the adult offender has not had a subsequent true report of this type for one year and more than one year has passed since the offender's name was placed on the Child Maltreatment Central Registry, he will have a right to a review of the case.

If the Review Team denies the request-for-removal of the name from the Child Maltreatment Central Registry, the Review Team shall send a denial letter to the adult offender explaining the reason for denial as it relates to:

- A. The circumstances surrounding the maltreatment;
- B. The seriousness of the harm caused by the maltreatment to the child or children;
- C. The probability of the offender engaging in future maltreatment;
- D. Evidence of the offender's completion of training, rehabilitation, and efforts to learn effective strategies to care for children;
- E. And any other information that is relevant to the specific offense.

The adult offender shall wait one year from the date of the request for removal before filing a new petition with the Division requesting the offender's name be removed from the Child Maltreatment Central Registry. However, if the Review Team needs additional information from the adult offender in order to make the determination as to whether to remove his or her name from the Child Maltreatment Central Registry, the Review Team may request that the adult offender provide the additional information without requiring the adult offender to wait an additional year to file a new petition. The Review Team shall inform the adult offender in writing of the specific additional information requested. The adult offender shall have ten (10) calendar days from the date of the request to submit the requested additional information. If the request is sent via mail, the adult offender shall be given an additional three (3) calendar days to submit the information. If the requested information is not submitted within the specified timeframe, then the adult offender shall wait one year from the date of the request to file a new petition requesting his or her name be removed from the Child Maltreatment Central Registry.

If the Review Team denies the request-for-removal of the name from the Child Maltreatment Central Registry, the adult offender may request an administrative hearing within 30 days from the receipt of the Division's decision.

PROCEDURE XIII-A10: Name Removal from Child Maltreatment Central Registry for a Juvenile Offender

023/20123

REMOVAL CRITERIA

Pursuant to A.C.A. § 12-18-908, the name of an offender who was a juvenile at the time of the offense shall not be removed from the Child Maltreatment Central Registry if the offender was found guilty of, pleaded guilty to, or pleaded nolo contendere to a felony in circuit court as an adult for the act that is the same act for which the offender is named in the Child Maltreatment Central Registry unless the conviction is reversed or vacated.

However, the name of an offender who was a juvenile at the time of the offense shall be removed from the Child Maltreatment Central Registry, as provided by A.C.A. § 12-18-908, when:

- A. The juvenile has reached the age of 18 or more than one year has passed from the date of the act or omission that caused the true finding of child maltreatment and there have been no subsequent acts or omissions resulting in a true finding of child maltreatment; and,
- B. The juvenile offender can prove by a preponderance of the evidence that he/she has been rehabilitated.

APPLICATION FORMAT FOR A JUVENILE OFFENDER

An application for name removal from the Child Maltreatment Central Registry shall conform to the following:

- A. The juvenile offender will submit his request to the ~~Director of DCFS~~ Director via the CFS-328-~~Aa~~. Request for Name Removal from the Child Maltreatment Central Registry ~~and, which shall also submit:~~

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~~1) Outline the request and must mention the date and type of maltreatment, and the victim's name, as well as any other identifying information.~~

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~~1) Arkansas Child Maltreatment Central Registry results free from a true finding of the same maltreatment type for the preceding year;~~

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~~2) Child Maltreatment Registry results from the offender's current state of residence and/or any state in which the offender has resided in the preceding year free from a true finding of the same maltreatment type for the preceding year;~~

~~2)3) Include an~~ Arkansas Crime Information Center (ACIC) background check results free from child maltreatment-related offense for the preceding one year;

~~3)4) Include a~~ state background check results from the offender's current state of residence and any state in which the offender has resided in the preceding year free from child maltreatment-related offense for the preceding one year;

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~~4)5) Evidence of the offender's rehabilitation, which may include, but is not limited to:~~

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- a) A personal letter from the offender describing his rehabilitation;
- b) Documents proving participation in treatment, remediation, or rehabilitation programs;
- c) One to three letter of reference from professionals (not to include DCFS employees), employers, spiritual counselors, friends, or family describing the offender's rehabilitation.

DETERMINATION OF NAME REMOVAL REQUEST BY A JUVENILE OFFENDER

The Child Maltreatment Central Registry Review Team will consider requests for removal of names from the Registry. In determining whether or not to remove a juvenile offender's name from the Child Maltreatment Central Registry, the Review Team shall consider the following:

- A. Whether the criminal history reveals any convictions as an adult for the same act for which the offender is named in the registry; and,
- B. Whether the juvenile offender has reached the age of eighteen (18); or, one year has passed from the date of the act or omission that caused the true finding of child maltreatment; and,
- C. There have been no subsequent acts or omissions resulting in a true finding of child maltreatment; and,
- D. The information submitted proves, by a preponderance of the evidence, that the juvenile offender has been rehabilitated.

If the Review Team denies the request-for-removal of the name from the Child Maltreatment Central Registry, the Review Team shall send a denial letter to the juvenile offender explaining the reason for denial. The juvenile offender shall wait one year from the date of the request for removal before filing a new petition with the Division requesting the offender's name be removed from the Child Maltreatment Central Registry. If the Review Team denies the request-for-removal of the name from the Child Maltreatment Central Registry, the juvenile offender may request an administrative hearing within 30 days from the receipt of the division's decision.

However, if the Review Team needs additional information from the juvenile offender in order to make the determination as to whether to remove his or her name from the Child Maltreatment Central Registry, the Review Team may request that the juvenile offender provide the additional information without requiring the juvenile offender to wait an additional year to file a new petition. The Review Team shall inform the juvenile offender in writing of the specific additional information requested. The juvenile offender shall have ten (10) calendar days from the date of the request to submit the requested additional information. If the request is sent via email, the juvenile offender shall be given an additional three (3) calendar days to submit the information. If the requested information is not submitted within the specified timeframe, then the juvenile offender shall wait one year from the date of the request to file a new petition requesting his or her name be removed from the Child Maltreatment Central Registry.



Arkansas Department of Human Services
Division of Children and Family Services
REQUEST FOR NAME REMOVAL FROM THE CENTRAL REGISTRY

I. REQUESTOR'S PERSONAL DATA:

Last Name	First Name (Include any Alias)	Middle Name
Address	Telephone	Home: ()
		Work : ()
	Date of Birth	Gender
	Soc. Sec. Number	Race

II. CHILD MALTREATMENT REPORT INFORMATION:

1. ~~4~~ Date of child maltreatment

2. Type of Child Maltreatment:

3. ~~Was~~ Did this type of ~~Following a child maltreatment listed above investigation, were you named~~
~~as the offender conducted on you resulting in a true finding on one of the following of child maltreatment~~
~~types that also resulted in a child death due to your direct act(s) or omission(s)?~~ ☐ Yes ☐ No

2. Date of child maltreatment

☐ ~~Yes~~ Medical Neglect

☐ ~~Yes~~ Mental Injury

☐ ~~Yes~~ Medical Neglect of Disabled Infants

☐ ~~Yes~~ Munchausen's Syndrome by Proxy or Illness
Falsification by Proxy

☐ ~~Yes~~ Sprains/ Dislocations

☐ ~~Yes~~ Striking a Child age seven or older on the face

☐ ~~Yes~~ Striking a Child age six or younger on the face

☐ ~~Yes~~ Throwing or Kicking a Child

☐ ~~Yes~~ Abandonment

☐ ~~Yes~~ Cuts, Welts, or Bruises

☐ ~~Yes~~ Lock Out

☐ ~~Yes~~ Substance Misuse

☐ ~~Yes~~ Inadequate Supervision

☐ ~~Yes~~ Failure to Thrive

☐ ~~Yes~~ Pornography Live Sex Act

☐ ~~Yes~~ Indecent Exposure

☐ ~~Yes~~ Threat of Harm

☐ ~~Yes~~ Failure to Protect

☐ ~~Yes~~ Shaking a Child age four or older

☐ ~~Yes~~ Tying/ Close Confinement

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☐ ~~Yes Human Bites~~

☐ ~~Yes Sexual Contact~~

☐ ~~Yes Extreme or Repeated Cruelty to a Juvenile~~

☐ ~~Yes Pinching or Striking a Child in the Genital Area~~

2. ~~Has the offender not had a subsequent true report of this type for one year and more than one year passed since the offender's name was placed on the Central Registry?~~ ☐ ~~Yes~~ ☐ ~~No~~

~~NOTE: If you answered "yes" to both of the above questions you meet the criteria to have your case reviewed.~~

~~Ark. Code Ann. 12-18-908 requires The Department of Human Services to establish procedures to determine whether or not to remove an Offender's name from the Central Registry if the offender has not had a subsequent true report of this type for one year and more than one year has passed since the offender's name was placed on the Central Registry.~~

~~A committee with expertise in the area of child maltreatment will review your case upon receipt of this request to determine if your name can be removed from the Central Registry. The law requires that you meet the criteria mentioned above for your case to be reviewed. The Review Committee meets in March, June, September, and December. Your request must be received forty five days prior to the quarterly review meeting. Your case will be reviewed in the month closest to the date that your request is received. You will be notified in writing of the committee's decision.~~

~~3. Type of Child Maltreatment:~~

4. Has the offender had a subsequent true report of this type for one year and more than one year passed since the offender's name was placed on the Central Registry? ☐

☐ Yes ☐ No

If you selected "No" to both of the check box options above, then you meet the criteria to have your case reviewed.

Arkansas Code Annotated § 12-18-908 requires the Department of Human Services to establish procedures to determine whether or not to remove an offender's name from the Arkansas Child Maltreatment Central Registry if the offender has not had a subsequent true report of this type for one year and more than one year has passed since the offender's name was placed on the Arkansas Child Maltreatment Central Registry.

A committee with expertise in the area of child maltreatment will review your case upon receipt of this request to determine if your name can be removed from the Central Registry. The law requires that you meet the criteria mentioned above for your case to be reviewed. The Review Committee meets in March, June, September, and December. Your request must be received forty-five days prior to the quarterly review meeting. Your case will be reviewed in the month closest to the date that your request is received. You will be notified in writing of the committee's decision.

III. VICTIM AND CENTRAL REGISTRY DATA:

Victim's Name _____ Victim's Date of Birth _____

What is the CRID number listed on your Central Registry Report? CRID Number _____

Victim's Name _____

Victim's Date of Birth _____

What is the CRID number listed on your Central Registry Report? CRID Number _____

~~If you meet the criteria to have your case reviewed please submit this form, a copy of the Central Registry Report, a current criminal record background check, and proof of participation in, or completion of, any treatment or rehabilitation program for child maltreatment offenders (if appropriate). You must submit a personal letter explaining your rehabilitation and one to three letters of reference from professionals, employers, spiritual counselors, friends, or family describing your rehabilitation. No more than one letter can be submitted from a family member.~~

~~Submit your documents to:~~

~~The Division of Children and Family Services
Central Registry
P.O. Box 1437, Slot S566
Little Rock, AR 72203~~

IV. OTHER REQUIRED DOCUMENTATION:

If you meet the criteria to have your case reviewed please submit:

- This form (CFS-328-A);
- A personal letter describing:
 - Your reason for the removal request;
 - The events and circumstances surrounding the child maltreatment allegation and finding; and,
 - Your rehabilitation;
- Your Arkansas Child Maltreatment Central Registry results free from a true finding of the same maltreatment type for the preceding year;
- Your Child Maltreatment Registry results from your current state of residence and/or any state in which you have resided in the preceding year free from a true finding of the same maltreatment type for the preceding year;
- Your Arkansas Crime Information Center (ACIC) current criminal background check results free from child maltreatment-related offenses for the preceding year;
- Your state criminal background check results from your current state of residence and/or from any state in which you have resided in the preceding year free from child-maltreatment related offenses for the preceding year;
- Evidence of your rehabilitation including, but not limited to:
 - Documentation proving participation in treatment, remediation, or rehabilitation programs as related to the specific offense. For removal requests related to types of sexual abuse, proof of rehabilitation must include documentation of successful completion of a state-certified sexual offender specific treatment program and the final assessment upon discharge);
 - One to three letters of reference from professionals (not to include DCFS employees), employees, spiritual counselors, friends, or family describing your rehabilitation. No more than one letter may be submitted from a family member.

Submit your documents to:

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[The Division of Children and Family Services](#)
[Central Registry](#)
[P.O. Box 1437, Slot S566](#)
[Little Rock, AR 72203](#)

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Division of Children and Family Services

P.O. Box 1437, Slot S560 · Little Rock, AR 72203-1437
501-682-8772 · Fax: 501-682-6968 · TDD: 501-682-1442



To: _____

From: _____

Address: _____

Certified Mail #: _____

In the matter of _____, _____, the Arkansas Department of Human Services (DHS) Child Maltreatment Central Registry Review Team has reviewed _____ request to be removed from the Arkansas Child Maltreatment Central Registry.

After consideration of the evidence provided, the Team finds that this request for removal is

☐ Granted

☐ Denied

The reason(s) for this decision is/are as follow:

Please note that if the request has been denied, the offender must wait one year from the date of this removal request before filing a new petition with the Division requesting the offender's name be removed from the Arkansas Child Maltreatment Central Registry.

The Arkansas DHS Child Maltreatment Central Registry Review Team thanks you for the submission of your request.