FINANCIAL IMPACT STATEMENT

PLEASE ANSWER ALL QUESTIONS COMPLETELY

DEPARTMENT Department of Human Services
DIVISION Division of Children and Family Services
PERSON COMPLETING THIS STATEMENT Christin Harper
TELEPHONE NO. 501-682-8541 **FAX NO.** 501-683-4854 **EMAIL:** christin.harper@dhs.arkasas.gov

To comply with Ark. Code Ann. § 25-15-204(e), please complete the following Financial Impact Statement and file two copies with the questionnaire and proposed rules.

SHORT TITLE OF THIS RULE Ensuring Child Safety and Confidentiality

1. Does this proposed, amended, or repealed rule have a financial impact?
   Yes _____ No __x__

2. Is the rule based on the best reasonably obtainable scientific, technical, economic, or other evidence and information available concerning the need for, consequences of, and alternatives to the rule?
   Yes __x__ No _____

3. In consideration of the alternatives to this rule, was this rule determined by the agency to be the least costly rule considered? Yes __x__ No _____
   If an agency is proposing a more costly rule, please state the following:

   (a) How the additional benefits of the more costly rule justify its additional cost;

   0

   (b) The reason for adoption of the more costly rule;

   0

   (c) Whether the more costly rule is based on the interests of public health, safety, or welfare, and if so, please explain; and

   n/a

   (d) Whether the reason is within the scope of the agency's statutory authority, and if so, please explain.

   n/a

4. If the purpose of this rule is to implement a federal rule or regulation, please state the following:

   (a) What is the cost to implement the federal rule or regulation?

Current Fiscal Year		**Next Fiscal Year**	
General Revenue	0	General Revenue	0
Federal Funds	0	Federal Funds	0
Cash Funds	0	Cash Funds	0
Special Revenue	0	Special Revenue	0

Other (Identify)	0	Other (Identify)	0
Total	0	Total	0

(b) What is the additional cost of the state rule?

Current Fiscal Year		**Next Fiscal Year**	
General Revenue	0	General Revenue	0
Federal Funds	0	Federal Funds	0
Cash Funds	0	Cash Funds	0
Special Revenue	0	Special Revenue	0
Other (Identify)	0	Other (Identify)	0
Total	0	Total	0

5. What is the total estimated cost by fiscal year to any private individual, entity and business subject to the proposed, amended, or repealed rule? Identify the entity(ies) subject to the proposed rule and explain how they are affected.

Current Fiscal Year	**Next Fiscal Year**
$ 0	$ 0

0

6. What is the total estimated cost by fiscal year to state, county, and municipal government to implement this rule? Is this the cost of the program or grant? Please explain how the government is affected.

Current Fiscal Year	**Next Fiscal Year**
$ 0	$

0

7. With respect to the agency's answers to Questions #5 and #6 above, is there a new or increased cost or obligation of at least one hundred thousand dollars ($100,000) per year to a private individual, private entity, private business, state government, county government, municipal government, or to two (2) or more of those entities combined?
Yes_____ No__x__

If YES, the agency is required by Ark. Code Ann. § 25-15-204(e)(4) to file written findings at the time of filing the financial impact statement. The written findings shall be filed simultaneously

with the financial impact statement and shall include, without limitation, the following:

(1) a statement of the rule's basis and purpose;

(2) the problem the agency seeks to address with the proposed rule, including a statement of whether a rule is required by statute;

(3) a description of the factual evidence that:

(a) justifies the agency's need for the proposed rule; and

(b) describes how the benefits of the rule meet the relevant statutory objectives and justify the rule's costs;

(4) a list of less costly alternatives to the proposed rule and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;

(5) a list of alternatives to the proposed rule that were suggested as a result of public comment and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;

(6) a statement of whether existing rules have created or contributed to the problem the agency seeks to address with the proposed rule and, if existing rules have created or contributed to the problem, an explanation of why amendment or repeal of the rule creating or contributing to the problem is not a sufficient response; and

(7) an agency plan for review of the rule no less than every ten (10) years to determine whether, based upon the evidence, there remains a need for the rule including, without limitation, whether:

(a) the rule is achieving the statutory objectives;

(b) the benefits of the rule continue to justify its costs; and

(c) the rule can be amended or repealed to reduce costs while continuing to achieve the statutory objectives.

Statement of Necessity and Rule Summary
Ensuring Child Safety and Confidentiality

Statement of Necessity:
This rule revision packet will allow the Division of Children and Family Services (DCFS) to update its policy based on Acts 2019, Nos. 531, 802, 881, and 945, thereby furthering the Division's efforts to ensure child safety and confidentiality. Other changes in this packet are to streamline guidance into one section and for other technical revisions related to organization and format.

Summary: Effective January 1, 2020, the Division of Children and Family Services Policy & Procedure Manual is being revised as follows:

- Policy I: Confidentiality
  - To add a child welfare ombudsman to the list of individuals and entities who may have access to protective services records per Acts 2019, No. 945;
  - To reflect existing normal age appropriate standards and practice as related to children in foster care;
  - To better align policy with applicable law (Ark. Code Ann. § 9-28-407);
  - To make technical corrections related to organization and format.
- Procedure II-C1: Child Abuse Hotline Acceptance and Assignment of Maltreatment Reports
  - To create procedure regarding secondary reviews of child maltreatment reports per Acts 2019, No. 802.
- Procedure II-C3: County Office Secondary Review Requests from DCFS Central Office and Requests for Clearance of Other Reports from Child Abuse Hotline
  - To create procedure regarding secondary reviews of child maltreatment reports per Acts 2019, No. 802;
- Procedure II-K: Information Disclosure on Pending Investigations and True Findings Pending Due Process
  - To rescind due to information already being provided in other DCFS policy.
- Policy II-D: Investigation of Child Maltreatment Reports and related procedures:
  - To clarify conditions under which a priority 1 maltreatment report may be initiated within seventy-two (72) hours and clarify when assessments may be needed on children of an alleged offender not named in the report per Acts 2019, No. 881;
  - To create policy and procedures for administrative closures pursuant to Acts 2019, No. 802;
  - To update policy and procedure to reflect that a determination of risk to vulnerable populations will be completed prior to placement of a name in the Child Maltreatment Central Registry, Acts 2019, No. 802;
  - To clarify the Department will assume custody of every child who is taken into custody and will assess the health and safety of each child to determine if custody is no longer required per Acts 2019, No. 531;
  - To update staff responsibilities to reflect current practice regarding accessing interpreter services;
  - To make technical revisions related to organization and format.
- Procedure XI-A6: Preliminary Administrative Hearings
  - To update procedure to mirror language in Acts 2019, No. 802, regarding vulnerable populations at risk of maltreatment (verses harm)
- Policy XIII-A and related procedures: Child Maltreatment Central Registry
  - To update policy and procedure to reflect that a determination of risk to vulnerable populations will be completed prior to placement of a name in the Child Maltreatment Central Registry per Acts 2019, No. 802, and risk of maltreatment to vulnerable populations as a consideration for name removal of adults from the Central Registry;
  - To update Departmental staff roles involved with the Child Maltreatment Central Registry Review Team;

    - To strike obsolete references and information already provided for in other DCFS policy and procedure in an effort to streamline guidance to staff;
    - To make technical formatting revisions.
- Procedure XIV-A7: Notices that Offender's Name will be Placed in the Child Maltreatment Central Registry
    - To make technical correction only.
- Appendix I: Glossary
    - To amend the definition of mandated reporter per Acts 2019, No. 531.
- CFS-223-T5: Child Maltreatment True But Exempted Investigative Determination Notice to Alleged Juvenile Offender 14-17 Years of Age
        - To create form for child maltreatment allegations determined to be true but exempted for alleged juvenile offenders based on a determination that the offender does not pose a risk to a vulnerable population per Acts 2019, No. 802.
- CFS-224-T5: Child Maltreatment True But Exempted Investigative Determination Notice to Legal Parent(s) Guardian(s) of Alleged Juvenile Offender 14-17 Years of Age
        - To create form for child maltreatment allegations determined to be true but exempted for alleged juvenile offenders based on a determination that the offender does not pose a risk to a vulnerable population per Acts 2019, No. 802.
- CFS-232-T2: Child Maltreatment True Investigative Determination Notice to Alleged Adult Offender
    - To add the checkbox option for "True but Exempted" based on a determination that the offender does not pose a risk to a vulnerable population per Acts 2019, No. 802.
- CFS-316: Request for Child Maltreatment Central Registry Check
    - To make technical corrections.
- CFS-328C: Child Maltreatment Central Registry Review Team Decision Letter to Requestor
    - To add clarifying statement about the role of the Child Maltreatment Central Registry Review Team.

NOTICE OF RULE MAKING

The Director of the Division of Children and Family Services of 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 under one or more of the following chapters, subchapters, or sections of the Arkansas Code: §§ 9-28-103 and 12-18-105.

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  - To update Departmental staff roles involved with the Child Maltreatment Central Registry Review Team;

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- CFS-328C: Child Maltreatment Central Registry Review Team Decision Letter to Requestor
    - To add clarifying statement about the role of the Child Maltreatment Central Registry Review Team.

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 on the DHS Legal Notices website at https://humanservices.arkansas.gov/resources/legal-notices. Public comments must be submitted in writing at the above address or at the following email address: ORP@dhs.arkansas.gov. All public comments must be received by DHS no later than November 11, 2019. 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 need this material in a different format, such as large print, contact the Office of Rules Promulgation at 501-320-6266.

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. **4501829309**

Mischa Martin, Director
Division of Children and Family Services

POLICY I-E: CONFIDENTIALITY

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OVERVIEW

The Division of Children and Family Services (DCFS or Division) is committed to best practice in relation to respecting client confidentiality. Information is confidential if it is not intended to be disclosed to persons other than those to whom disclosure is allowed under the statute. All employees of the Division shall maintain the confidentiality of children and families served by DCFS. Confidentiality applies to verbal, written ~~and/~~or electronic transmittal of information including information in CHRIS.

No DCFS employee may accept employment or engage in any activity while serving as a DCFS employee, which might reasonably be expected to require or induce the employee to disclose confidential information. In addition, no DCFS employee may disclose confidential information or use confidential information for the gain or benefit of the employee or person in a close, personal relationship to the employee.

INVESTIGATIVE RECORDS

Child maltreatment investigative data, records, reports, and documents are confidential and may only be disclosed as provided for in the Child Maltreatment Act codified at A.C.A. § 12-18-101 et seq.

If a DCFS employee wrongfully discloses confidential information, he or she is guilty of a Class A misdemeanor and can lose his or her job. For a Class A misdemeanor, the sentence shall not exceed one (1) year in the county jail and a $2,500 fine. See A.C.A. § 12-18-205.

IN-HOME AND FOSTER CARE CASE RECORDS

Reports, correspondence, memoranda, case histories, or other materials related to protective services and foster care records, shall be confidential and shall not be released or otherwise made available, except to the extent permitted by federal and state law and only as listed below. This includes protected health information compiled or received by a licensee or a state agency engaged in placing a child.

- **A. To the ~~d~~Director of the Child Welfare Agency Review Board as required by ~~regulation~~rule;**
- **B. For adoptive placements, as provided by the Revised Uniform Adoption Act, A.C.A § 9-9-201 et seq.;**
- **C. To multidisciplinary teams under A.C.A. § 12-18-106 (a);**
- **D. To the child's ~~custodial/non-custodial~~ parent~~)~~, guardian, or custodian.**
  - **1) However, the licensee or state agency may redact information from the record such as the name or address of foster ~~-~~parents or providers when it is in the best interest of the child.**
  - **2) The licensee or state agency shall redact counseling records, psychological or psychiatric evaluations, examinations or records, drug screens or drug evaluations, or similar information concerning a parent if the other parent is requesting a copy of a record;**
- **E. To the child;**
- **F. To health care providers to assist in the care and treatment of the child at the discretion of the licensee or state agency and if deemed to be in the best interest of the child.**
  - **1) ~~–~~Health care providers include doctors, nurses, emergency medical technicians, counselors, therapists, mental health professionals, and dentists;**
- **G. To school personnel and child care centers caring for the child at the discretion of the licensee or state agency and if deemed to be in the best interest of the child;**
- **H. To foster parents, the foster care record for children in foster care currently placed in their home.**
  - **1) However, information contained in records released by the Department to the foster parent about the parents or guardians and any siblings not in the foster home will not be re-disclosed by the foster parent and will only be used to assist the foster parent in the care of the child placed in the foster parent's home. (See Policy VII-H: Providing Information to Foster Parents);**
- **I. To the Child Welfare Agency Review Board~~;~~.**

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1) ~~–~~However, at any board meeting no information which identifies by name or address any protective services recipient or foster care child shall be orally disclosed or released in written form to the general public;

J. To the Division of ~~Children and Family Services~~Childhood and Early Childhood Education, including child welfare agency licensing specialists;

K. For any audit or similar activity conducted in connection with the administration of any such plan or program by any governmental agency which is authorized by law to conduct such audit or activity;

L. Upon presentation of an order of appointment, to a court-appointed special advocate;

M. To the attorney ad litem for the child;

N. For law enforcement or the prosecuting attorney upon request;

O. To circuit courts, as provided for in the Arkansas Juvenile Code of 1989, A.C.A. § 9-27-301 et seq.;

P. In a criminal or civil proceeding conducted in connection with the administration of any such plan or program;

Q. For purposes directly connected with the administration of any of the state plans as outlined;

R. For the administration of any other federal or federally assisted program which provides assistance, in cash or in kind, or services, directly to individuals on the basis of need;

S. To individual federal and state representatives and senators in their official capacity, and their staff members, with no re-disclosure of information~~-~~.

1) ~~-~~No disclosure shall be made to any committee or legislative body of any information which identifies by name or address any recipient of services; ~~or~~

T. To a grand jury or court, upon a finding that information in the record is necessary for the determination of an issue before the court or grand jury;~~,~~

U. To a person, provider, or government entity identified by the licensee or the state agency as having services needed by the child or his/her family; ~~or~~

V. To volunteers authorized by the licensee or the state agency to provided support or services to the child or his/her family at the discretion of the licensee or the state agency and only to the extent information is needed to provide the support or services~~.~~;

W. To a person, agency, or organization engaged in a bona fide research or evaluation project that is determined by the Division to have value for the evaluation or development of policies and programs within DCFS.

1) ~~–~~Any confidential information provided for a research or evaluation project shall not be re-disclosed or published~~.~~;

X. To a child fatality review panel as authorized by the Department of Human Services~~.~~;

Y. To a Child Welfare Ombudsman.

Any data, records, or documents described above that are released to a law enforcement agency, the prosecuting attorney, or a court by the Department of Human Services are confidential and shall be sealed and not re-disclosed without a protective order to ensure that items of evidence for which there is a reasonable expectation of privacy are not distributed to persons or institutions without a legitimate interest in the evidence.

FOSTER HOME AND ADOPTIVE~~CARE~~ RECORDS

Foster home and adoptive home records are confidential and shall not be released except:

A. To the foster parents or adoptive parents;

B. For purposes of review or audit, by the appropriate federal or state agency;

C. Upon allegations of child maltreatment in the foster home or adoptive home, to the investigating agency;

D. To the Child Welfare Agency Review Board;

E. To the ~~Division of Children and Family Services~~Division of Children and Family Services of the Department of Human Services and the Department of Education, including child welfare agency licensing specialists;

F. To law enforcement or the prosecuting attorney, upon request;

G. To a grand jury or court, upon a finding that information in the record is necessary for the determination of an issue before the court or grand jury;

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H. To individual federal and state representatives and senators in their official capacity, and their staff members with no re-disclosure of information-;
I. No disclosure shall be made to any committee or legislative body of any information that identifies by name or address any recipient of services;
J. To the attorney ad litem and court appointed special advocate, the home study on adoptive family selected by the Department to adopt the juvenile.

Any person or agency to whom disclosure is made shall not disclose to any other person reports or other information obtained. Any person disclosing information in violation of A.C.A. § 12-18-104 shall be guilty of a Class A misdemeanor. Nothing in this section shall be construed to prevent subsequent disclosure by the child or his/her parent or guardian.

The Family Service Worker may by law sign for releases of information for children in DHS custody.

The Family Service Worker must present a copy of the custody order to receive medical and school records.

The CFS-4000 or DHS 81: Consent for Release of Information must be signed by the parent to receive copies of parent's records; however, the parent's signature is not necessary for obtaining records for the child.

An attorney ad litem shall be provided access to all records relevant to the child's case, including, but not limited to, school records, medical records, juvenile court records and Department of Human Services records to the extent permitted by federal law.

ADOPTION RECORDS
Non-identifying information from finalized records can only be released by the Arkansas Mutual Consent Voluntary Adoption Registry. Identifying information from a finalized record can only be released by court order.

RELEASE OF INFORMATION REQUESTS REGARDING CHILD IN FOSTER CARE
When a release of information regarding a child is requested, the FSW wishall take the necessary steps to guard the confidentiality of personal information. The steps include:

A. Assuring that no identifying or potentially harmful information on a child is released; and,
B. The consent shall be reviewed and approved by OCC.

Court orders that direct the release of specific information to specified offices, agencies or people wishall be construed as proper consent for release of information. No other consent is necessary. However, OCC ~~should~~ will be informed whenever such a release of information is being made.

Children in foster care may appear in publications such as the school yearbook, school newspaper, youth group newsletter, and similar publications or platforms that would be considered normal and age-appropriate without a media release as long as they are not identified as being in foster care.

Requests for media releases that would not be considered –normal and age appropriate includes requesting permission to release photographs, voice reproductions, slides, video tapes, movie films, promotional pamphlets, news releases, etc. The FSW wishall review the contents of such release along with OCC and make any necessary modifications. Consideration ~~should~~ will be given to the protection of the child's identity and assurances that the contents of the material released will present the child in a light that would not be distasteful or negative to the child. The DCFS Director ~~of the Division of Children and Family Services~~ or designee swihall be consulted in matters that may reflect on the Division.- In cases of consents for coverage by news media, consultation ~~should~~ will also be sought from the DHS Director of Communications and the child's attorney-ad-litem. ~~This consent must be signed by the Assistant Director of Community Services.~~ The foster parents and other placement providers wishall be informed of these policies.

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The Adoption Specialist must obtain documented consent from a child 12 years of age or older, to show photographs for recruitment of an adoptive family.

~~**ADOPTION RECORDS**~~

~~**Non-identifying information from finalized records can only be released by the Arkansas Mutual Consent Voluntary Adoption Registry. Identifying information from a finalized record can only be released by court order.**~~

~~**INVESTIGATIVE REPORTS**~~

~~**Child maltreatment investigative data, records, reports, and documents are confidential and may only be disclosed as provided for in the Child Maltreatment Act codified at A.C.A. § 12-18-101 et seq.**~~

~~**If a DCFS employee wrongfully discloses confidential information, he or she is guilty of a Class A misdemeanor and can lose his or her job. For a Class A misdemeanor, the sentence shall not exceed one year in the county jail and a $1,000 fine. See A.C.A. §12-18-205.**~~

FREEDOM OF INFORMATION ACT

Personnel records can be disclosed to the public, unless to do so would clearly be an unwarranted invasion of privacy. Therefore, the Department can not release the Social Security Number, school transcripts, or PPES information of any staff unless that person has been suspended or terminated as a result of his/her PPES score. Grievance information becomes public record after the grievance process is completed if a grievance is appealed to the State Grievance Review Committee. If the grievance is not appealed to the state level, the discipline does not become public record. See A.C.A § 25-19-105.

Any data, records, reports, or documents that are created, collected, or compiled by or on behalf of DHS, the Department of Arkansas State Police, or other entity authorized under A.C.A § 12-18-101 et seq. to perform investigations or provide services to children, individuals, or families shall not be subject to disclosure under the Freedom of Information Act of 1967, A.C.A § 25-19-101 et seq.

~~**See these policy sections and their subsequent procedures for more information on confidentiality: Policy II-K: Information Disclosure on Pending Investigations & True Findings Pending Due Process; Policy VII-H: Providing Information to Foster Parents; Policy XIII-A: Child Maltreatment Central Registry; Policy XIV-A: Notices Regarding Child Maltreatment.**~~

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PROCEDURE II-C1: Child Abuse Hotline Acceptance and Assignment of Maltreatment Reports

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The Child Abuse Hotline Worker will:

A. Receive and document all child maltreatment allegation reports with sufficiently identifying information as defined by Arkansas law.
B. Receive fax transmission in non-emergency situations by identified reporters who provide their name, phone, number and email address (for online reporting). Confirm receipt of fax transmission via a return fax transmission.
C. Conduct a history check on all reports unless call waiting to be answered by the hotline have been waiting for 15 minutes or longer. History checks will be conducted on serious maltreatment allegations or allegations involving children three (3) years of age and younger regardless of wait time.
D. Attempt to secure all information requested in each screen within the Referral Section of CHRIS and elicit all information requested on the "Referral" and "Narrative" screens:
    1) Reason(s) the reporter suspects child maltreatment and how the reporter acquired the information,
    2) Current risk of harm to the child,
    3) Mental and physical condition of alleged offender,
    4) Potential danger to staff assessing the report,
    5) Identity and location of possible witnesses or persons knowledgeable about the alleged child maltreatment,
    6) Relevant addresses and directions,
    7) Licensing authority and facility involved (if applicable).
E. Prioritize and determine the appropriate investigating agency (either CACD or DCFS) as outlined in the Arkansas Department of Human Services and Arkansas State Police Agreement, to include, ~~-~~pursuant to A.C.A. § 12-18-303, a referral to the DCFS Prevention and Reunification Unit for a secondary review of an accepted report that contains no reporter information and collateral information as outlined in the Arkansas Department of Human Services and Arkansas State Police Agreement.
F. Forward report to appropriate investigating agency (either CACD or DCFS) for investigation with any pertinent Central Registry information, and DCFS may refer for assessment.
G. Inform the caller if the report does not constitute a report of child maltreatment and make appropriate referrals.
H. Notify each mandated reporter who makes a call to the hotline if the mandated reporter's call is not accepted or is screened out on a subsequent hotline supervisor review. Said notification should be made within 48 business hours~~ hours excluding weekends and holidays~~.
I. Notify on-call DCFS or CACD staff by telephone for any Priority I report received after business hours or on holidays.
J. Provide local law enforcement with the name and contact information for the appropriate on-call staff employee at DCFS if local law enforcement contacts the hotline due to a 72~~-~~-hour hold initiated on a child or if a hold needs to be taken on a child to protect the child.
K. If at any time the system should be inoperable or the respective entities do not have access to the computerized entry, maltreatment reports shall be forwarded by telephone.

The Child Abuse Hotline Supervisor will:

A. Ensure that each Child Abuse Hotline worker has access to a comprehensive and current listing of on-call Family Service Workers.

The DCFS Prevention and Reunification Unit will:

A. Review accepted reports that flagged for secondary review by the Child Abuse Hotline due to the report not containing reporter information or collateral information as outlined in the Arkansas Department of

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Human Services and Arkansas State Police Agreement and make determinations based on the following considerations:

1) Review of the report to ensure it meets all acceptance requirements under A.C.A. § 12-18-303-310.
2) Review of all relevant information pertaining to the report, to include, but not limited to:
   a) Current report to ensure:
      i. Information is otherwise sufficient for the Department to make contact with the alleged victim;
      ii. The current allegations are not identical to a previous report that has had a prior preliminary investigation within the past six months and was administratively closed;
   b) Previous investigations of child maltreatment pertaining to the current alleged offender;
   c) Previous case history in CHRIS.

B. After secondary review of the accepted child maltreatment report:
   1) Assign credibly accepted reports to the appropriate county office investigative or differential response pathway; or,
   2) Complete steps to screen out the accepted referral under A.C.A. § 12-18-303.

PROCEDURE II-C3: County Office Secondary Review Requests from DCFS Central Office and ~~County Office~~ Requests for Clearance of Othera~~~~ Reports from Child Abuse Hotline

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The FSW Investigative Supervisor or County Supervisor will:

A. Determine if an accepted report meets the following secondary review request criteria:
   1) Report does not contain sufficient information for the Department to make contact with the alleged victim; or
   2) The allegations are identical to a previous report that has had a prior preliminary investigation within the past six months and was administratively closed.
B. If an accepted report meets one of the secondary review request criteria above, forward the request with pertinent information to the DCFS Prevention and Reunification Unit for a secondary review.
~~A.~~ If the accepted report does not meet one of the secondary review request criteria, but there is~~Contact a Child Abuse Hotline Supervisor if there is~~ otherwise reason to believe a registered report does not ~~is~~ warrant assignment for investigation~~inappropriate for assessment before the report is initiated~~, contact a Child Abuse Hotline Supervisor for a review before the report is initiated and c~~.~~
~~B.~~C. ~~C~~ite at least one of the following reasons:
   1) The allegations would not constitute child maltreatment as defined in the Child Maltreatment Act.
   2) The same incident involving identical alleged offenders and victims has already been assessed.

Regarding reports that meet secondary review criteria, the DCFS Prevention and Reunification Unit will:

A. Review the report and make determinations based on the following considerations:
   1) Review of the report to ensure it meets all acceptance requirements under A.C.A. § 12-18-303-310.
   2) Review of all relevant information pertaining to the report, to include, but not limited to:
      a) Current report to ensure:
         i. Reporter or collateral information is available;
         ii. Information is sufficient for the Department to make contact with the alleged victim;
         iii. The current allegations are not identical to a previous report that has had a prior preliminary investigation within the past six months and was administratively closed;
      b) Previous investigations of child maltreatment pertaining to the current alleged offender;
      c) Previous case history in CHRIS.

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3) Call to reporter (if known) to ascertain additional information on the allegation and related information to determine if report warrants assignment to field for investigation.

B. After secondary review of the accepted child maltreatment report:

3) Assign credibly accepted reports to the appropriate county office investigative or differential response pathway; or,

4) Complete steps to screen out the accepted referral under A.C.A. § 12-18-303.

Regarding reports that do not meet secondary review criteria but otherwise does not warrant assignment for investigation, ~~T~~the Child Abuse Hotline Supervisor and appropriate Hotline Staff will:

A. Determine whether to screen out the report.

B. Notify the CPS Manager and County Supervisor if the report is screened out.

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POLICY II-K: INFORMATION DISCLOSURE ON PENDING INVESTIGATIONS & TRUE FINDINGS PENDING DUE PROCESS

07/2009

As outlined in A.C.A. § 12-18-620, the party responsible for conducting the investigation may provide information, including protected health information, on a pending investigation or true investigation pending due process when requested by certain parties as described below. Information on a pending investigation or true investigation pending due process is confidential and it remains confidential even after disclosure made under the conditions listed below.

PROCEDURE II-K1: Information Disclosure

09/2011

CONFIDENTIALITY

Information on a pending investigation or true investigation pending due process is confidential and it remains confidential even after disclosure made under the conditions listed below. The party releasing the information will notify, either verbally or in writing, any person receiving it that information on a pending investigation or true investigation pending due process is confidential and may not be shared with others; the party releasing the information shall document in the investigation records this notice of confidentiality.

The following exceptions exist:

A. A person or entity may consult his own attorney about the aforementioned information
B. A subject of a report may disclose any information contained in the report

DISCLOSURE

As outlined in A.C.A. § 12-18-620, the party responsible for conducting the investigation may provide information, including protected health information, on a pending investigation or true investigation pending due process when requested by:

A. A person or agency that provides services such as medical examination of, an assessment interview with, diagnosing, caring for, treating, or supervising either a victim of maltreatment, a juvenile offender, or an underaged juvenile offender;
B. The Department of Human Services;
C. Law Enforcement;
D. The prosecuting attorney's office;
E. The responsible multidisciplinary team;
F. The attorney ad litem of the alleged victim or offender;
G. The court appointed special advocate of the alleged victim or offender;
H. Any licensing or registering authority, to the extent necessary to carry out its official responsibilities;
I. Any department, division, or facility director receiving notice of a hotline report;
J. Individual federal and state legislators, and their authorized staff members acting in their official capacities, who agree to keep the information confidential. However, no disclosure may be made to any committee or legislative body

The party responsible for conducting the investigation may provide information to the alleged offender *only* on a true investigation pending due process, as prescribed by A.C.A. § 12-18-710. No disclosure may be made to an alleged offender during a pending investigation.

Information on a pending investigation or true investigation pending due process, including protected health information, may be released to or disclosed in a circuit court child custody case or similar case if:

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A. No 72-hour hold has been exercised under the Child Maltreatment Act, or pleadings filed under the Arkansas Juvenile Code of 1989
B. Written notice of intent to request release or disclose, is provided to the investigating agency at least five days before the date for release or disclosure
C. The investigating agency is given the chance to appear before the court and be heard on the issue of release or disclosure
D. The information gathered to that point by the investigative agency is necessary for determination of an issue before the court
E. Waiting until completion of the investigation will jeopardize the health or safety of the child in the custody case
F. A protective order is issued to prevent re-disclosure of the information provided by the investigative agency or the information is released or disclosed only to the court in private
G. Release or disclosure of the information will not compromise a criminal investigation

Information on a pending investigation or true investigation pending due process, including protected health information, may be released to or disclosed in the circuit court if the victim or offender has an open dependency-neglect or family-in-need-of-services case before the circuit court.

Information that identifies the person who made the report will be disclosed by the Division only if:

A. A court reviews the record related to that report and determines that the reporter knowingly made a false report, and then orders the release of this information.
B. Requested by the prosecuting attorney or law enforcement.

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POLICY II-D: Investigation of Child Maltreatment Reports

01/2020~~19~~

OVERVIEW

All reports of known or suspected child maltreatment are promptly investigated and immediate steps are taken to protect a maltreated child and any other child under the care of the same alleged offender who may also be in danger of maltreatment. The health and safety of the child are always of paramount concern.

While the Department of Human Services (DHS or Department), Division of Children and Family Services (DCFS or Division) is responsible for ensuring the health and safety of children in Arkansas, the Arkansas State Police Crimes Against Children Division (CACD) collaborates with DCFS to conduct investigations of child maltreatment allegations. DCFS and CACD will assess Priority I and Priority II referrals as outlined in the "Agreement Between the Department of Human Services and the Arkansas State Police," which is posted on CHRIS Net and is subject to renewal annually. To determine the individual responsibilities and operational protocol of the two agencies, see the specifics of the agreement. The agreement is written in accordance with Act 586 of 2007, the Governor's Executive Order, and all applicable federal and state laws.

DCFS and CACD, as appropriate, will issue notices regarding child maltreatment allegations to all persons pursuant to ~~§~~ A.C.A § 12-18-501 et seq. The Division will issue notices in such a way as to ensure the rights to due process of the alleged offender and to protect others who may be at risk of harm from the alleged offender. For more information on child maltreatment notices, see Policy XIV-A: Notices Regarding Child Maltreatment and related procedures.

INVESTIGATION INITIATION TIMEFRAMES

All Priority I investigations will begin no later than 24 hours after receipt of a report by the Hotline, excluding:

- **A. An allegation of sexual abuse if the most recent allegation of sexual abuse was more than one year ago; or,**
- **B. An allegation of sexual abuse if alleged victim does not currently have contact with the alleged offender; or~~.~~**
- **C. An allegation of abandonment and the child is in a facility; or,**
- **D. An allegation of cuts, welts, bruises, or suffocation if the most recent allegation was more than one (1) year ago and the alleged victim is in the custody of the Department; or**
- **E. The alleged victim is in a facility and does not currently have contact with the alleged offender.**

While an allegation that a child has been subjected to neglect as defined by Garrett's Law A.C.A. § 12-18-103 (14)(B) is defined as a Priority II investigation, all Garrett's Law investigations must be initiated within 24 hours after receipt of a report by the Hotline per A.C.A. § 12-18-602 (b)(2)(B).

All other child maltreatment investigations reports will begin within 72 ~~-~~hours after receipt of a report by the Hotline. Investigations are considered initiated when, as age appropriate, the investigator conducts a face-to-face interview with the alleged victim outside the presence of the alleged offender or observes the alleged victim outside the presence of the alleged offender, or the investigator has otherwise met due diligence (see Procedure II-D3 for more information). Once the investigation has begun, the primary focus will be to determine whether or not the alleged offender has access to the child and whether the child or any other children as well as any elderly persons or individuals with a disability or mental illness with whom the alleged offender works are at risk such that they need to be protected.

NOTICE OF ALLEGATION

The investigative agency at the local level is responsible for providing the notice of allegation to all applicable parties as outlined in Procedure XIV-A1: Notices of Allegations of Child Maltreatment.

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AT RISK DETERMINATIONS UPON INITIATION

Upon initiation the investigative agency must determine:

- **A. Alleged offender's employer, including the physical address;**
- **B. Alleged offender's job duties at his employment; and,**
- **C. Alleged offender's supervisor.**

In addition to gathering the information above, the investigative agency must also gather any other necessary information to determine if the alleged offender:

- **A. Works with children or is otherwise engaged in paid or volunteer child-related activities;**
- **B. Works with the elderly;**
- **C. Works with an individual with a disability or mental illness; or,**
- **D. Is a juvenile (and therefore has access to other juveniles in a school or similar setting).**

If so, the investigative agency must immediately ascertain the name and address of the person in charge of those activities. The investigative agency must then immediately determine whether or not children, the elderly, or individuals with disabilities or mental illness under the care of the alleged offender appear to be at risk of maltreatment by the alleged offender.

The investigative agency supervisor and Area Director (as applicable) may consult with the Office of Chief Counsel (OCC) as necessary, prior to making a determination as to whether children, the elderly, or individuals with disabilities or mental illness appear to be at risk. If the investigative agency determines children, the elderly, or individuals with disabilities or mental illness under the care of the alleged offender are at risk of maltreatment by the alleged offender, then the investigative agency may notify the people and~~/or~~ entities listed below of the hotline report if the DCFS Director or designee approves the at risk determination and gives written approval to the investigative agency to provide notifications of the at risk determination to:

- **A. The alleged offender's employer;**
- **B. The school superintendent, principal, or a person in an equivalent position where the alleged offender is employed;**
- **C. The person in charge of a paid or volunteer activity; and,**
- **D. The appropriate licensing or registering authority to the extent necessary to carry out its official responsibilities.**

See Procedure XIV-A2 for number of notification form and other specific instructions regarding providing at risk notifications to the persons and~~/or~~ entities listed above.

The "at risk" determination will be changed immediately if, upon further investigation, it is determined the children under the care of the alleged offender are not at risk. See Procedure XIV-A3 for more information.

OVERALL INVESTIGATION GOALS

During the investigation of an allegation of child maltreatment, and if the alleged offender is a family member, or lives in the home of the alleged victim, the assigned investigative agency will conduct an investigation to determine:

- **A. The existence, cause, nature and extent of child maltreatment with particular attention to any of the Arkansas Health and Safety factors that may be present. The Arkansas Health and Safety Factors are:**
  - **1) Caretaker's behavior toward child is violent or out of control.**
  - **2) Caretaker describes or acts towards the child in predominantly negative terms or has extremely unrealistic expectations.**
  - **3) Caretaker caused serious physical injury to child or made plausible threat to cause severe physical injury.**
  - **4) Caretaker's explanation for injury is unconvincing.**
  - **5) Family refuses access to child there is reason to believe that family is about to flee, or child's whereabouts cannot be ascertained.**

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6) **Caretaker has not, cannot, or will not provide supervision necessary to protect child from potentially dangerous harm.**
7) **Caretaker is unwilling or unable to meet child's needs for food, clothing, shelter, ~~and/~~or medical or mental health care.**
8) **Child is fearful of caretaker, other family members, or other people living in or having access to the home.**
9) **Child's physical living conditions are hazardous and immediately threatening, based on child's age and developmental status.**
10) **Child sexual abuse is suspected and circumstances suggest that child safety may be an immediate concern.**
11) **Caretaker's current substance use seriously affects his/her ability to supervise, protect, or care for the child.**
12) **Caretaker fails to protect child from serious physical or threatened harm.**
13) **Caretaker's emotional stability seriously affects current ability to supervise, protect, or care for child.**
14) **Caretaker has previously maltreated a child and severity of maltreatment or caretaker's response to previous incidents suggest child safety may be an immediate concern.**

B. **The existence and extent of previous injuries; and,**
C. **The names and conditions of other children in the home.**

If the alleged offender is not a family member or does not live in the home of the alleged victim, the assigned investigative agency will conduct an investigation to determine:

A. **The existence, cause, nature, and extent of child maltreatment with particular attention to any of the Arkansas Health and Safety Factors that may be present (see above for list of the fourteen Arkansas Health and Safety Factors);**
B. **The identity of the person responsible for the maltreatment; and,**
C. **The existence and extent of previous maltreatment perpetrated by the alleged offender.**

In addition to the other information described in this section (i.e., Overall Investigation Goals), the assigned investigative agency will also attempt to determine:

A. **The identity of the person responsible for the maltreatment;**
B. **The relationship of the children with the parents or caretakers and their circumstances;**
C. **The child's environment in terms of risk and protective factors; and,**
D. **All other pertinent information.**

Ultimately, the information described above that is collected during the fact-finding phase of the child maltreatment investigation allows the Division to determine:

A. **If services are necessary to assist the family and allow the child to remain safely at home (per A.C.A. § 12-18-604, the Department has the authority to make referrals or provide services during the course of the child maltreatment investigation);**
B. **If separation of the child from the family is necessary to protect the health and safety of the child; and,**
C. **Whether there is a preponderance of the evidence (see Appendix I: Glossary) to support the report.**

If at any time before or during an investigation it is determined that the alleged offender is not a caretaker of a child and the alleged victim has reached 18 years of age prior to notification the child maltreatment investigation shall be closed, notwithstanding any criminal investigation.

REASONABLE EFFORTS TO PREVENT REMOVAL

Throughout the investigation the Division will ensure reasonable efforts are made to preserve the family and to prevent the need to remove the child from the home unless the health and safety of the child warrant immediate removal for the protection of the child. When the investigative agency's first contact with the family has occurred during an emergency in which the child could not safely remain at home, even with reasonable services being

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provided, the Division will be deemed to have made reasonable efforts to prevent or eliminate the need for removal.

INVESTIGATION COMPONENTS

The child maltreatment investigation will consist of, but is not limited to, completion of a Health and Safety Assessment and interviews with:

- **A. Alleged victim;**
- **B. Parents, both custodial and non-custodial;**
- **C. If neither parent is the alleged offender, the alleged offender;**
- **D. Any siblings of the victim or other children under the care of the alleged offender;**
- **~~D.~~E. Current or past healthcare providers when the allegation of child maltreatment was reported by a healthcare provider; and,**
- **~~E.~~F. Any other relevant collaterals.**

DCFS staff are encouraged to bring child victims of Priority I reports involving sexual abuse, physical abuse, neglect, and witness to violence to the nearest Child Safety Center for the interview whenever available and appropriate. In some cases, it may also be appropriate to bring child victims of certain Priority II maltreatment reports to the nearest Child Safety Center for the interview.

The Health and Safety Assessment is designed to:

- **A. Identify Arkansas Health and Safety Factors in the home which affect the child's immediate health and physical well-being.**
- **B. Guide the Family Service Worker (FSW) in determining whether or not the child can remain safely in the home.**
- **C. Serve as a structured decision-making tool. For example, information collected on the Health and Safety Assessment can be used to document reasonable efforts or aggravated circumstances. It can also be used to assist in completing the court report, and at important case decision points, or when there are major changes in case circumstances.**
- **D. Assess the child's health and safety at placement changes if the child is removed from the home.**

If the alleged offender is identified as a parent or primary caregiver, the Health and Safety Assessment in the Children's Reporting Information System (CHRIS) will be completed based on the conditions present when the child and the parent or primary caregiver are together in the home. Children ages 0-6, children with developmental disabilities or children who have been repeatedly victimized shall be considered especially vulnerable.

Information to complete the Health and Safety Assessment will be gathered during the child maltreatment interviews. All interviews and the entirety of the Health and Safety Assessment must be completed by the investigator within 30 calendar days of the receipt of the child maltreatment report. The Health and Safety Assessment must be approved by the FSW Supervisor within 45 calendar days of the receipt of the child maltreatment report.

The Health and Safety Assessment is comprised of three components:

- **A. Health and Safety Checklist**
- **B. Safety Planning**
- **C. Investigation Risk Assessment**

The Health and Safety Assessment cannot be closed until both the Health and Safety Checklist and Safety Planning screens are completed.

A description of each of the Health and Safety Assessment sections and their associated actions during an investigation follows:

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Health and Safety Checklist

The Health and Safety Checklist is the first component of the Health and Safety Assessment. It contains the fourteen Arkansas Health and Safety Factors (hereinafter referred to as "safety factors"). Upon the investigation initiation, the primary investigative agency will assess whether or not any of the fourteen safety factors are present. The presence or absence of safety factors must be documented by the primary investigative agency in the Health and Safety Checklist screen in CHRIS within two business days of the investigation initiation. Every subsequent contact with the family should also include an assessment for any safety factors; however, the Health and Safety Checklist is only completed again in the event that additional safety factors are identified ~~and/~~or facts change.

If CACD is assigned primary on an investigation and, after interviewing the alleged victim, identifies the need for DCFS to complete a safety assessment, the CACD Investigator will immediately contact DCFS to conduct the Health and Safety Assessment (Safety Planning and Investigation Risk Assessment) as appropriate. DCFS will then be assigned as the secondary investigator on that particular investigation.

If CACD is assigned primary on an investigation and does not identify the need for DCFS to conduct a safety assessment, the CACD Investigator is responsible for completing the Investigation Risk Assessment if the allegation is found true and an in-home or out-of-home case will be opened.

If DCFS is assigned primary on an investigation, DCFS will complete all components of the Health and Safety Assessment as appropriate regardless of whether safety factors are identified. The identification of the presence or absence of safety factors is critical to safety planning.

Safety Planning

Safety Planning is the second component of the Health and Safety Assessment. Safety planning requires specific actions to be taken to ensure a child's safety during the course of an investigation. If a safety factor is identified, there are only two options to implement during the safety planning process:

A. Develop a protection plan to mitigate the identified safety factors to allow the child remain safely in the home; or,
B. Remove the child from the home and take protective custody.

These two options are described below:

1) Protection Plans

Protection Plan Development and Content

When any safety factors are present, a protection plan must be developed to address each identified safety factor if the child will remain in the home. A protection plan is a written plan developed by DCFS staff in conjunction with the family to address identified safety factors. The actions and any services needed to address safety factors contained in a protection plan will depend on the dynamics of a particular investigation (~~and/~~or case) and the family involved. This documentation describing the actual use or consideration of using protecting interventions establishes reasonable efforts to prevent removal of the child from the home.

Regardless of the actions included in a protection plan, protection planning is a process that occurs with the family and may include the family's selected support network. Protection planning and oversight on the part of the Division continues throughout involvement with the family as long as safety factors are present. The plan must be sufficient to manage and control safety factors based on a high degree of confidence that it can be implemented, sustained, and closely monitored by DCFS (see below for more information). The Division will assure that the roles and responsibilities of the protection plan are clearly described to and discussed with the person providing those services.

A protection plan must be developed and receive DCFS supervisory approval prior to DCFS staff leaving the home. The protection plan serves as a written agreement between the Division and the family. As

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such, a copy of the plan will be provided to the caregiver and to other members participating in the plan prior to the investigator leaving the home.

However, protection plans may not:

a) **Make a change to the current physical ~~and/~~or legal custody arrangement of the child; or,**
b) **Otherwise limit the right of a parent or legal custodian to visit/have access to his or her child, including supervised visits,**

***unless* a dependency-neglect petition is first filed with the court to address identified safety factors and a corresponding court order is obtained to make a change to the current custody arrangements or otherwise limit the right of a parent or legal custodian to have access to his or her child. An alternate method of ensuring child safety must be implemented until the required court order is issued to alter custody or visitation arrangements.**

To file a dependency-neglect petition to ensure a child's safety in the home, the FSW will contact OCC immediately (or at the start of the next business day if the safety assessment occurred after hours or on the weekend) to request OCC to file the appropriate petition. It is crucial that the FSW Investigator, with support from his or her supervisor, determines exactly what the Division is requesting the court to order, if applicable, to address the identified dependency-neglect issues (i.e., safety factors).

If the requested court order is issued, the FSW Investigator will then craft a corresponding protection plan that reflects the orders of the court as well as any other actions or information that need to be included in the protection plan to ensure child safety. The FSW Investigator will then thoroughly explain the contents of the protection plan to the caregivers and other individuals who may be a part of the protection plan.

Order of Less Than Custody

An order of less than custody is one action that could potentially be included in a protection plan (once the order is issued), if appropriate. An order of less than custody legally restricts the alleged offender from contact with the child while allowing the child to remain in the home with the non-offending custodian (if the non-offending custodian is already a legal custodian of the child) as part of the protection plan.

In addition to the situation above in which the non-offending custodian is the legal custodian of the child and wants to restrict the alleged offender's access to the child, orders of less than custody may also be applicable to situations in which:

a) **The legal custodian placed or otherwise allowed the child to reside with another person for more than six months; and,**
b) **The legal custodian is named as an alleged offender in the investigation; and,**
c) **The child's current caretaker and DCFS assess that the legal custodian's (who is also the alleged offender) access to the child poses an immediate danger to the child's health or physical well-being; and,**
d) **DCFS has no immediate health or physical well-being concerns with the current placement; and,**
e) **DCFS has determined that specific safeguards in the court order will ensure the child's immediate health and physical well-being while remaining in the current home.**

The Division will thoroughly assess for safety factors (to be documented in the Health and Safety Checklist) to ensure that a protection plan is in place for a child before leaving that child in a home where DCFS has petitioned the court for an order of less than custody.

To file a dependency-neglect petition to obtain an order of less than custody, the FSW will contact OCC immediately to request OCC to file the appropriate petition.

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Protection Plan Documentation

The Safety Planning screen in CHRIS documents the actions taken to ensure a child's safety during the course of an investigation. If a protection plan is developed, it must be documented in the Safety Planning screen in CHRIS within two business days of the investigation initiation.

If any other actions were taken or services put in place to ensure safety of the child victim or other children in the home, then these activities must also be documented in the Safety Planning screen in CHRIS within two business days.

Protection Plan Monitoring and Assessment

All protection plans will be monitored via an initial face-to-face contact with the family (to include alleged victim(s), alleged offender(s), and any other children in the home) within at least 72 ~~-~~hours and then via a minimum of weekly face-to-face contact for the remaining life of the protection plan.

While the health and safety of the child is always assessed each time the Division comes into contact with the child, per A.C.A. § 12-18-1001(d)(2)(A)-(B), the health and safety of the child and any corresponding protection plan will be formally reassessed within 30 days of the date on which the protection plan was implemented. If after this formal reassessment is performed, the Division determines that a substantial risk of harm to the health and safety of the child remains and that the protection plan must stay in place to ensure the health and safety of the child, then the Division will file a petition for dependency-neglect (however, note that the Division may file a petition for dependency-neglect at any point to if needed to ensure the health and safety of the child) unless the parent, guardian or custodian is not:

a) **The alleged offender; or,**
b) **Alleged to have failed to protect the juvenile.**

If a case connect has already occurred, then the assigned FSW Caseworker and FSW Investigator who implemented the protection plan will collaborate to reassess the protection plan and provide the affidavit and a copy of the CFS-200: Protection Plan to OCC to file any necessary petitions for dependency-neglect at 30 days.

Case Opening, Assessment, and Case Plan as a Result of a Protection Plan Filed with the Court

For a petition filed as the result of a protection plan, a corresponding case plan will be filed with the court within 30 days per A.C.A. § 9-27-402.

The assigned FSW will continue to monitor the protection plan until it is no longer needed. The assigned FSW will complete the Family Advocacy and Support Tool (FAST) in collaboration with the family, FSW Investigator, and other appropriate stakeholders (see Policy IV-A: Family Assessments for more information regarding the FAST). The FSW Caseworker will also have the primary responsibility of developing the case plan with the family and ensuring the implementation of the case plan (see Policy IV-B: Services Case Plans for more information).

If a reasonable protection plan cannot be developed, then the child must be removed and placed in an approved placement (see below for more information regarding protective custody). Removal must also be documented in the Safety Planning screen in CHRIS within two business days of the act of removal of the child.

If there are risk factors ~~and/~~or evidence that maltreatment has occurred, but no safety factors are present, then neither a protection plan nor removal of the child is necessary at that point in time. When no safety factors are present, per A.C.A. § 12-18-1009, the parents retain the right to keep the child at home or to place the child outside the home. However, as appropriate, the FSW Investigator may make referrals or provide services during the course of the child maltreatment investigation to address any risk factors. All referrals made and~~/or~~ services provided during the course of the child maltreatment investigation shall be documented in the Investigation Finding screen in CHRIS.

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2) Protective Custody

If a safety factor is identified in the home and it cannot be mitigated with the implementation of a protection plan, the Division must remove the child from the home and take protective custody. This requirement applies to any point during a child maltreatment investigation or open case when the health and physical well-being of a child are in immediate danger. When a child is taken into protective custody, the child shall be placed in an appropriate licensed or approved placement. This may include an identified relative or fictive kin (fictive kin means a person selected by the Division of Children and Family Services who is not related to the child by blood or marriage, and has a strong, positive, and emotional tie or role in the child's life or the child's parent's life if the child is an infant) home if it is in the best interest of the child and all criteria for opening a provisional foster home and placing the specific child for whom the provisional foster home was opened have been met (see Policy VI-B: Consideration of Relatives and Fictive Kin for Children in Foster Care and Policy VII: Development of Foster Homes for more information).

The Division may file a motion to transfer any other prior or subsequent legal proceeding concerning the juvenile (e.g., if a relative of the child taken into custody attempts to obtain guardianship or custody of the juvenile) to the court that is hearing the dependency-neglect petition if the Division:

a) Takes a 72-hour hold; or,
b) Files a petition for ex parte emergency order; or,
c) Files a petition for dependency-neglect.

See Procedure II-D11: Protective Custody of Child in Immediate Danger for information regarding how to proceed when a child is taken into protective custody by a non-DCFS stakeholder.

Investigation Risk Assessment

The Investigation Risk Assessment is the third component of the Health and Safety Assessment. It is designed to:

A. Assess the family's level of risk during the child maltreatment investigation.
B. Establish a baseline level of risk for a family.
C. Identify the factors and circumstances that indicate the child may be at risk of future abuse or neglect.
D. Indicate the necessary level of involvement to assure the child's well-being.
E. Provide a structured decision-making tool in case planning (the investigation risk assessment informs the case plan if a case is opened after the completion of the investigation).

The Investigation Risk Assessment in CHRIS will be completed on all cases with a child maltreatment determination of "True." As such, the Investigation Risk Assessment must be completed by the investigator within 30 calendar days of receipt of the hotline report and must receive supervisory approval within 45 calendar days of receipt of the hotline report.

Levels of risk are classified as intensive, high, moderate, and low. The higher the score, the higher the risk of future harm. The level of risk determined during the Investigation Risk Assessment will be considered the baseline level of risk for any subsequent case that is opened, if applicable.

Overrides to Risk Levels have been established to assist the FSW in ensuring that the level of risk for a case accurately reflects the risk level for the children. A supervisor is allowed to make discretionary policy overrides when a unique circumstance warrants a higher risk level than assigned by the risk level chart.

The discretionary Risk Level Override options are listed below and require the supervisor to upgrade the risk level to Intensive at the initial investigation, regardless of the risk scale score.

A. Sexual abuse cases where the perpetrator is likely to have access to the victim child.
B. Cases with non-accidental physical injury to an infant.
C. Serious non-accidental physical injury requiring hospital or medical treatment.

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D. Death (previous or current) of a sibling as a result of abuse or neglect.

Risk Level Overrides must be reassessed when the case plan is updated.

RIGHTS OF INVESTIGATOR

The investigator has the right to obtain a criminal background check, including a fingerprint-based check in any national crime database, on any subject of the report. The results of the criminal background check will not be disclosed outside of the Department except as permitted under A.C.A. § 12-18-612.

In accordance with A.C.A. § 12-18-613, on request by the investigating agency, any school, child care center, child care facility, residential facility, residential treatment facility, or similar institution shall provide the investigator with the name, date of birth, Social Security number, and last known address and phone number of any alleged offender if the alleged maltreatment occurred at that school, center, or facility. Any school, child care facility, residential facility, or similar institution shall also provide the person conducting the investigation with the name and address of any witness to the alleged child maltreatment if the alleged child maltreatment occurred at that school, center, or facility.

The FSW or CACD Investigator conducting the child maltreatment investigation also has the right to enter into the home, school, or other place for the purpose of conducting an interview or completing the investigation. The investigator also has the right to request accompaniment by a law enforcement agent while conducting the investigation. If the investigator is denied access into the home, school, or other place for investigative purposes, then the investigator must prepare an affidavit to submit to OCC in order to request an Order of Investigation. If the investigator is denied access into the home, school, or other place and has reason to believe a child's health or safety are in immediate danger, the investigator will call local law enforcement immediately (if not already accompanied by LLE) in order to help gain access into the home.

No publicly supported school, facility, or institution may deny access to any person conducting a child maltreatment investigation. DCFS, CACD, and law enforcement shall be allowed access to the child's public and private school records during the course of the child maltreatment investigation. School district staff shall not provide notification if a request is made to interview a student during the course of an investigation of suspected child maltreatment and a parent, guardian, custodian, or person standing in place of a child's parent is named as an alleged offender and the interviewer requests that the school personnel does not make said notification.

Per A.C.A. § 12-18-604, DHS may petition a circuit court to allow an investigator to access the controlled substance database if the investigator demonstrates probable cause that the alleged offender has one or more prescription drugs, and the baby or the alleged offender tested positive for prescription drugs at the time of the birth of the baby.

The investigator will have the discretion, in the child's best interest, to limit the persons allowed to be present when a child is being interviewed concerning an allegation of child maltreatment. The investigator will determine when a child or any other children residing in the home should be referred to a physician, psychologist, or psychiatrist for a medical or psychological examination. While DCFS staff may conduct drug screens on teenagers when necessary, all children younger than 13 should be referred to a physician or medical facility for drug screening if needed.

DCFS will fully cooperate and participate in multidisciplinary child maltreatment response teams. All information except the name of the reporter may be disclosed to the teams.

INTERPRETER SERVICES

At any point during the course of a child maltreatment investigation, when the person being interviewed cannot clearly communicate in English, the investigator shall arrange for an interpreter before continuing the interview. The interpreter must be trained and appropriately certified to translate the specific language needed.

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If at any point during the course of a child maltreatment investigation, the investigator cannot determine whether the person being interviewed can clearly and effectively communicate in English, the interviewer shall end the interview. The interview shall recommence when a determination is made that the person can or cannot clearly communicate in English, and when necessary, a translator certified to translate the specific language has been obtained to facilitate clear communication. Family members should never serve as interpreters for an investigator conducting an interview.

If any delay in obtaining investigation or investigative information from having to make a determination about language and clear communication results in or creates a situation in which the alleged victim child's health or physical well-being will be put in immediate danger, the child will be placed in 72-hour protective custody.

INVESTIGATION COMPLETION TIMEFRAMES AND EXTENSIONS
Regardless of whether the child maltreatment investigation is conducted by DCFS, CACD, or local law enforcement, the supervisor approved investigative determination shall be made within 45 calendar days.

The Area Director or designee may request an extension of an additional 15 calendar days (for a total investigative timeframe of 60 calendar days) to complete the investigation and make a determination if good cause for the requested extension is shown. Circumstances that meet the definition of good cause, as it pertains to requesting and granting a 15 ~~-~~day extension to make an investigative determination, include but are not limited to:

- **A. The Prosecuting Attorney or law enforcement officials have requested that DCFS postpone the determination due to a pending criminal investigation;**
- **B. Medical, crime lab, or autopsy reports needed to make a determination have not been received;**
- **C. The report involves some out-of-state subjects and interview write-ups have not been received;**
- **D. Conflicting medical opinions have been received, requiring further analysis; or,**
- **E. Multiple alleged offenders or victims are involved, requiring additional time to conduct interviews and gather evidence.**

Documentation supporting the request for the extension must be submitted with the request.

All extension requests must be submitted to and approved by the Assistant Director of Community Services or designee.

INVESTIGATION CLOSURES AND~~VE~~ DETERMINATIONS AND RESULTING REFERRALS AND CASE OPENINGS
Within the appropriate timeframes outlined above and utilizing PUB-357: Child Maltreatment Assessment Protocol as a guide where applicable, the Department will either:

- **A. Administratively close an investigation of a child maltreatment report pursuant to A.C.A. § 12-18-601 without a determination of whether the allegation is unsubstantiated, true, true but exempted, or inactive (see Procedure II-D14 for administrative closure criteria and related requirements); or**
- **B. Close the investigation with a determination that the allegations of child maltreatment are either~~a child maltreatment investigation will be determined to be~~:**
  - **~~A.~~ 1) Unsubstantiated; or**
  - **~~B.~~ 2) True; or**
  - **~~C.~~ 3) True but exempted for:**
    - **a) ~~1)~~ Neglect ~~Garrett's Law (~~as defined by A.C.A. § 12-18-103 (14)(B) (i.e, Garrett's Law)**
    - **b) ~~2)~~ Religious beliefs**
    - **c)~~3)~~ Underaged juvenile offenders; or**
  - **~~D.~~4) Inactive.**

~~The criteria for each of these determinations are as follows:~~Criteria for the administratively closed investigations and child maltreatment determinations are as follows:

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Administratively Closed

A child maltreatment investigation will be administratively closed without further action or determination if:

A. A preliminary investigation has been completed, to include:
   1) Interview with the alleged victim outside the presence of the alleged offender.
   2) Assessment of the alleged victim's home environment, as appropriate.
   3) Interview of a collateral witness.
   4) Review prior history of child maltreatment related to the family of the child and to the alleged offender;
B. There has not been an additional report of abuse or neglect that has been committed by the alleged offender who is the subject of the current report;
C. The health and safety of the child can be assured without further investigation by DCFS based on review of prior child maltreatment history;
D. There is a determination that abuse or neglect of the child did not occur; and at least one (1) of the following criteria are met:
   1) There are indications of malicious reporting; or,
   2) Details of the allegations are insufficient to investigate; or,
   3) Reporter was anonymous, and no evidence exists to corroborate the report; or,
   4) There is no available evidence to support or refute the allegation(s) due to the passage of time between the alleged occurrence of the maltreatment and the time the report was made; and,
E. The DCFS Director or designee approves the administrative closure of an investigation conducted by DCFS.

Unsubstantiated Determination

A child maltreatment investigation will be determined unsubstantiated in the event that:

A. The allegation of child maltreatment is not supported by a preponderance of the evidence following an investigation by Division staff.
B. The investigation concludes the injuries were the result of reasonable and moderate physical discipline inflicted by a parent or guardian for the purpose of restraining or correcting the child.

True Determination

A child maltreatment investigation will be determined true in the event of:

A. An admission of the fact of maltreatment by persons responsible;
B. An adjudication of dependency-neglect;
C. A determination of the existence of maltreatment by Division staff, based on a preponderance of the evidence;
D. A medical diagnosis of failure to thrive. The Family Service Worker should, however, complete the Child Maltreatment Investigation in accordance with the procedures included to determine the identity of the caretaker and to conduct an investigation of the family for the purposes of determining appropriate service delivery;
E. Any other medical or legal form of confirmation deemed valid by the Division.

If a report is determined to be true, the names and conditions of any minor children of the alleged offender, and whether these children have been maltreated, or are at risk of maltreatment, will be determined unless the investigating agency has determined that there is no indication of risk to the children. If the report is determined to be true, and is a report of sexual ~~intercourse~~abuse, ~~deviate sexual activity, or~~ sexual contact, or sexual exploitation, an ~~investigation~~ assessment of any other children previously or currently under care of the alleged offender, to the extent practical, and whether these children have been maltreated, or are at risk of maltreatment,

MARKUP

will be ~~determined~~conducted unless the investigating agency has determined that there is no indication of risk to the children. The worker conducting the investigation shall also seek to ascertain all other relevant data.

If a report is determined to be true and involves any children under the age of three, those children must be referred to the Division of Developmental Disabilities Children's Services for an early intervention screening per the Child Abuse and Prevention Treatment Act (CAPTA) if the children were not already referred during the course of the investigation (see Policy II-I: Early Intervention Referrals and Services and related procedures for more information).

If a report of sexual abuse is determined to be true and the alleged offender is under the age of 18 at the time the act or omission occurred, the parents or legal guardians of the alleged juvenile or underaged juvenile offender and victim shall be provided with a list of mental health professionals or agencies available to evaluate and treat the alleged juvenile offender or underaged juvenile offender and victim, if necessary. Providing this information does not necessarily require the Division to pay for the mental health evaluation ~~and/~~or any subsequent mental health treatment or services.

If a child maltreatment report is determined to be true, the Division will then also determine the risk level of the offender and any vulnerable population to which the offender may pose a risk of maltreatment, including without limitation children, the elderly, persons with a disability, and persons with a mental health illness. The following factors will be considered with determining whether an offender poses a risk of maltreatment to a vulnerable population:

A. The severity of the child maltreatment;
B. The nature and severity of an injury or other adverse impact caused by the child maltreatment;
C. The current or future access the offender has or could have to a vulnerable population;
D. Offender's previous child maltreatment history and whether there are similar fact patterns related to current offense and past child maltreatment history;
E. Subsequent reports of child maltreatment against the offender;
F. Criminal history of the offender; and,
G. Risk assessment tool rating.

If the Division determines the offender poses a risk to a vulnerable population, the investigative determination will continue to be documented as True, and the offender's name will be placed in the Child Maltreatment Central Registry. If the Division determines the offender does not pose a risk to a vulnerable population, the investigation determination will be documented in CHRIS as Exempted-No Risk. The DCFS Director or designee will approve determinations for true but exempted for no risk to vulnerable populations.

True but Exempted Determination

A determination of true but exempted, which means the offender's name will not be placed in the Child Maltreatment Central Registry, will be entered for the reasons listed below. ~~The following types of cases may be found true but exempt from placement on the Child Maltreatment Central Registry.~~ The following circumstances do not require a consideration of the risk level of the offender and any vulnerable population to which the offender may pose a risk of maltreatment as these conditions warrant a determination of True But Exempted pursuant to A.C.A. § 12-18-702. The Division may open a protective services (i.e., in home or foster care as appropriate based on the dynamics of a particular ~~case~~family) for any investigative determination of true but exempted.

Garrett's Law Exemptions

A child maltreatment investigation that documents the presence of an illegal substance in either the bodily fluids or bodily substances in the mother or child at the time of birth resulting from the mother knowingly using any illegal substance (i.e., Garrett's Law case) will be found true but exempted and will not be placed on the child maltreatment registry. A protective services case shall be opened to establish a plan of safe care.

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If the FSW determines on an individual basis the child's health or physical well-being is in immediate danger, he or she should take the newborn into protective custody. The FSW must also assess any siblings of the newborn or other children under the care of the alleged offender. If it is determined that there is an immediate danger to the siblings' (or any other children under the care of the alleged offender) health or physical well-being, then they must also be brought into emergency ~~72 hour~~72-hour protective custody.

"Acceptable" reporters include any one of the following mandated reporters, who have reasonable cause to suspect that a newborn has been subjected to an illegal substance before birth or the mother had an illegal substance in her bodily fluids or bodily substances at the time of the birth:

- **licensed nurse;**
- **osteopath;**
- **physician;**
- **medical resident or intern;**
- **surgeon;**
- **hospital social worker;**
- **~~-~~or, any medical personnel who may be engaged in the admission, examination, care or ~~-~~treatment of persons in hospitals or similar medical settings.**

During the course of an investigation, or when DCFS has custody, if the mother or newborn has tested positive for the presence of an illegal substance in the bodily fluids or bodily substances, and the mother indicates that she wants to place the newborn for adoption through a private agency or private entity, the Family Service Worker must contact OCC immediately. If the infant is placed with a private adoption agency, then do not open a Protective Services case.

Religious Belief Exemptions
A child maltreatment investigation will be determined to be true but exempted due to religious beliefs exemption in the event that the Family Service Worker (FSW) determines that the parent's decision to withhold medical treatment was based solely upon a religious belief, choosing instead to furnish the child with prayer and spiritual treatment in accordance with a recognized religious method of healing by an accredited practitioner.

An FSW ~~Family Service Worker~~ will place a child whose health or physical well-being is in immediate danger in a safe environment in DHS custody regardless of the beliefs of the parents. The religious exemption does not preclude the FSW's right and responsibility to take appropriate action, including petitions to the court, to obtain necessary medical services.

Underaged Juvenile Offender Exemptions
A child maltreatment investigation will have an individual finding of true but exempted for underaged juvenile offenders if there is an overall true finding of sexual abuse by a child under the age of 14 to another child.

Juvenile is Less than Fourteen (14) Years of Age Exemption
A child maltreatment investigation will have an individual finding of true but exempted if an offender is a juvenile less than fourteen (14) years of age.

Inactive Determination
Per A.C.A. § 12-18-619, a Child Maltreatment Investigation will be determined inactive if at any time before or during the investigation the Department is unable to locate or identify the alleged offender because the alleged child maltreatment occurred:

A. More than 5 years ago; or,
B. In another state.

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Failure to complete the investigation within the required 45 days is NOT a reason to place a case on inactive status. The report MUST document why the investigation could not be completed. A case will remain on inactive status for one year, at which time it will be expunged.

INVESTIGATIVE DETERMINATION NOTICES

The Division Children and Family Services Central Office Notifications Unit will issue notices regarding the child maltreatment investigative determination whether true or unsubstantiated to all persons pursuant to A.C.A. § 12-18-703 et seq. The Division will issue notices in such a way as to ensure the rights to due process of the alleged offender and to protect others who may be at risk of harm from the alleged offender (see Policy XIV-A: Notices Regarding Child Maltreatment and related procedures for more information and specific instructions). The Central Office Notifications Unit will also handle all notices related to administrative hearing decisions and placement on the Child Maltreatment Central Registry.

PROCEDURE II-D1: Assignment of Child Abuse Hotline Investigation Reports

01~~8~~/2020~~13~~

The FSW Supervisor or designee ~~or CACD Supervisor or designee, as applicable,~~ will:

A. Assign the report to a Family Service Worker(s) or a Unit Group ~~or CACD Investigator~~, as applicable, who will conduct the investigation when a report is received in the CHRIS county in-box.

PROCEDURE II-D2: Preparation for Investigation Initiation

01~~8~~/2020~~13~~

The FSW~~/CACD~~ investigator will:

A. Conduct a CHRIS history search prior to initiation of investigation unless the report is received after hours or during the weekend or a holiday.
B. If the reporter is named in the report, attempt to contact the reporter to gain additional information regarding the allegation prior to initiation unless the report is received after hours (inability to reach the reporter shall not prevent the investigator from initiating the investigation).
C. Make immediate telephone notification to the Prosecuting Attorney and law enforcement on Priority I reports.

PROCEDURE II-D3: Investigation Initiation

01~~8~~/2020~~13~~

The FSW ~~/CACD I~~Investigator will:

A. Initiate the child maltreatment investigation:
    1) Immediately and no later than 24 hours after receipt of a report from the Child Abuse Hotline for Priority I allegations, excluding an allegation of sexual abuse if the most recent allegation of sexual abuse was more than one year ago or the alleged victim does not currently have contact with the alleged offender
    2) Immediately and no later than 24 hours after receipt of a report from the Child Abuse Hotline for allegations that a child has been subjected to neglect as defined by Garrett's Law A.C.A. § 12-18-103(1~~43~~)(B).
    3) Within 72~~-~~hours of receipt of all other reports (i.e., Priority II allegations that are not diverted to the Differential Response pathway) from the Child Abuse Hotline.
B. Consider the investigation initiated:

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1) By interviewing or observing, when appropriate, the alleged victim child outside the presence of the alleged offender; or,
2) If after exercising and documenting due diligence, an interview or examination of the child could not be made. Due diligence includes, but is not limited to:
    a) Making an unannounced visit to the child's home at least three (3) times at different times of the day or on different days (provided the three visits are within the appropriate investigation initiation timeframes) in an attempt to interview the child;
    b) Contacting the reporter again if the reporter is known;
    c) Visiting or contacting the child's school, child care facility, and all other places where the child is said to be located;
    d) Sending a certified letter to the location given by the reporter, if attempts to locate the child have failed;
    e) Contacting appropriate local Division of County Operations staff and requesting research of the AASIS and ANSWER systems and other files to obtain another address.

C. Document initiation activities within ~~48 hours of initiation excluding weekends and holidays~~two business days.
D. Submit the record to the supervisor for approval of due diligence to locate and interview the child after all these efforts have been made.
E. Document initiation activities within ~~48 hours of initiation, excluding weekends and holidays~~two business days.

The FSW~~/CACD~~ Supervisor will:

A. Conduct a supervisory conference with investigator within 72 ~~-~~hours of investigator initiating the investigation.

PROCEDURE II-D4: Child Maltreatment Report Investigation Interviews

01~~8~~/2020~~13~~

The FSW~~/CACD~~ Investigator will:

A. Prepare for interviews by reviewing intake report and any prior child maltreatment reports, etc. See "Gathering Information" practice guide series for more information.
B. Conduct a separate interview with the alleged victim outside the presence of the alleged offender and~~/or~~ the alleged offender's attorney in reports involving both in-home and out-of-home offenders. Exceptions must be approved by a supervisor.
    1) If not age appropriate for an interview, observe alleged victim outside the presence of the alleged offender and~~/or~~ the alleged offender's attorney.
C. Interview any siblings of the alleged victim and~~/or~~ any other children under the care of the alleged offender (including during investigations with alleged out-of-home offenders) as the siblings and other children under the care of the alleged offender may have collateral information or have been within access of the alleged offender. Exceptions must be approved by a supervisor.
    1) Interview all siblings and other children under the care of the alleged offender outside the presence of the alleged offender and~~/or~~ the alleged offender's attorney.
        a) If not age appropriate for an interview, observe all siblings and other children under the care of the alleged offender outside the presence of the alleged offender and~~/or~~ the offender's attorney.
    2) Considering the best interest of the child, limit, as appropriate, other persons allowed to be present when a child is interviewed concerning allegations of child maltreatment.

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D. Conduct a cursory physical examination of children in the least invasive manner possible during the interview. A cursory physical examination is the observation of a child's external, physical condition which may require that the child's clothing be removed or rearranged.
    1) If the child is under the age of five (5), conduct the exam with the assistance of the parent/caretaker.
E. Complete CFS-327a: Physical Documentation--Body Diagram when applicable and if a medical provider has not already completed CFS-327-A *or* similar diagram specific to the current allegation.
F. Photograph visible injuries; label and date photos.
G. Interview the custodial and non-custodial parent of the alleged victim child and inform them of DCFS responsibility to assess.
H. Interview alleged offender.
    1) In addition to gathering information about the alleged maltreatment, ascertain the alleged offender's:
        a) Employer, including the physical address;
        b) Job duties at place of employment; and,
        c) Supervisor's name.
I. Interview collateral sources, as appropriate, including teachers, neighbors, witnesses, and the person making the report.
J. When interviewing a child at school, provide the principal or designee with a copy of CFS-213-A: School District Prohibition from Notifying Parent, Guardian, or Custodian of a Child Maltreatment Investigation.
K. Enter interview notes within 48 hours of completion of interviews.
L. If it is discovered that any interviewee is an unlicensed child care provider (i.e., caring for more than five children including an individual's own pre-school children), notify the Division of Child Care and Early Childhood Education.
M. Assist the investigative supervisor with the coordination of interviews when primary (i.e., where the child is currently located) and secondary counties are involved.
    1) The FSW of the primary county will:
        a) Interview all applicable subjects in his or her county within required timeframes;
        b) Complete the Health and Safety Assessment (including Health and Safety Checklist, Safety Planning, and Investigation Risk Assessment) in CHRIS with information obtained during primary investigator interviews and information obtained from secondary investigator from secondary's interviews.
    2) The FSW of the secondary county will:
        a) Contact the primary county by phone no later than 24 hours after interviews are conducted to discuss:
            i. Any identified safety factors and supporting documentation (e.g., statements made by children, observations of children, caregiver statements, etc.);
            ii. Determination of any additional children, elderly persons, or individuals with a disability or mental illness who may be at risk;
            iii. Provisions of the protection plan if one has been implemented;
            iv. Other persons interviewed, their relationship to the family and how information provided was obtained (e.g., first-hand, hearsay, investigator observations, etc.);
            v. Verification of identity of persons interviewed;
            vi. Projected completion date for secondary investigation if it is not completed at time of phone conference.
        b) Forward any hard copy information to the primary investigator within 72 hours after receipt.
N. Reinitiate the investigation in the second county within 24-72 hours when an investigation is transferred from one county to another and the victim or any other children believed to reside in the home where the report originated have not been seen (see PUB-357: Child Maltreatment Investigation Protocol for more information).
O. Complete and document all interviews within 30 calendar days of the receipt of the child maltreatment report.

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If any parties required to be interviewed (parents, children, alleged victim child, or alleged perpetrator) cannot be located or are unable to communicate, the FSW will, after exercising due diligence, document efforts to locate or communicate with required parties and proceed with the child maltreatment investigation.

The Investigativeon Supervisor will:

A. Take the lead in coordinating the investigation when multiple counties are involved;
   1) If a secondary assignment is required, complete as soon as possible but no later than 24 hours after receipt of referral the summary section in the CHRIS assignment screens describing:
      a) the reason(s) for the request;
      b) any special instructions;
      c) updated locations and telephone numbers of subjects to be seen.
   2) Forward the request to the appropriate investigative team.
   3) Verbally alert the receiving team supervisor of the secondary investigation request to:
      a) Verify receipt of report when a secondary team investigator will initiate the investigations;
      b) Clarify any issues involving the secondary investigation request;
      c) Coordinate team responsibilities with the Prosecuting Attorney, law enforcement, and hospital staff, as applicable.
B. Participate in phone conferences with primary and secondary investigators and any other staff involved in the investigation, as applicable.
C. Conference with the FSW investigator and any other staff involved from other counties as appropriate and document any consultations in CHRIS.
D. Ensure that counties otherwise communicate and complete the investigation within 45 calendar days.

PROCEDURE II-D5: Discovery of New Victims and/or Allegations in an Ongoing Investigation

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When at any point during the course of an ongoing investigation the FSW or CACD liinvestigator discovers new victims or new allegations of child maltreatment, the following actions will be taken:

The FSW Investigator will:

A. Call the Child Abuse Hotline to report the new allegation only under the following conditions:
   1) The existing allegation is a Priority II and the new allegation is a Priority I.
   2) The new allegation involves an alleged offender outside of the home.

   Otherwise, any other new allegation(s) should be added to the investigator's existing report.
B. Update the information in "Collected During Investigation" in the "Abuse/Neglect" screen in CHRIS.
C. Update the "Abuse/Neglect" screen with the addition of the new allegations and/or new victims, as applicable.
D. When there is a new victim, change the role of the child from "non-victim" to "victim" in the "Role in Referral" in each child's "General Information" screen in CHRIS.
E. Document the additional information and the date the update was made on the "Notes" screen in the investigation.

PROCEDURE II-D11: Protective Custody of Child in Immediate Danger

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The FSW Investigator will:

A. Take athe child into protective custody for up to 72 hours if:

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1) ~~a)~~ The circumstances present an immediate danger to the child's health or physical well-being; or,
2) ~~b)~~ The child is neglected as defined under Garrett's Law pursuant to A.C.A. § 12-18-103 (14)(B), and the FSW investigator determines that the child and any other children, including siblings, are at substantial risk of serious harm such that the children need to be removed from the custody or care of the parent/legal guardian (see Appendix I: Glossary, for definition of "neglect"); or,
3) ~~c)~~ Any child who is dependent as defined ~~by the Arkansas Juvenile Code of 1989,~~at A.C.A. § 9-27-301 et. seq. (see Appendix I: Glossary, for definition of "dependent").

B. If a police officer, law enforcement, a juvenile division of circuit court judge during proceedings concerning the child or sibling of the child, any person in charge of a hospital or similar institution, or any physician treating a child has taken a child into protective custody pursuant to A.C.A. § 12-18-1001, assume custody of the child and assess the health and safety of each child to determine whether to continue or release custody of the child.
   1) Release custody of a child who is taken into custody pursuant to A.C.A. § 12-18-1001 if the FSW Investigator in consultation with his or her supervisor determines that custody is no longer required; and
   2) Notify the circuit court if the department releases custody of a child whom the circuit court has taken into custody.

~~B.~~C. When a child upon whom a 72-hour hold has been placed is currently located in a school, residential facility, hospital, or similar institution, the FSW will notify the institution. The FSW wi~~sha~~ll be aware that the institution is obliged to do the following upon receiving notice, in accordance with A.C.A. § 12-18-1005:
   1) Retain the child until the Division takes a hold on the child;
   2) Not notify the parent until the child has been removed by the Division; and,
   3) Provide the parent or guardian with the name and contact information of the Division employee regarding the hold on the child.

~~C.~~D. Notify the OCC attorney immediately that protective custody was exercised and request an ex parte emergency order from the court.

~~D.~~E. If a minor child's safety is a concern, contact OCC immediately to request that DCFS petition the court for an order of less than custody. Thoroughly review the Health and Safety Checklist and Investigation Risk Assessment and ensure that a protection plan is in place for a child before leaving a child in a home where an order of protection has been filed or DCFS has petitioned the court for an order of less than custody.

~~E.~~F. Determine whether to recommend to the court that reunification services should or should not be provided to reunite the child with his family (see Policy VI-A).

~~F.~~G. Determine whether the grandparents have the right to notice and right to be heard. In a child custody or dependency-neglect case, grandparents have this right if all the following conditions are present ("Grandparent does not mean a parent of a putative father of a child for the purpose of this determination):
   1) The grandchild resided with the grandparent for at least six consecutive months prior to the child's first birthday or lived with the grandparent for at least one continuous year regardless of age;
   2) The grandparent was the primary financial caregiver during the time the child resided with the grandparent; and,
   3) The continuous custody occurred within one year of the initiation of the custody proceeding.

~~G.~~H. Provide the OCC attorney with the name and address of any grandparent who is entitled to notice based on the above conditions.

~~H.~~I. Prepare an affidavit immediately and submit it to the OCC attorney (CACD shall prepare affidavits containing facts obtained during the course of their child maltreatment investigation).

~~I.~~J. Arrange for a physician to examine the child thoroughly within 24 hours of removal for allegations of severe maltreatment under A.C.A. § 12-18-602 or if the allegation is that a child has been subjected to neglect as defined in A.C.A. § 12-18-103 (13)(B) (Garrett's Law) and arrange for a physician to examine the child thoroughly within 72- hours of removal for all other children who enter the custody of DHS.
   1) The FSW or Health Services Specialist (HSS) must sign the consent for treatment prior to the child receiving medical and dental services during protective custody. The FSW or HSS may:
      a) Go to the medical or dental office where treatment is to be provided and sign the consent for treatment forms; or,
      b) Have the form faxed, sign the form, and fax it back to the service provider; or,

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c) If the provider allows phone consent, they may provide consent via the telephone.

This should be completed prior to the foster parent accompanying the child for treatment. In emergency situations, the on-call FSW will be available to sign for medical or dental treatment.

~~J.~~K. Place the child in an appropriate licensed or approved placement.

~~K.~~L. If a provisional placement will be pursued:

1) Notify the area Resource Worker Supervisor by email within twenty-four hours of removal that children have been removed and a potential provisional placement has been identified.
    a) In the notification email provide the area Resource Worker Supervisor with:
        i. Names and ages of the children who have been removed;
        ii. Name(s)of potential provisional placement;
        iii. Relationship of potential provisional placement to children;
        iv. Contact information for potential provisional placement;
        v. Any other information collected regarding potential provisional placement (see CFS-450: Prospective Provisional Foster Parent Information and Questionnaire for more information).
2) Interview the child(ren), if age appropriate, to assess how the child may feel about placement with a specific relative.
3) See Policy VI-B: Consideration of Relatives for Children in Foster Care for further information on provisional placements.

~~L.~~M. Complete and route CFS-323: Protective Custody/Parental Notification.

~~M.~~N. Open an Out-of-Home Placement case within ~~–~~one business day~~twenty-four hours, excluding weekends and holidays~~.

~~N.~~O. Return the child to the legal custodian if the emergency necessitating protective custody passes or if the judge does not grant custody to the Department. Protective custody cannot be extended.

~~O.~~P. Complete the CFS-336: Expiration of Protective Custody/Parental Notification and provide to the parent.

~~P.~~Q. If the parent refuses to accept custody of the child, file an emergency petition.

PROCEDURE II-D12: Using Interpreter Services During an Investigation

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Both verbal language interpreter services and American Sign Language (ASL) interpreter services are available statewide and require, when possible, a 24-hour notice. Language interpretation may be provided over the phone as well as in person.

Spoken Interpreter Services

The FSW Investigator will:

A. If the service is needed during regular work hours:
    1) Contact the area financial coordinator to request interpreter services if the service is needed during regular work hours.
    2) Provide the financial coordinator with:
        a) Date, time, and location that the service is needed.
        b) The language (including ASL) for which the service is needed.
        c) Whether in person interpretation services or telephonic interpretation services are needed.
        d) Notification if the appointment must be cancelled.
    3) If in person language interpretation is provided:
        a) Sign the service verification form provided by the interpreter after service is rendered. The signature verifies that the service was provided.
        b) Return the signed verification form to the interpreter.
    4) If interpretation services are provided over the phone, there will not be a verification form to sign.
B. If the service is needed after hours or on weekends:
    1) Contact the appropriate vendor directly to schedule the appointment.

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2) Notify the provider if the appointment must be cancelled.
3) Sign the service verification form provided by the interpreter after service is rendered. The signature verifies that the service was provided.
4) Return the signed verification form to the interpreter.

The Financial Coordinator will:

A. During regular work hours, contact the vendor and schedule the appointment.

Written Translation Services

DCFS staff member needing the service will:

A. Attain supervisor approval for the translation request.
B. If approval is attained, send document needing translation to the DCFS ~~Prevention and Support Unit in Central Office~~Community Services designee and Policy Unit designee.
C. Advise ~~Prevention and Support Unit~~ Community Services designee and Policy Unit designee~~staff~~ of the translated language that is needed.

~~The Prevention and Support Unit~~DCFS Central Office will:

A. Forward the document to the provider for an estimate.
B. Approve or deny the estimate.
C. If estimate approved, sign the estimate document and fax back to the vendor.
D. Forward the translated document to the DCFS staff member who made the request.

PROCEDURE II-D14: Child Maltreatment Investigation Closures and~~ve~~ Determinations

01~~8~~/2020~~13~~

Within 45 calendar days of receipt of a report from the Child Abuse Hotline (or within 60 calendar days for those investigations for which an extension was granted as outlined above) a child maltreatment investigation will be either administratively closed pursuant to A.C.A. § 12-18-601 without a determination, or closed with a determination~~ed of to be~~ either:

A. Unsubstantiated
B. True
C. True but exempted for:
   1) Neglect ~~Garrett's Law (~~as defined by A.C.A. § 12-18-103 (~~13~~14)(B) (i.e., Garrett's Law)
   2) Religious beliefs
   3) Underaged juvenile offenders
   4) Juvenile offenders less than fourteen (14) years of age, or
D. Inactive ~~based on the criteria in PUB-357: Child Maltreatment Assessment Protocol~~.

ADMINISTRATIVE CLOSURES

In order to conduct an administrative closure, the FSW will:

A. Initiate the investigation by interviewing the alleged victim outside the presence of the alleged offender.
B. Complete an assessment of the alleged victim's home environment, as appropriate.
C. Interview a collateral witness.
D. Review prior history of child maltreatment related to the family of the child and to the alleged offender.
E. After preliminary investigation steps above have occurred, submit a request for administrative closure if:
   1) There has not been an additional report of abuse or neglect that has been committed by the alleged offender who is the subject of the current report; and,

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2) FSW has determined based on review of prior child maltreatment history that the health and safety of the child can be assured without further investigation by DCFS; and,
3) FSW determines that abuse or neglect of the child did not occur; and at least one (1) of the following criteria are met:
a) There are indications of malicious reporting; or,
b) Details of the allegations are insufficient to investigate; or,
c) Reporter was anonymous, and no evidence exists to corroborate the report; or,
d) There is no available evidence to support or refute the allegation(s) due to the passage of time between the alleged occurrence of the maltreatment and the time the report was made.

The FSW Supervisor will:

A. Review the request for administrative closure to ensure:
1) The victim child was interviewed outside the presence of the alleged offender;
2) The home environment of the victim child was assessed, as appropriate given the maltreatment allegation; and,
3) Collateral witness interview(s) occurred.
B. Determine if the request meets criteria for administrative closure and within two (2) business days of receipt:
1) Submit for three (3) tier closure approval if criteria are met; or,
2) If criteria for administrative closure are not met:
a) Deny request for administrative closure; and
b) Complete a case consultation with FSW to discuss the reasons for denial of administrative closure request and develop a plan for completion of the investigation.

The DCFS Director or designee will:

A. Determine if the request meets criteria for administrative closure within two (2) business days of receipt and:
1) Approve administrative closure request if criteria have been met; or,
2) Deny request for administrative closure adding details of denial in the comments section.

EXEMPTED NO RISK DETERMINATIONS

When considering whether the offender named in an investigation with the determination of true may pose a risk to vulnerable populations, the FSW will:

A. Consider the following factors:
1) The severity of the child maltreatment;
2) The nature and severity of an injury or other adverse impact caused by the child maltreatment;
3) The current or future access the offender has or could have to a vulnerable population;
4) Offender's previous child maltreatment history and whether there are similar fact patterns related to current offense and past child maltreatment history;
5) Subsequent reports of child maltreatment against the offender;
6) Criminal history of the offender; and,
7) Risk assessment tool rating.
B. Participate in a case consultation with direct supervisor to determine if the offender may pose a risk of maltreatment to a vulnerable population.
C. Enter explanation of risk to a vulnerable population decision in the CHRIS Findings Recommendation Screen.
D. If there is a decision that the offender poses a risk to a vulnerable population, select 'Exempt-No Risk' from the findings dropdown menu and submit for 3-tier approval.

When considering whether the offender may pose a risk to vulnerable populations, the FSW Supervisor will:

A. Review 'Exempt-No Risk' selections because the recommendation from the FSW Investigator is that the offender does not pose a risk to a vulnerable population. This will include a review of the narrative in

MARKUP

CHRIS Findings Recommendation Screen and associated information in the investigation to ensure appropriate selection has been recommended and:

1) If approving based on review, submit 'Exempt-No Risk' for third tier approval.
2) If denying based on review:
   a) Deny request and enter comments regarding the denial in the denial comments; and,
   b) Complete a consultation with FSW regarding denial.

When considering whether the offender may pose a risk to vulnerable populations, the DCFS Director or designee will:

A. Determine if 'Exempt-No Risk' is appropriate based on review of the narrative in the CHRIS Findings Recommendation Screen and associated information in the investigation and:
   1) Approve request if appropriate; or,
   2) Deny request adding details of denial in the comments section.

OTHER DETERMINATIONS

For all other~~Once a~~ determination~~s has been made~~, the FSW Investigator will:

A. Document the investigative determination on the "Investigation Finding" screen. CHRIS will automatically populate the Overall Finding (unsubstantiated, true, true but exempted, or inactive) based on the individual findings.
   1) For true but exempted determinations involving underaged juvenile offenders with sexual abuse allegations:
      1) Select the "Alleged Juvenile Offender–Under Age Fourteen" in the Role in Referral Select box on the Abuse/Neglect Screen in Referral or Investigation in CHRIS.
      2) Select "Exempted from Finding (Underaged Juvenile Offender)" as the individual finding in the Investigation Findings screen in CHRIS.
      3) When "Exempted from Finding (Underaged Juvenile Offender)" appears in the individual finding, the overall finding for the investigation will be Exempted (Underage Juvenile Offender at Time of Incident) provided that there are no other allegations associated with the report. If True is selected for another allegation in the Investigation the Overall Finding will be changed to True. If the Individual Findings for any other allegations in the investigation are Unsubstantiated and the Individual Finding is "Exempted (Underage Juvenile Offender at Time of Incident)" for the sexual abuse allegation with the underage juvenile offender, the Overall Finding will be "Exempted (Underage Juvenile Offender at Time of Incident)".
B. Document any additional information deemed necessary pertaining to the investigation/determination on the "Investigation Closure" screen and request supervisory approval of the determination. The request for approval will automatically go to the worker's supervisor's box for approval.
C. Ensure child maltreatment investigative determination notices, whether true or unsubstantiated, are issued to all persons pursuant to Ark. Code Ann. § 12-18-703 et seq. See Policy XIV-A: Notices Regarding Child Maltreatment and related procedures.

The FSW Supervisor will:

A. Conference with the FSW investigator as needed regarding the determination.
B. Review the investigative determination and other pertinent screens in CHRIS.
C. Approve the investigation closure as appropriate on the "Investigation Closure" screen.
D. For substantiated investigation, complete/approve the "Investigation Case Connect" screen as appropriate and assign and open a case if appropriate.

PROCEDURE II-D16: DCFS and Law Enforcement Interfaces and Responses

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When a custodian is arrested and can no longer care for his/her children, law enforcement often contacts DCFS. The DCFS response depends upon whether the arrest of the parent is related to a child maltreatment or non-child maltreatment offense as well as other factors that must be assessed by DCFS. Some situations and appropriate DCFS responses include the following:

CHILD MALTREATMENT RELATED CHARGE WITHOUT IMMEDIATE DCFS NOTIFICATION

When law enforcement arrests a custodian on a child maltreatment related charge, (e.g., driving drunk with the child) and does not notify DCFS prior to placing the child with an appropriate relative or fictive kin, but DCFS learns of the placement at a later point in time, the FSW will:

A. Call the Child Abuse Hotline to make a report.
B. Assess whether child can safely remain in the custody of the relative or fictive kin to whom law enforcement released the child (if the child has not already been returned to his or her legal parent(s)).
    1) To determine safety and appropriateness of placement, conduct:
        a) Child Maltreatment Central Registry Check;
        b) Arkansas State Police Criminal Background Check;
        c) Vehicle Safety Program (DMV) Check;
        d) Individual interview with each child involved; and,
        e) Visual inspection of the identified home.
            i. If results of these background checks and the visual inspection of the home indicate the placement is safe and appropriate, then the FSW will:
                (1) Allow child to remain with that relative or fictive kin;
                (2) Seek, if appropriate, an order of less than custody prohibiting the parent or legal guardian from removing the child from the relative.
            ii. If the results of these background checks and visual inspection of the home do not indicate the placement is safe and~~/or~~ appropriate, then the FSW will:
                (1) Take a 72-hour hold on the child and place the child in a licensed or approved foster home, shelter, or facility, or an exempt child welfare agency as defined by A.C.A. § 9-28-402.
                (2) Initiate a dependency-neglect action by completing the affidavit and notifying the Office of Chief Counsel.
                (3) Determine if there is a non-custodial parent, other appropriate relative, or fictive kin who is not involved in the arrest and is willing and able to care for the child. If so:
                    (a) For relatives and fictive kin to the child, discuss the option of opening as a provisional home (see Procedure VI-B1 for more information).
                    (b) If the relative ~~and/~~or fictive kin declines the option of opening as a provisional home, discuss with the individual the option of assuming custody of the child (see Procedure VI-B3~~2~~ for more information).

CHILD MALTREATMENT RELATED CHARGE WITH IMMEDIATE DCFS NOTIFICATION

When law enforcement arrests a custodian on a child maltreatment related charge, (e.g., driving drunk with the child) and notifies DCFS, the FSW will:

A. Ensure the Child Abuse Hotline has been called regarding the incident.
B. Take a 72-hour hold and place the child in a licensed or approved foster home, shelter, or facility, or an exempt child welfare agency as defined by A.C.A. § 9-28-402.
C. Initiate a dependency-neglect action by completing the affidavit and notifying the Office of Chief Counsel.
D. Determine if there is a non-custodial parent, other appropriate relative, or fictive kin who is not involved in the arrest and is willing and able to care of the child. If so:
    1) For a non-custodial parent, discuss the option of a trial home placement (see Policy VI-B and Procedure VI-B1 for more information),

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~~1)~~2) For relatives and~~/or~~ fictive kin, discuss the option of opening as a provisional foster home (see Procedure VI-B2~~1~~ for more information),

~~2)~~3) If the relative ~~and/~~or fictive kin declines the option of opening as a provisional, discuss with the individual the option of assuming custody of the child (see Procedure VI-B3~~2~~ for more information).

~~3)~~4) The child must remain in approved out-of-home placement until the relative or fictive kin is opened as a provisional home or until the court grants custody to the non-custodial parent, relative, or fictive kin.

NON-CHILD MALTREATMENT RELATED CHARGE WITH IMMEDIATE DCFS NOTIFICATION

When law enforcement arrests a custodian for reasons not related to child maltreatment (e.g., writing hot checks, outstanding warrant unrelated to child abuse or neglect, etc.) the FSW will:

A. Determine via phone if law enforcement is aware of whether parents have made or are attempting to make child care arrangements.
   1) If the parents cannot make child care arrangements:
      a) Take a 72-hour hold and place the child in a licensed or approved foster home, shelter, or facility, or an exempt child welfare agency as defined by A.C.A. § 9-28-402.
      b) Initiate a dependency-neglect action by completing the affidavit and notifying the Office of Chief Counsel.
      c) Determine if there is a non-custodial parent, other appropriate relative, or fictive kin who is not involved in the arrest and is willing and able to care for the child. If so:
         i. For a non-custodial parent, discuss the option of a trial home placement (see Policy VI-B and Procedure VI-B1 for more information).
         ~~i.~~ii. For relatives and fictive kin, discuss the option of opening as a provisional home (see Procedure VI-B2~~1~~ for more information).
         ~~ii.~~iii. If the relative ~~and/~~or fictive declines the option of opening as a provisional home or the person identified is fictive kin, discuss with the individual the option of assuming custody of the child (see Procedure VI-B3~~2~~ for more information).
   2) If the parents are making or have made child care arrangements, then determine:
      a) Identity of prospective caretaker;
      b) Whether prospective caretaker is assumed to be an appropriate caregiver;
      c) When prospective caretaker is expected to arrive;
      d) Whether child may wait with or without DCFS representative at present location until caretaker arrives.
         i. If child may wait at present location and identified caretaker is a custodian with equal or joint custody (divorced custodian must show proof of equal or joint custody), allow child to remain with that custodial parent with no further action from DCFS.
         ii. If child may wait at present location and identified caretaker is not custodian with equal or joint custody but:
            (1) Is/has been approved by the parent, and,
            (2) Arrives in timely manner; and,
            (3) Is otherwise appropriate; then,

            Allow child to go with identified caregiver with no further action from DCFS.
         iii. If child may remain at present location but identified caretaker:
            (1) Is NOT/has NOT been approved by the parent; or,
            (2) Does NOT arrive in timely manner; or,
            (3) Is otherwise inappropriate; then,

            ~~_____~~FSW will take a 72-hour hold and place the child in in a licensed or approved foster home, shelter, or facility, or an exempt child welfare agency as defined by A.C.A. § 9-28-402.~~an approved foster home or licensed facility~~

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iv. If the caretaker is a non-custodial parent, other appropriate relative, or fictive kin who is not involved in the arrest and is willing and able to care for the child:

(1) For a non-custodial parent, discuss the option of a trial home placement (see Policy VI-B and Procedure VI-B1 for more information).

(2) For relatives and fictive kin, discuss the option of opening as a provisional home (see Procedure VI-B2 for more information).

(3) If a relative or fictive kin declines the option of opening as a provisional home or the person identified is fictive kin, discuss with the individual the option of assuming custody of the child (see Procedure VI-B3 for more information).

~~iv. and follow up with caretaker within 72 business hours by conducting:~~

~~*(a)* State Police Criminal Record Check~~

~~*(b)* Child Maltreatment Central Registry Check~~

~~*(c)* Vehicle Safety Program (DMV) Check~~

~~*(d)* Individual interviews with each child~~

~~*(e)* A visual inspection of the individual's home~~

~~*(i)* If the results of the background checks, interview, and visual inspection are positive:~~

- ~~Consider placement of the child with the identified individual with no further action from DCFS after placement.~~

~~*(ii)* If the results of the background checks, interview, and visual inspection are NOT positive:~~

- ~~Take a 72-hour hold and place the child in a licensed or approved foster home, shelter, or facility, or an exempt child welfare agency as defined by A.C.A. §9-28-402.~~
- ~~Initiate a dependency-neglect action by completing the affidavit and notifying the Office of Chief Counsel.~~
- ~~Determine if there is a non-custodial parent, other appropriate relative, or fictive kin who is not involved in the arrest and is willing and able to care for the child. If so:~~
  - ~~For relatives or fictive kin to the child, discuss the option of opening as a provisional home (see Procedure VI-B1 for more information).~~
  - ~~If the relative or fictive kin declines the option of opening as a provisional home, discuss with the individual the option of assuming custody of the child (see Procedure VI-B2 for more information).~~

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PROCEDURE IX-A6: Preliminary Administrative Hearing

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If DCFS is unable to notify the alleged offender of the investigation determination, the Area Director may request a preliminary hearing using the CFS 232-T PH to allow provisional placement of the alleged offender's name in the Child Maltreatment Central Registry.

The Area Director will determine if the request for the preliminary hearing should be submitted to the DHS Office of Appeals and Hearings.

DCFS must prove:

A. That it diligently attempted to notify the alleged offender of the investigative determination. This means that DCFS used a reasonable degree of care to discover the alleged offender's whereabouts and notify the alleged offender. Documentation would include proof that a process server was unsuccessful in locating the alleged offender.
B. That a child, an elderly person, or a person with a disability or mental illness may be at risk of maltreatmentharm.

The DCFS representative must tell the ALJ if there is any criminal action pertaining to the investigation. A preliminary administrative hearing shall proceed even if:

A. There is an ongoing criminal or delinquency investigation regarding the occurrence that is the subject of the child maltreatment investigation
B. Criminal or delinquency charges are filed or will be filed regarding the occurrence that is the subject of the child maltreatment investigation

At the preliminary hearing, the ALJ will determine whether there is a prima facie case that:

A. The offender committed child maltreatment, that is, whether the evidence, if not contradicted, is sufficient to support a judgment that the allegations are true
B. A child, an elderly person, or a person with a disability or mental illness may be at risk of maltreatment.harm

If the ALJ determines that there is a prima facie case, DCFS will provisionally place the offender's name in the Child Maltreatment Central Registry. DCFS will make notification of the determination to persons as described in Procedure XIV-A7: Notices that Offender's Name Will Be Placed in the Child Maltreatment Central Registry. The Division will continue to attempt to notify the alleged offender using the CFS-292-N: Notice of Name Placement on Central Registry to Offender no less frequently than once a year for no fewer than three (3) years from the date the name is placed on the Registry. After three (3) years, no further contact will be made and the alleged offender's name will provisionally remain on the Child Maltreatment Central Registry.

Within 30 days of receiving notice of the determination of his/her listing in the Child Maltreatment Central Registry, the offender may request a hearing as outlined in the notice. If the offender fails to request a regular administrative hearing within thirty days of receipt of the notice of the investigative determination, the ALJ may determine that the provisional designation is removed and the offender's name be officially placed in the Child Maltreatment Central Registry.

If the ALJ determines that there is no prima facie case, DCFS will not place the alleged offender's name in the Child Maltreatment Central Registry. DCFS will continue to provide notice to the alleged offender using the CFS-232-T1: Notice to Alleged Adult Offender of True Maltreatment Investigative Determination of the true investigation hearing and the opportunity for a regular administrative hearing no less frequently than once a year for no fewer than three (3) years from the date the name is placed in the Child Maltreatment Central Registry.

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POLICY XIII-A: CHILD MALTREATMENT CENTRAL REGISTRY

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The Child Maltreatment Central Registry is established within the Department of Human Services for the collection of records of cases involving allegations of child maltreatment which are determined to be true pursuant to A.C.A. § 12-18-901. ~~–~~The Division of Children and Family Services (DCFS or Division) maintains the statewide Child Maltreatment Central Registry. Reports made to the Division are confidential and may be disclosed only as provided by A.C.A. § 12-18-909-910.

Names of offenders and alleged offenders shall be placed in the Child Maltreatment Central Registry as specified by A.C.A. § 12-18-903. Names will be removed automatically or at the request of the offender according to A.C.A. § 12-18-908.

~~PROCEDURE XIII-A1: Report Retention~~

~~TRUE REPORTS~~

~~The Child Maltreatment Central Registry shall retain all true reports per A.C.A. § 12-18-902. Information included in the automated data system shall be retained indefinitely to assist the Division in assessing the future risk and safety of children.~~

~~UNSUBSTANTIATED REPORTS~~

~~Records of all cases in which allegations are determined to be unsubstantiated shall not be included in the Child Maltreatment Central Registry. However, information on unsubstantiated reports included in the automated data system shall be retained indefinitely to assist the Division in assessing future risk and safety.~~

~~Hard copy records of unsubstantiated reports shall be retained no longer than 18 months for purposes of audit.~~

~~COUNTY OFFICE DUTIES~~

~~The County Supervisor or Team Coordinator will:~~

~~A. Ensure that all assessments with a true disposition will be securely stored in the county office.~~

~~B. Verify and respond to all valid requests for information from a Prosecuting Attorney who is prosecuting a case of malicious reporting.~~

PROCEDURE XIII-A1~~2~~: Requests for Central Registry Information ~~at the Local or County Level~~

01/2020

~~When procuring services or treatment from agencies or professionals for the victim(s) of child maltreatment, the County Supervisor or designee may release true child maltreatment assessment determinations to the agencies or professionals in question by doing the following:~~

~~A. Verifying inquirer's identity and authorization to receive Child Maltreatment Central Registry information.~~

~~B. Searching county office Referral log in CHRIS for requested information.~~

~~C. Calling the OCC attorney with any questions.~~

~~In all other cases the Family Service Worker or DCFS Supervisor shall advise any~~ All requests for ~~individual with~~ Child Maltreatment Central Registry information will be made through the ~~requests to contact the~~ Child Maltreatment Central Registry ~~office~~ Unit in the DCFS Central Office~~directly via telephone~~.

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~~PROCEDURE XIII-A3: Information Disclosure on True Findings~~

~~08/201306/2019~~

~~CONFIDENTIALITY~~

~~Information on a completed true investigation is confidential and it remains confidential even after disclosure made under the conditions listed below. The party releasing the information will notify, either verbally or in writing, any person receiving it that information on a completed true investigation is confidential and may not be shared with others.~~

~~The following exceptions exist:~~

~~A. A person or entity may consult his own attorney about the aforementioned information.~~
~~B. A subject of a report may disclose any information contained in the report.~~

~~DISCLOSURE-GENERAL~~

~~As designated by Arkansas Code Ann. § 12-18-909, the Child Maltreatment Central Registry may provide information, including protected health information and the administrative hearing decision, on a completed true investigation when requested by:~~

~~A. A person or agency that provides services such as medical examination of, an assessment interview with, diagnosing, caring for, treating, or supervising either a victim of maltreatment, a juvenile offender, or an under aged juvenile offender;~~
~~B. The administration of the adoption, foster care, children's and adult protective services programs, or child care licensing programs of any state;~~
~~Any government entity having a need for the information in order to carry out its responsibilities under law to protect children from abuse or neglectFederal, state, and local government entities, or any agent of such entities that have a need for such information to carry out its responsibilities under law to protect children from child maltreatment;~~
~~C. United States and Arkansas senators and representatives and their authorized staff members, but only if they agree not to permit any redisclosure of the information except for a legitimate state purpose to protect children from child maltreatment.~~
~~D. The alleged offender;~~
~~E. A civil or administrative proceeding connected with the administration of the Arkansas Child Welfare State Plan when the court or hearing officer determines that the information is necessary for the determination of an issue before the court or agency;~~
~~F. An audit or similar activity conducted in connection with the administration of such a plan or program by any governmental agency that may by law conduct the audit or activity;~~
~~G. A person, agency, or organization engaged in a bona fide research or evaluation project having value as determined by the Division in future planning for programs for maltreated children or in developing policy directions;~~
~~H. The responsible multidisciplinary team;~~
~~I. Child abuse citizen panels;~~
~~J. Child fatality review panels;~~
~~K. The current foster parents of a child who is a subject of a report;~~
~~L. The attorney ad litem of the of the alleged victim or offender;~~
~~M. The court appointed special advocate of the alleged victim or offender;~~
~~N. The Department of Human Services;~~
~~O. Any licensing or registering authority, to the extent necessary to carry out its official responsibilities;~~
~~P. Any person or entity to whom notification of the allegation was provided;~~
~~Q. Any school superintendent, principal, or a person in an equivalent position, or the Department of Education to the extent necessary to carry out its responsibility to ensure that children are protected while in the school environment or during off-campus school activities;~~
~~R. Law Enforcement;~~
~~S. The prosecuting attorney's office;~~

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T. A grand jury or court upon a finding that information in the record is necessary for the determination of an issue before the court or grand jury;

1) The grand jury or court may disclose it to parties to a legal proceeding upon a finding that the report is necessary for the presentation of a party's complaint or defense and under such terms of a protective order issued by the court;

Individual federal and state legislators, and their authorized staff members acting in their official capacities, who agree to keep the information confidential.The custodial parent, custodian, or guardian of a child who is or may be currently cared for or supervised by the offender;

A child welfare ombudsman.

No disclosure may be made to any committee or legislative body.

Information that identifies the person who made the report will be disclosed by the Division only if:

A. A court reviews the record related to that report and determines that the reporter knowingly made a false report, and then orders the release of this information.

B. Requested by the prosecuting attorney or law enforcement.

DISCLOSURE-LIMITED

The Child Maltreatment Central Registry may release only limited information to the following:

A. The Division of Child Care and Early Childhood Education of the Department of Human Services and the child care facility owner or operator who requested the Child Maltreatment Central Registry information through a signed notarized release from an individual who is a volunteer, has applied for employment, is currently employed by a child care facility, or is the owner or operator of a child care facility.

1) This disclosure shall be for the limited purpose of providing Child Maltreatment Central Registry background information and shall indicate a true finding only;

B. An employer or volunteer agency for purposes of screening an employee, applicant, or volunteer who is or will be engaged in employment or activity with children, the elderly, individuals with disabilities, or individuals with mental illness upon submission of a signed, notarized release from the employee, applicant, or volunteer.

1) The Registry shall release only the following information on true reports to the employer or agency:

a) That the employee, applicant, or volunteer has a true report.

b) The date the investigation was completed.

c) The type of true report.

PROCEDURE XIII-A4: Information Disclosure on Screened Out and Unsubstantiated Reports

08/2013

CONFIDENTIALITY

Information on a screened out or unsubstantiated report is confidentialconfidential, and it remains confidential even after disclosure made under the conditions listed below. DCFS will notify any person receiving information that information on a screened out or unsubstantiated report is confidential and may not be shared with others; the only exception being that a person or entity can consult his own attorney about information contained in any notice provided by the Division.

Information that identifies the person who made the report will be disclosed by the Division only if:

A. A court reviews the record related to that report and determines that the reporter knowingly made a false report, and then orders the release of this information.

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~~B. Requested by the prosecuting attorney or law enforcement.~~

~~DISCLOSURE: UNSUBSTANTIATED REPORTS~~

~~In accordance with Arkansas Code Ann. § 12-18-910, an unsubstantiated report, including protected health information and the administrative hearing decision, shall be confidential and shall be disclosed only to:~~

~~A. The prosecuting attorney~~
~~B. A subject of the report~~
~~C. Law enforcement~~
~~D. Any licensing or registering authority to the extent necessary to carry out its official responsibilities;~~
~~E. Adult protective services~~
~~F. The Division of Developmental Disabilities Services and the Division of Aging and Adult Services as to participants of the waiver program~~
~~G. A court appointed special advocate upon presentation of an order of appointment for a child who is a subject of a report~~
~~H. The attorney ad litem of a child who is the subject of a report~~
~~I. Any person or entity to whom notification was provided under this chapter~~
~~J. A grand jury or court upon a finding that information in the record is necessary for the determination of an issue before the court or grand jury~~
~~1) The grand jury or court may disclose it to parties to a legal proceeding upon a finding that the report is necessary for the presentation of a party's complaint or defense and under such terms or protective order that the court orders~~
~~K. Acting in their official capacities, individual United States and Arkansas senators and representatives and their authorized staff members but only if they agree not to permit any re-disclosure of the information~~

~~No disclosure may be made to any committee or legislative body.~~

~~DISCLOSURE: SCREENED-OUT REPORTS~~

~~Any record of a screened-out report of child maltreatment shall not be disclosed except to the prosecuting attorney and law enforcement and may be used only within the Division for purposes of administration of the program.~~

PROCEDURE XIII-A2~~5~~: Central Registry Fees

01~~8~~/202013~~

***No content changes. Technical change only to reflect renumbering based on deletion of other procedures noted above.*

PROCEDURE XIII-A3~~6~~: Placement of Name on the Child Maltreatment Central Registry

01~~6~~/202019~~

An offender's name shall be placed in the Child Maltreatment Central Registry in the following cases, as provided by A.C.A. § 12-18-903:

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A. After notice, the offender 18 years of age or older at the time the act or omission occurred does not request an administrative hearing within 30 days.
B. The offender was a child age 14 to 17 at the time of the act or omission and the child or his/her legal guardian waived the administrative hearing.
C. The administrative law judge upheld the investigative determination of true pursuant to a preliminary administrative hearing.
D. Upon completion of the administrative hearing process, the Division's determination of true is upheld.

In addition to the requirements above, the name of an offender will be placed in the Child Maltreatment Central Registry only if the Department determines pursuant to A.C.A. § 12-18-702 that the offender may pose a risk of maltreatment to a vulnerable population that includes without limitation children, the elderly, persons with a disability, and persons with a mental health illness.

PROVISIONAL PLACEMENT

An offender's name shall be placed provisionally in the Child Maltreatment Central Registry as specified by A.C.A. § 12-18-905 when directed by an Administrative Law Judge (ALJ) after the determination of a prima facie case in a preliminary administrative hearing (refer to Procedure XIV-A1 and IX-A6). The alleged offender may request a regular administrative hearing within 30 days of receipt of the notice of the investigative determination. Failure to do so shall result in a finding by the ALJ that the provisional designation shall be removed, and the offender's name shall be officially placed in the Child Maltreatment Central Registry.

If an alleged offender's name is provisionally placed in the Child Maltreatment Central Registry, any disclosure by the Child Maltreatment Central Registry shall include the notation that the name has only been provisionally placed in the Child Maltreatment Central Registry.

PERMANENT PLACEMENT

An offender shall always remain in the Child Maltreatment Central Registry in the following cases, pursuant to A.C.A. § 12-18-908:

A. 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, unless the conviction is reversed or vacated.
B. If an offender who was a child age 14 to 17 at the time of the act or omission that resulted in a true finding of child maltreatment is found guilty of, pleads guilty to, or pleads nolo contendere to a felony in a 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.

PROCEDURE XIII-A~~4~~7: Automatic Name Removal from Child Maltreatment Central Registry

01/2020

CRITERIA FOR REMOVAL

The offender's name will be automatically removed from the Child Maltreatment Central Registry for the following types of child maltreatment, as designated by A.C.A. § 12-18-908, dependent upon the offender having not had a subsequent true report of this type for one year and more than one year having passed since the offender's name was placed on the Child Maltreatment Central Registry:

A. Educational Neglect-Priority II
B. Environmental Neglect – Priority II
C. Inadequate Clothing- Priority II

MARKUP

D. Inadequate Food- Priority II
E. Inadequate Shelter-Priority II
F. Inadequate Supervision-Children six (6) years or older-Priority II

(A.C.A. § 12-18-908 allows these 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].)

NOTIFICATION OF REMOVAL

The County Supervisor or designee is responsible for notifying offenders of the automatic removal of their name from the Child Maltreatment Central Registry, and will:

A. Check monthly report of Automatic Removals from the Central Registry in CHRIS.
B. Send CFS-327: Notification of Name Removal from the Child Maltreatment Central Registry to offenders identified for his/her respective county within ten (10 days) of receiving the CHRIS report.

PROCEDURE XIII-A58: Child Maltreatment Central Registry Review Team

016/202012

If the offender's name is not eligible to be automatically removed from the Child Maltreatment Central as described in Procedure XIII-A47 above, the Child Maltreatment Central Registry Review Team shall review removal requests. The Child Maltreatment Central Registry Review Team shall operate as follows:

A. The Director of DCFS will appoint the members of the Child Maltreatment Central Registry Review Team.
   1) The Review Team will be made up of DCFS central office and field staff, and CACD. , and a representative from OCC.
   2) There should will be five members with alternates in case of scheduling conflicts.
   3) A representative of OCC may provide legal advice and assistance to the team but will not be a member of the Child Maltreatment Central Registry Review Team.
B. The Review Team will select an alternating chairperson for each quarter.
C. The Review Team will determine a regular meeting schedule for the review any requests that meet all criteria, but shall meet no less-frequently than on a quarterly basis.
D. Review requests must be received 60 days in advance of the review meeting, and all Review Team members will be provided with the case information 15 days prior to the review team meeting.
E. All decisions will be by a majority vote of the team members.
F. All team decisions will be sent in writing by the Central Registry Manager or designee.
   1) Denials will be sent to the applicants by certified mail within 15 days of the review team meeting.
   2) Approvals will be sent to the applicants by regular mail within 15 days of the review team meeting.

PROCEDURE XIII-A69: Name Removal from Child Maltreatment Central Registry by an Adult Offender's Request

081/202014

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.

An adult offender may request 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,

MARKUP

B. More than one year has passed since the adult offender's name was placed on the Child Maltreatment Central Registry.

However, the adult offender may not request removal from the Child Maltreatment Central Registry if any of the following apply:

A. 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.
B. The adult offender is still involved in an open protective services or foster care case for the type of maltreatment for which he or she was placed into the Child Maltreatment Central Registry.
C. The adult offender was placed into the Child Maltreatment Central Registry for any of the child maltreatment types listed below and his or her parental rights were subsequently terminated either voluntarily or involuntarily:
    - Abuse with deadly weapon
    - Bone fractures
    - Brain Damage/Skull Fracture
    - Burns/scalding
    - Immersion
    - Inadequate supervision – children less than 6 years of age
    - Interfering with a child's breathing
    - Internal injuries
    - Malnutrition
    - Oral sex
    - Poison/noxious substances
    - Presence of illegal substance in child or its mother at time of birth resulting from mother's knowing use of the substance
    - Sexual exploitation
    - Sexual penetration
    - Shaking a child age 3 or younger
    - Striking a child with a closed fist
    - Subdural hematoma
    - Suffocation

    (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]).

Finally, 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 via the CFS-328-A: Request for Name Removal from the Child Maltreatment Central Registry by Adult Offender and shall also submit:
    1) A personal letter describing:
        a) The offender's reason for the removal request;
        b) The events and circumstances surrounding the child maltreatment finding; and,
        c) The offender's rehabilitation; and,

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c)d) Why the offender does not pose a risk of maltreatment to vulnerable populations, including without limitation, children, the elderly, persons with a disability, and persons with a mental health illness;.

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) Arkansas Crime Information Center (ACIC) background check results free from child maltreatment-related offense for the preceding one year;
5) 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) Description and documentation (e.g., court records, letter from the adult offender's attorney, probation officer, or prosecuting attorney) of any current pending criminal charges, if applicable;
7) Evidence of the offender's rehabilitation, including, but not limited to:
   a) Documentation proving completion of treatment, remediation, or rehabilitation programs as related to the specific offense if applicable.
      i. For removal requests related to sexual abuse, proof of rehabilitation must include documentation from a licensed mental health professional that:
         a) States that the requestor has participated in therapy with the licensed mental health professional to address the issues related to the sexual abuse offense;
         b) States total length of time the requestor has participated in therapy with the licensed mental health professional to address the issues related to the sexual abuse offense and the frequency of therapy sessions during that period of time;
         c) Indicates whether a sex offender specific assessment was conducted during the therapy period (e.g., the Vermont Assessment of Sex Offender Risk (VASOR), Clarke Sex History Questionnaire for Males-Revised, Hare Psychotherapy Scale*) (note: the use of such an assessment is not necessarily a requirement for removal but the presence or absence of such an assessment will be considered)*;
         d) Provides the licensed mental health professional's assessment of the requestor's participation during the therapy period.
   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 and whether the offender poses a risk of maltreatment to vulnerable populations, including without limitation, children, the elderly, persons with a disability, and persons with a mental health illness.
      i. No more than one letter of reference can be submitted from a family member.

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. Any pending criminal charges surrounding the maltreatment;
F. 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-A7~~10~~: Name Removal from Child Maltreatment Central Registry for a Juvenile Offender

0~~8~~1/202014~~4~~

***No content changes. Technical change only to reflect renumbering based on deletion of other procedures noted above.*

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PROCEDURE XIV-A7: Notices that Offender's Name Will Be Placed in the Child Maltreatment Central Registry

01~~8~~/2020~~13~~

Due process is accomplished by providing the alleged offender with notice and an opportunity for an administrative hearing. Due process is satisfied when

A. The Administrative Law Judge makes a decision to either uphold or overturn the "true" investigative determination;
B. 30 days have passed and the offender did not request a hearing;
C. The alleged offender was a juvenile and he or his legal parent or guardian waived the administrative hearing or the administrative law judge issued a decision; OR
D. The Administrative Law Judge upheld the true determination because of a preliminary administrative hearing and allowed provisional placement of the offender's name on the Child Maltreatment Central Registry.

These notices of name placement in the Child Maltreatment Central Registry must be sent only after due process is satisfied. Verification must be obtained that the judicial determination of the original true finding was upheld in either the regular or preliminary administrative hearing or of the fact that no hearing was requested. These notices serve to inform that the investigative determination was upheld and that the offender's name will be placed in the Child Maltreatment Central Registry, or that a prima facie case was established, allowing provisional placement of the name.

A. Law Enforcement

1)	Type of Allegation	Severe maltreatment only
2)	What Information	Name of each victim Name of offender Type of Maltreatment
3)	When	Within 10 business days after Central Registry receives the order or after 35 business days have passed and the offender did not request a hearing
4)	Form Enforcement	CFS-281-N: Notice of Name Placement on Central Registry to Law and Prosecuting Attorney or CACD-281-N: Notice of Name Placement on Central Registry to Law Enforcement and Prosecuting Attorney as appropriate

B. Prosecuting Attorney

1)	Type of Allegation	Severe maltreatment only
2)	What Information	Name of each victim Name of offender Type of maltreatment
3)	When	Within 10 business days after Central Registry receives the order or after 35 business days have passed and the offender did not request a hearing
4)	Form Enforcement	CFS-281-N: Notice of Name Placement on Central Registry to Law and Prosecuting Attorney or CACD-281-N: Notice of Name Placement on Central Registry to Law Enforcement and Prosecuting Attorney as appropriate

C. Licensing or Registering Authority (to the extent necessary for the authority to carry out its official responsibilities, when the licensing or registering authority is responsible for licensing or registering the agency or business location where the alleged abuse occurred)

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1) Type of Allegation — All maltreatment
2) What Information — Name of offender
Type of maltreatment
3) When — Within 10 business days after Central Registry receives the order or after 35 business days have passed and the offender did not request a hearing
4) Form — CFS- 294-N: Notice of Name Placement on Central Registry to Licensing or Registering Authority, Employer, or Entity in Charge of a Paid or Volunteer Activity or CACD-294-N: Notice of Name Placement on Central Registry to Licensing or Registering Authority, Employer, or Entity in Charge of a Paid or Volunteer Activity as appropriate

D. Facility Director

1) Type of Allegation — All maltreatment, only if the maltreatment occurred at the facility, and the facility is licensed or registered by, or is operated by or operated under contract with the State of Arkansas
2) What Information — Name of offender
Type of maltreatment
3) When — Within 10 business days after Central Registry receives the order or after 35 business days have passed and the offender did not request a hearing
4) Form — CFS-283-N: Notice of Name Placement on Central Registry to Facility Director or

CACD-283-N: Notice of Name Placement on Central Registry to Facility Director as appropriate

E. DHS Division Director

1) Type of Allegation — All maltreatment, only if the maltreatment occurred at a facility operated by or operated under contract with the Department
2) What Information — Name of Victim
Name of offender
Type of maltreatment
3) When — Within 10 business days after Central Registry receives the order or after 35 business days have passed and the offender did not request a hearing
4) Form — CFS-290-N: Notice of Name Placement on Central Registry to DHS Division Director; Coordinator of Multidisciplinary Team for Offender and Victim; and Circuit Judge and Counsel in Dependency Neglect or FINS Case of Offender

F. Legal parents and legal custodians of the juvenile offender (14 through 17 years of age)

1) Type of Allegation — All maltreatment
2) What Information — Name of victim
Name of offender
Type of maltreatment
3) When — Within 10 business days after Central Registry receives the order or after 35

business days have passed and the offender did not request a hearing
4) Form — CFS-284-N: Notice of Name Placement on Central Registry to Legal Parent(s)

and Legal Guardian(s) of the Juvenile Offender (14 to 17 Years of Age) or CACD-284-N: Notice of Name Placement on Central Registry to Legal Parent(s) and Legal Guardian(s) of the Juvenile Offender (14 to 17 Years of Age) as appropriate

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~~G. Type of Allegation — All maltreatment~~
~~1) What Information — Name of victim~~
~~Name of offender~~
~~Type of maltreatment~~
~~2) When — Within 10 business days after Central Registry receives the order or after 35 business days have passed and the offender did not request a hearing~~
~~3) Form — CFS-284-N: Notice of Name Placement on Central Registry to Legal Parent(s)~~
~~and Legal Guardian(s) of the Juvenile Offender (14 to 17 Years of Age) or CACD-284-N: Notice of Name Placement on Central Registry to Legal Parent(s) and Legal Guardian(s) of the Juvenile Offender (14 to 17 Years of Age) as appropriate~~

~~H~~G. Legal parent or legal guardian of victim in foster care

1) Type of Allegation — All maltreatment
2) What Information — Name of victim
Name of offender
Type of maltreatment
3) When — Within 10 business days after Central Registry receives the order or after 35 business days have passed and the offender did not request a hearing
4) Form — CFS-285-N: Notice of Name Placement on Central Registry to Victim, Legal Parent(s), Legal Guardian(s), and Current Foster Parent(s) of Victim or CACD-285-N: Notice of Name Placement on Central Registry to Victim, Legal Parent(s), Legal Guardian(s), and Current Foster Parent(s) of Victim as appropriate

~~I~~H. Current Foster Parent of victim in foster care

1) Type of Allegation — All maltreatment
2) What Information — Name of victim
Name of offender
Type of maltreatment
3) When — Within 10 business days after Central Registry receives the order or after 35 business days have passed and the offender did not request a hearing
4) Form — CFS-285-N: Notice of Name Placement on Central Registry to Victim, Legal Parent(s), Legal Guardian(s), and Current Foster_Parent(s) of Victim or CACD-285-N: Notice of Name Placement on Central Registry to Victim, Legal Parent(s), Legal Guardian(s), and Current Foster Parent(s) of Victim as appropriate

~~J~~I. Victim, if 14 years of age or older

1) Type of Allegation — All maltreatment
2) What Information — Name of victim
Name of offender
Type of maltreatment
3) When — Within 10 business days after Central Registry receives the order or after 35
business days have passed and the offender did not request a hearing
4) Form — CFS-285-N: Notice of Name Placement on Central Registry to Victim, Legal

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Parent(s), Legal Guardian(s), and Current Foster Parent(s) of Victim or CACD-285-N: Notice of Name Placement on Central Registry to Victim, Legal Parent(s), Legal Guardian(s), and Current Foster Parent(s) of Victim as appropriate

~~K~~J. Victim, if ten (10) years of age or older

1) Type of Allegation — All maltreatment
2) What Information — Name of victim
Name of offender
Type of maltreatment
3) When — Within 10 business days after Central Registry receives the order or after 35 business days have passed and the offender did not request a hearing
4) Form — CFS-285-N: Notice of Name Placement on Central Registry to Victim, Legal Parent(s), Legal Guardian(s), and Current Foster Parent(s) of Victim or CACD-285-N: Notice of Name Placement on Central Registry to Victim, Legal Parent(s), Legal Guardian(s), and Current Foster Parent(s) of Victim as appropriate

~~L~~K. Attorney ad litem of victim

1) Type of Allegation — All maltreatment
2) What Information — Name of victim
Name of offender
Type of maltreatment
3) When — Within 10 business days after Central Registry receives the order or after 35 business days have passed and the offender did not request a hearing
4) Form — CFS-286-N: Notice of Name Placement on Central Registry to Circuit Judge, Attorney Ad Litem, CASA, and Counsel in Dependency Neglect or FINS Case of Victim

~~K~~L. Court appointed special advocate of victim

1) Type of Allegation — All maltreatment
2) What Information — Name of victim
Name of offender
Type of maltreatment
3) When — Within ten (10) business days after Central Registry receives the order or after 35 business days have passed and the offender did not request a hearing
4) Form — CFS-286-N: Notice of Name Placement on Central Registry to Circuit Judge, Attorney Ad Litem, CASA, and Counsel in Dependency Neglect or FINS Case of Victim

~~L~~M. Circuit Judge with jurisdiction of an ongoing dependency neglect or FINS case of victim

1) Type of Allegation — All maltreatment
2) What Information — Name of victim over whom the court has jurisdiction
Name of offender
Type of maltreatment
3) When — Within ten (10) business days after Central Registry receives the order or after 35 business days have passed and the offender did not request a hearing.
4) Form — CFS-286-N: Notice of Name Placement on Central Registry to Circuit Judge,

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Attorney Ad Litem, CASA, and Counsel in Dependency Neglect or FINS Case of Victim

~~M~~N. Counsel in Dependency Neglect or FINS Case of a victim in foster care

1) Type of Allegation — All maltreatment
2) What Information — Name of victim
Name of offender
Type of maltreatment
3) When — Within 10 business days after Central Registry receives the order or after 35 business days have passed and the offender did not request a hearing.
4) Form — CFS-286-N: Notice of Name Placement on Central Registry to Circuit Judge, Attorney Ad Litem, CASA, and Counsel in Dependency Neglect or FINS Case of Victim

~~N~~O. Attorney ad litem of offender

1) Type of Allegation — All maltreatment
2) What Information — Name of victim
Name of offender
Type of maltreatment
3) When — Within ten (10) business days after Central Registry receives the order or after 35 business days have passed and the offender did not request a hearing
4) Form — CFS-288-N: Notice of Name Placement on Central Registry to Attorney Ad Litem and CASA of Offender

~~O~~P. Court appointed special advocate of offender

1) Type of Allegation — All maltreatment
2) What Information — Name of victim
Name of offender
Type of maltreatment
3) When — Within ten (10) business days after Central Registry receives the order or after 35 business days have passed and the offender did not request a hearing
4) Form — CFS-288-N: Notice of Name Placement on Central Registry to Attorney Ad Litem and CASA of Offender

~~P~~Q. Circuit Judge with jurisdiction of an ongoing dependency neglect or FINS case of offender

1) Type of Allegation — All maltreatment
2) What Information — Name of offender over whom the court has jurisdiction
Name of victim
Type of maltreatment
3) When — Within 10 business days after Central Registry receives the order or after 35 business days have passed and the offender did not request a hearing.
4) Form — CFS-290-N: Notice of Name Placement on Central Registry to DHS Division Director; Coordinator of Multidisciplinary Team for Offender and Victim; and Circuit Judge and Counsel in Dependency Neglect or FINS Case of Offender

~~Q~~R. Counsel in Dependency Neglect or FINS Case of an offender in foster care

1) Type of Allegation — All maltreatment
2) What Information — Name of victim

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		Name of offender Type of maltreatment
3)	When	Within 10 business days after Central Registry receives the order or after 35 business days have passed and the offender did not request a hearing.
4)	Form	CFS-290-N: Notice of Name Placement on Central Registry to DHS Division Director; Coordinator of Multidisciplinary Team for Offender and Victim; and Circuit Judge and Counsel in Dependency Neglect or FINS Case of Offender

~~R~~S. Attorney ad litem of child in foster home where maltreatment is reported

1)	Type of Allegation	All maltreatment
2)	What Information	Name of child represented by AAL Name of victim Name of offender Type of maltreatment
3)	When	Within 10 business days after Central Registry receives the order or after 35 business days have passed and the offender did not request a hearing
4)	Form	CFS-289-N: Notice of Name Placement on Central Registry to Attorney Ad Litem and CASA of Child in Foster Home Where Maltreatment Is Reported

~~S~~T. Court appointed special advocate of child in foster home where maltreatment is reported

1)	Type of Allegation	All maltreatment
2)	What Information	Name of child represented by CASA Name of victim Name of offender Type of maltreatment
3)	When	Within 10 business days after Central Registry receives the order or after 35 business days have passed and the offender did not request a hearing
4)	Form	CFS-289-N: Notice of Name Placement on Central Registry to Attorney Ad Litem and CASA of Child in Foster Home Where Maltreatment Is Reported

~~T~~U. Multidisciplinary Team for Victim or Offender

1)	Type of Allegation	All maltreatment
2)	What Information	Name of victim Name of offender Type of maltreatment
3)	When	Within ten (10) business days after Central Registry receives the order or after 35 business days have passed and the offender did not request a hearing
4)	Form	CFS-290-N: Notice of Name Placement on Central Registry to DHS Division Director; Coordinator of Multidisciplinary Team for Offender and Victim; and Circuit Judge and Counsel in Dependency Neglect or FINS Case of Offender

V. School where juvenile offender, age 14 or older is enrolled

1)	Type of Allegation	All maltreatment
2)	What Information	Name of offender Type of maltreatment Services offered or provided by the Department
3)	When	Within ten (10) business days after Central Registry receives the order or after 35 business days have passed and the offender did not request a hearing

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4) Form — CFS-291-N2: or CACD-291-N2: as appropriate

W. School where juvenile offender, age ten (10) or older is enrolled

1) Type of Allegation — All maltreatment
2) What Information — Name of offender
Type of maltreatment
Services offered or provided by the Department
3) When — Within ten (10) business days after Central Registry receives the order or after 35 business days have passed and the offender did not request a hearing
4) Form — CFS-291-N2 or CACD-291-N2 as appropriate

X. Offender

1) Type of Allegation — All maltreatment
2) What Information — Name of victim
Name of offender
Type of maltreatment
3) When — Within ten (10) business days after Central Registry receives the order or after 35 business days have passed and the offender did not request a hearing
4) Form Where — CFS-292-N1: Notice of Name Placement on Central Registry to School

Victim Is Enrolled or CACD-292-N1: Notice of Name Placement on Central Registry to School Where Victim Is Enrolled as appropriate

Y. Child Safety Center, if involved in the investigation

1) Type of Allegation — All maltreatment
2) What Information — Name of victim
Name of offender
Type of maltreatment
3) When — Within ten (10) business days after Central Registry receives the order or after 35 business days have passed and the offender did not request a hearing
4) Form — CFS-295-N: Notice of Name Placement on Central Registry to Child Safety Center Involved in Investigation of Maltreatment or CACD-295-N: Notice of Name Placement on Central Registry to Child Safety Center Involved in Investigation of Maltreatment as appropriate

Z. Mandated Reporter

1) Type of Allegation — All maltreatment
2) What Information — Name of victim
Name of offender
Type of maltreatment
Services offered or provided to the victim and offender
3) When — Within ten (10) business days after Central Registry receives the order or after 35 business days have passed and the offender did not request a hearing
4) Form — CFS-293-N: Notice of Name Placement on Central Registry to Mandated Reporter or CACD-293-N: Notice of Name Placement on Central Registry to Mandated Reporter as appropriate

AA. Offender's employer when other children under the care of the offender may be at risk

1) Type of Allegation — All maltreatment,

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2) What Information — Name of offender
Type of maltreatment

3) When — Within ten (10) business days after Central Registry receives the order or after 35 business days have passed and the offender did not request a hearing and only if a supervisor has determined that children under the care of the offender may be at risk of maltreatment by the offender

4) Form — CFS-294-N or CACD-294-N as appropriate

BB. Entity in charge of offender's volunteer activity when other children under the care of the offender may be at risk

1) Type of Allegation — All maltreatment,

2) What Information — Name of offender
Type of maltreatment

3) When — Within ten (10) business days after Central Registry receives the order or after 35 business days have passed and the offender did not request a hearing and only if a supervisor has determined that children under the care of the offender may be at risk of maltreatment by the offender

4) Form — CFS-294-N: Notice of Name Placement on Central Registry to Licensing or Registering Authority, Employer, or Entity in Charge of a Paid or Volunteer Activity or CACD-294-N: Notice of Name Placement on Central Registry to Licensing or Registering Authority, Employer, or Entity in Charge of a Paid or Volunteer Activity as appropriate

CC. Licensing or registering authority, if children under the care of the offender may be at risk (to the extent necessary for the authority to carry out its official responsibilities, when the licensing or registering authority is responsible for licensing or registering the agency or business location where the alleged abuse occurred or when other children at the agency or business under the care of the alleged offender are at risk or when the licensing or registering authority are responsible for monitoring the professional behavior of the registered or licensed professional who is the alleged offender)

1) Type of Allegation — All maltreatment,

2) What Information — Name of offender
Type of maltreatment

3) When — Within ten (10) business days after Central Registry receives the order or after 35 business days have passed and the offender did not request a hearing and only if a supervisor has determined that children under the care of the offender may be at risk of maltreatment by the offender

4) Form — CFS-294-N: Notice of Name Placement on Central Registry to Licensing or Registering Authority, Employer, or Entity in Charge of a Paid or Volunteer Activity or CACD-294-N: Notice of Name Placement on Central Registry to Licensing or Registering Authority, Employer, or Entity in Charge of a Paid or Volunteer Activity as appropriate

DD. Employer of any offender in a designated position with a state agency Per A.C.A. § 21-15-110, if a state employee is determined to be an offender or perpetrator in a true, substantiated, or founded report of child maltreatment or adult abuse and the state employee is employed in a "designated position", the investigating agency shall immediately notify the employer of that state employee.

Per A.C.A. § 21-15-101, "designated Position" means a position in which a person is employed by a state agency to provide care, supervision, treatment, or any other services to the elderly, to individuals with mental illness(es), or to individuals with developmental disabilities or to children who reside in any state-operated facility or a position in which the applicant or employee will have direct contact with a child or any individual who is elderly or any individual who has mental illness(es) or developmental disabilities.

1) Type of Allegation — All maltreatment,

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2)	What Information	Name of offender Type of maltreatment
3)	When	Within ten (10) business days after Central Registry receives the order or after 35 business days have passed and the offender did not request a hearing
4)	Form	CFS-296-N: Notice of Name Placement on Central Registry to Employer of Offender in a Designated Position with an Arkansas State Agency or CACD-296-N: Notice of Name Placement on Central Registry to Employer of Offender in a Designated Position with an Arkansas State Agency as appropriate

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APPENDIX 1: GLOSSARY

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ABANDONED INFANT -- A juvenile less than nine months of age and whose parent, guardian or custodian left the child alone or in the possession of another person without identifying information or with an expression of intent by words, actions or omissions not to return for the infant.

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 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.

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:

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 is 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.

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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 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 (3) 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.

ALTERNATIVE COMPLIANCE – a request for approval from the Child Welfare Agency Review Board to allow a licensee to deviate from the letter of a ~~regulation~~rule. The licensee must demonstrate substantial compliance with the intent of the ~~regulation~~rule. This includes, but is not limited to, ~~regulations~~ rule that govern background checks and convictions for prohibited offenses.

CARETAKER – A parent, guardian, custodian, foster parent, or any person 14 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.

CHILD – A person who is from birth to the age of 18.

CHILD (FOR TITLE IV-E PURPOSES) –

A. For the purposes of the title IV-E foster care program, an individual:
   1) Who is in foster care under the responsibility of DHS; and,
   2) Who meets the following age parameters:
      a) Has not attained 18 years of age; or,
      b) Has attained 18 years of age but who has not attained 21 years of age and meets any of the following conditions:
      c) Is completing secondary education or a program leading to an equivalent credential.
      d) Is enrolled in an institution which provides post-secondary or vocational education.
      e) Is participating in a program or activity designed to promote, or remove barriers to, employment.
      f) Is employed for at least 80 hours per month.
      g) Is incapable of doing any of the above described activities due to a medical condition, which incapability is supported by regularly updated information in the case plan

B. For the purposes of the title IV-E adoption or guardianship assistance program, an individual:
   1) Who is under the age of 18 and is the subject of an adoption or guardianship assistance agreement entered into prior to the age of 16; or,
   2) Who is under the age of 21 and is the subject of an adoption or guardianship assistance agreement entered into after the individual attained the age of 16 and meets any of the following conditions:
      a) Is completing secondary education or a program leading to an equivalent credential.
      b) Is enrolled in an institution which provides post-secondary or vocational education.
      c) Is participating in a program or activity designed to promote, or remove barriers to, employment.
      d) Is employed for at least 80 hours per month.
      e) Is incapable of doing any of the above described activities due to a medical condition.

CHILD ABUSE HOTLINE – The Child Abuse Hotline is maintained by the State Police Crimes Against Families Division, for the purpose of receiving and recording notification made pursuant to the "Child Maltreatment Reporting Act". The Child Abuse Hotline is staffed 24 hours per day and has statewide accessibility through a toll-free telephone number.

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CHILDCARE INSTITUTION – A private child care institution, or a public child care institution which accommodates no more than 25 children, and is licensed by the State in which it is situated or has been approved by the agency of such State or tribal licensing authority (with respect to child care institutions on or near Indian reservations) responsible for licensing or approval of institutions of this type as meeting the standards established for such licensing, except, in the case of a child who has attained 18 years of age, the term includes a supervised transitional living setting in which the individual is living independently. This definition must not include detention facilities, forestry camps, training schools, or any other facility operated primarily for the detention of children who are determined to be delinquent.

CHILD MALTREATMENT - Physical abuse, sexual abuse, emotional abuse, neglect, sexual exploitation or abandonment of a child.

CHILD MALTREATMENT INVESTIGATION -- A fact finding assessment that occurs when an allegation of child maltreatment is received. Completion is reached when a determination is made concerning the allegations.

COURT-APPOINTED SPECIAL ADVOCATE (CASA) – Volunteer appointed by the court to advocate for the best interest of juveniles in dependency-neglect proceedings.

CUSTODIAN – A person (not a parent or legal guardian) who stands in loco parentis to the child OR an agency or institution given custody of a child through a court order.

DELINQUENT JUVENILE – Any juvenile:

A. Ten (10) years of age or older who has committed an act other than a traffic offense or game and fish violation, which, if the act had been committed by an adult, would subject the adult to prosecution for a felony, misdemeanor, or violation under the applicable criminal laws of this state or who has violated §5-73-119; OR
B. Any juvenile charged with capital murder or murder in the first degree, subject to extended juvenile jurisdiction.

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;
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,
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. Abandonment
B. Abuse
C. Sexual abuse
D. Sexual exploitation
E. 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

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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.

DEVIATE SEXUAL ACTIVITY -- Any act of sexual gratification involving:

A. The penetration, however slight, of the anus or mouth of one person by the penis of another person; or
B. The penetration, however slight, of the labia majora or anus of one person by any body member or foreign instrument manipulated by another person.

DOMESTIC ABUSE -- Physical harm, bodily injury, assault or the infliction of fear of imminent physical harm, bodily injury or assault between family or household members; OR any sexual conduct between family or household members, whether minors or adults, which constitutes a crime under the laws of this state. "Family or household member" means spouses, former spouses, parents and children, persons related by blood within the fourth degree of consanguinity, any child residing in the household, persons who are presently or in the past resided or cohabited together and persons who have or have had a child in common.

EXEMPTED FROM TRUE DUE TO RELIGIOUS EXEMPTION -- Determination will be entered when the parent's decision to withhold medical treatment is based solely upon a religious belief, and the child is furnished with treatment by spiritual means alone, through prayer, in accordance with a recognized religious method of healing by an accredited practitioner. Such prohibition shall not limit the administrative or judicial authority of the State to ensure that medical services are provided to the child when the child's health requires it.

FAMILY -- A spouse, parent, child, sibling, or a person related by consanguinity to another person.

FAMILY IN NEED OF SERVICES (FINS) – Any family whose juvenile evidences behavior which includes, but is not limited to, the following:

A. Being habitually and without justification absent from school while subject to compulsory school attendance;
B. Being habitually disobedient to the reasonable and lawful commands of his parent, guardian, or custodian; OR
C. Having absented himself from the juvenile's home without sufficient cause, permission, or justification.

FAST TRACK -- Fast track implies that reunification services will not be provided or will be terminated before 12 months of services.

FEDERAL ADOPTION SUBSIDY IV-E -- Payments for a child who is categorized as IV-E (TEA/TANF, SSI-AB or SSI-AD) at the time of placement for adoption by the Division and who meets other defined special needs characteristics if it has been documented that a reasonable effort has been made to place the child without the benefit of subsidy.

FICTIVE KIN - Persons not related by blood or marriage but who have a strong, positive emotional tie to the child, and have a positive role in the child's life such as, godparents, neighbors, or family friends

FORCIBLE COMPULSION – Any act of physical force or intimidation, or any threat, express or implied, of death, physical injury, rape, sexual abuse or kidnapping of anyone committed against that person's will. The age, developmental stage and stature of the victim and the relationship of the victim to the assailant, as well as the threat of deprivation of affection, rights and privileges from the victim by the assailant, shall be considered in weighing the sufficiency of the evidence to prove compulsion.

GUARDIAN -- Any person, agency or institution so appointed by a court.

HOLISTIC -- View of the family and accompanying circumstances that take into consideration the entire family. This view includes the psychological, sociological, physical, and environmental factors which influence the functioning of the family.

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HOME ASSESSMENT – The mutual selection process that involves several components including, but not limited to, an in-home consultation visit, background checks, pre-service training, a home study, and ongoing consultation with the prospective foster/adoptive parents to ensure that applicants meet all appropriate criteria related to both compliance and quality.

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 14 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.

HOUSEHOLD MEMBER -- A resident of the home who:

A. owns or is legally responsible for paying rent on the home (household head); or,
B. is in a close personal relationship with a household head; or,
C. is related to a household head or a to person in a close personal relationship with a household head.
D. Any household member who resides in the home for more than 3 cumulative months in a calendar year (e.g. an adult biological child of the foster parents who is home for the summer and holiday breaks or a relative who visits for 6 weeks twice a year) must clear the following background checks: Arkansas Child Maltreatment Central Registry, Arkansas Adult Maltreatment Central Registry, Arkansas State Police Criminal Record Check, and FBI Criminal Background Check.

ICPC -- The Interstate Compact on the Placement of Children is a legislative-enacted agreement currently entered into by all 50 states. It is used to move children in need of placement, treatment or adoption across state lines.

INACTIVE -- The child maltreatment assessment cannot be completed.

INDECENT EXPOSURE -- Exposure by a person of the person's sexual organs for the purpose of arousing or gratifying the sexual desire of the person, or of any other person under circumstances in which the person knows the conduct is likely to cause affront or alarm.

INDEPENDENCE – Permanency planning hearing disposition known as Another Planned Permanent Living Arrangement (APPLA) for the juvenile who will not be reunited with his or her family and because another permanent plan is not in the juvenile's best interest.

JUVENILE -- A person who is between birth and age 18.

LAW ENFORCEMENT AGENCY -- Any police force or organization whose primary responsibility as established by law or ordinance is the enforcement of laws of this state and is staffed 24 hours a day.

MAINTENANCE SUBSIDY -- Established monthly payment to cover the costs of maintaining and providing for the basic needs of the child in an adoptive placement on a regular basis. The payment is not to exceed the child's foster care board rate which is in effect at the time the adoption subsidy is approved. The amount may increase in subsequent approvals depending on the child's age.

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:

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AR State Police Crimes Against Children Division (CACD) Employee
Attorney ad litem in the course of his or her duties as Attorney ad litem
Child abuse advocate or volunteer
Child advocacy center employee
Child Care center worker
Child Care worker
Child safety center employee
Child welfare ombudsman
Clergyman*
Coroner
Court Appointed Special Advocate (CASA) program staff or volunteer
Dental hygienist
Dentist
Department of Human Services employee
DHS contractor when acting within the scope of his or her contract or employment
Domestic abuse advocate
Domestic violence shelter employee
Domestic violence volunteer
Employee of a reproductive health care facility
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 paraprofessional
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

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Victim/witness coordinator

Volunteer at a reproductive healthcare facility

*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.

**"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.

MEDICAL PROVIDER – Any emergency Department of a hospital licensed under § 20-9-214.

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;
B. Failure or refusal to provide the necessary food, clothing, or shelter, or medical treatment necessary for the 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;
C. Failure to take reasonable action to protect the 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;
D. Failure or irremediable inability to provide for the essential and necessary physical, mental, or emotional, needs of the child, including the failure to provide a shelter that does not pose a risk to the health or safety of the child;
E. Failure to provide for the 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 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 six (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.

NEWBORN - An infant who is 30 days of age or younger (Garrett's Law, A.C.A. §9-9-702)

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.

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NON-RECURRING ADOPTION EXPENSE SUBSIDY -- Payment for non-recurring adoption expenses incurred in the adoption of a child with special needs and is limited to $1,500 per child. Payment will be made to or on behalf of parents who have adopted or have accepted placement for the purpose of adoption.

ORDER OF LESS THAN CUSTODY – A court order that DCFS may seek when there are protection issues regarding a child whose health or physical well-being is in immediate danger, but the Division does not want to seek custody.

OUT-OF-HOME PLACEMENT - Placement in a home or facility other than placement in a youth services center, a detention facility, or the home of a parent or guardian of the juvenile; or placement in the home of an individual other than a parent or guardian, not including any placement where the court has ordered that the placement be made permanent and ordered that no further reunification services or six-month reviews are required.

OUTPATIENT MENTAL HEALTH EMERGENCY – Defined by the Community Mental Health Center's actions and protocol, including, but not limited to, facilitation of admission to a hospital or other appropriate 24-hour treatment facility.

PARENT -- Biological mother, an adoptive parent, a man to whom the biological mother was married at the time of conception or birth, or has been found by a court of competent jurisdiction to be the biological father of the juvenile.

PERMANENT CUSTODY – Custody that is transferred to a person as a permanent disposition in a juvenile case and the case is closed.

POLICY WAIVER – a request to deviate from DCFS policy, procedures or standards. The DCFS Director approves all policy waiver requests.

PORNOGRAPHY -- Obscene or licentious material, including pictures, movies and videos. Applying contemporary community standards, the material will be considered pornographic if an average person would find that the material taken as a whole, appeals to the prurient interest or if the material depicts in a patently offensive way sexual conduct. The material must lack serious literary, artistic, political or scientific value to be considered pornographic.

PREPONDERANCE OF THE EVIDENCE – Evidence which is of greater weight or more convincing than the evidence which is offered in opposition to it; that is, evidence which as a whole, shows that the fact to be proved is more probable than not.

PROTECTION PLAN – A written plan developed by the Division in conjunction with the family and support network to protect the juvenile from harm and which allows the juvenile to remain safely in the home.

PSYCHIATRIC CRISIS – Any condition requiring greater than routine services, but requiring less than hospitalization; a condition that is not homicidal or suicidal, or if it is, one that can be handled with a no-harm contract ~~and/~~or a viable plan for safety.

PUTATIVE FATHER – A man who claims or is alleged to be the biological father of a juvenile, but has not been so deemed or adjudicated by a U.S. court.

REASONABLE EFFORTS - Efforts to

1. Maintain the family unit and prevent the unnecessary removal of a child from his/her home, as long as the child's safety is assured;
2. Effect the safe reunification of the child and family (if temporary out-of-home placement is necessary to ensure the immediate safety of the child);
3. Make and finalize alternate permanency plans in a timely manner when reunification is not appropriate or possible.

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If continuation of reasonable efforts as listed above is determined to be inconsistent with the permanency plan for the child, reasonable efforts are made to place the child in a timely manner in accordance with the permanency plan including, if appropriate, through an interstate placement, and to complete whatever steps are necessary to finalize the permanent placement of the child. They also include efforts made to obtain permanency for a child who has been in an out-of-home placement for more than 12 months or for 15 of the last 22 months.

RECEIVING PARTY -- Local agency, office, facility, or individual who will be supervising a child placed into a state under the provisions of the ICPC.

RECEIVING STATE -- State to which a child is sent for supervision under the provisions of the ICPC.

RELATIVE (FOR PROVISIONAL FOSTER HOMES) - A person within the *fifth* degree of kinship by virtue of blood or adoption (A.C.A. 9-28-402(18) & the Child Welfare Licensing Act). The fifth degree is calculated according to the child.

RELATIVE (FOR NOTIFICATION PURPOSES ONLY) - A person within the *third* degree of kinship by virtue of blood or adoption.

ROOMER/BOARDER -- A person to whom a household furnishes lodging, meals, or both, for a reasonable monthly payment; and is not a household member.

SAFEGUARD MEASURE – If, at any time during the foster/adoptive family application process, a Resource Worker or Adoption Specialist determines that any aspect of the home does not meet Minimum Licensing Standards or DCFS policy requirements, the prospective foster or adoptive family may be asked to implement a safeguard measure to ensure the home is safe and in compliance with policy and licensing standards. The safeguard measure must be implemented before the family can be approved as a foster or adoptive home.

SAFETY PLAN -- Court ordered plan developed for a moderate or high risk adjudicated delinquent sex offender - not to be confused with a plan put in place as part of a child maltreatment investigation to protect the child.

SCHOOL -- Any: (1) Elementary school, junior high school, or high school; (2) Technical institute or post-secondary vocational-technical school; or, (3) Two-year or four-year college or university.

SENDING PARTY -- Local agency, office, facility, court or individual who has custody/jurisdiction of a child and has requested or arranged for an out-of-state placement the provisions of ICPC.

SEXUAL ABUSE – Any of the following acts committed:

A. By a person 14 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
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

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D. By a person younger than 14 years of age 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

SEXUAL CONTACT --Any act of sexual gratification involving the touching, directly or through clothing, of the sex organs, buttocks, or anus of a person or the breast of a female; the encouraging of a child to touch the offender in a sexual manner; or the offender requesting to touch a child in a sexual manner. Normal affectionate hugging is not construed as sexual contact.

SEXUAL EXPLOITATION -- Allowing, permitting, or encouraging participation or depiction of the juvenile in prostitution, obscene photographing, filming, or obscenely depicting a juvenile for any use or purpose.

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.

SPECIAL NEEDS CHILD -- A child who is free for adoption and belongs to a group of children for whom the Division does not have an adequate resource of approved applicants to provide a pool of available waiting adoptive families. Other children may be eligible for adoption assistance under this category if they have severe medical or psychological needs that require ongoing rehabilitation or treatment. These children include:

A. a Caucasian child nine years or older,
B. a healthy child of color who is two years or older,
C. a member of any sibling group being placed together who share at least one biological parent and who have either lived together or otherwise developed a bond prior to adoptive placement, and the child is:
D. legally free for adoption with parental rights terminated,
E. under 18 years old and whose adoption has not been finalized prior to approval of the subsidy,
F. (for the purposes of a State Subsidy only), in DHS custody, or
G. a member of a Non-Custody/Out-of-Home Placement Services case, or
H. (For the purposes of private and independent adoptions only), who is SSI eligible at the time the adoption petition is filed.

SPECIAL SUBSIDY -- A payment to provide for the costs of special services related to the child's needs which cannot be met by the adoptive parent. It may include, but not be limited to, legal/medical/psychological/therapy services and corrective appliances – not to include orthodontic corrective appliances.

STATE ADOPTION SUBSIDY -- Payments for a child who is not categorized as IV-E or SSI eligible at the time of placement for adoption by the Division. Such a child, who meets other defined special needs characteristics, may be eligible for subsidized adoption from state moneys if it has been documented that a reasonable effort has been made to place the child without the benefit of an adoption subsidy. A child must be in DHS custody to be eligible for a State funded subsidy.

STATE LEGAL SUBSIDY – OCC legal services provided for children in DHS custody and non-custody/out-of-home placement in order to finalize an adoption. A legal subsidy **does not** include the use of a private attorney. The children are eligible for a legal subsidy whether or not they meet the criteria for special needs and without regard to eligibility to IV-E, state maintenance subsidy, or non-recurring subsidy.

SUBJECT OF THE REPORT -- The alleged offender, the custodial and non-custodial parent, guardian and legal custodians of the child who are subject to suspected maltreatment, and the child who is the subject of suspected maltreatment.

SUPERVISION -- Involves periodic visitation to the home, school, or other places to monitor or observe a child's situation or condition. This service also may include arrangement and observation of visitation.

MARKUP

TEMPORARY CUSTODY – Custody that is transferred to a person during the pendency of the juvenile court case when services are being provided to achieve the goal of the case plan.

TEMPORARY PLACEMENT – Placement intended to be temporary (e.g., emergency shelter) until a stable placement can be located for the child in accordance with Division policy.

TRIAL PLACEMENT -- The custody of the child remains with DHS but the child is returned to the home of a parent or the person from whom custody was removed for a period not to exceed 60 days.

TRUE -- Determination when the allegation of child maltreatment is supported by a preponderance of the evidence.

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.

UNSUBSTANTIATED -- Determination when the allegation of child maltreatment is not supported by a preponderance of the evidence.

VOYEURISM -- Looking, for the purpose of sexual arousal or gratification, into a private location or place in which a child may reasonably be expected to be nude or partially nude.

MARKUP

Arkansas Department of Human Services

Division of Children and Family Services

True But Exempted Child Maltreatment Investigative Determination Notice to Alleged Juvenile Offender 14-17 Years of Age

To: _____

Address: _____

_____

From: _____

_____

_____

Phone: _____

County of Referral: _____ **Primary Assigned County:** _____

Date: _____ **CHRIS Referral #** _____

Certified Mail # _____

Re: Name of Alleged Offender: _____

Name of Alleged Victim(s): _____

The Division of Children and Family Services (DCFS) or Arkansas State Police's Crimes Against Children Division (CACD) received an allegation of suspected child maltreatment involving the above named people. The incident was reported on (date) _ _____.

The type of maltreatment was _____.

Pursuant to Arkansas Code Ann. § 12-18-703, this is your notice that based on the preponderance of the evidence, the investigative agency determined the allegation to be:

- ☐ True but exempted, and your name will not be placed in the Child Maltreatment Central Registry because the report was true for neglect as defined at A.C.A. § 12-18-103(14)(B) (i.e., investigation documented the presence of an illegal substance in either the bodily fluids or bodily substances in either the mother or the child at the time of birth, also known as Garrett's Law).
- ☐ True but exempted, and your name will not be placed in the Child Maltreatment Central Registry because you were practicing your religious beliefs as permitted by the law.
- ☐ True but exempted, and your name will not be placed in the Child Maltreatment Central Registry because a determination was made that you do not pose a risk of maltreatment to vulnerable populations.

Juveniles, fourteen (14) to seventeen (17) years old at the time of the act or omission that resulted in the true finding will automatically have an administrative hearing. The juvenile offender or the parent can decline the automatic administrative hearing by submitting a signed request to: Office of Appeals & Hearing, SLOT N401, P.O. Box 1437, Little Rock, AR 72203. Administrative hearings are conducted telephonically, unless the offender, his parent, guardian, or attorney asks that the hearing be held in person. The request for an in-person hearing must be made within thirty (30) days of this notice and mailed to the Office of Appeals & Hearing (see address listed above).

If you want to obtain a copy of the investigative report, send a $10.00 check or money order along with a written, notarized request to the Arkansas Department of Human Services, Division of Children & Family Services, Central Registry Unit, P.O. Box 1437, SLOT S566, Little Rock, AR 72203. The request must contain your name, address and the names of the child(ren) involved.

You have the right to an attorney. If you cannot afford one you should contact Legal Services.

PROPOSED

☐ Pursuant to Arkansas Code Ann. § 12-18-1007, the Division of Children and Family Services may offer you and your family supportive services for which you qualify, should you desire them. Supportive services can provide things like counseling, parenting classes, and other assistance or services. Each case is different and the services available to you may vary.

If you would like to receive supportive services or would like more information on the services available to you and your family, please contact your local county office, listed above.

☐ Pursuant to Arkansas Code Ann. § 12-18-1010, the Division of Children and Family Services may open a protective services case for your family. The Division shall provide services to your family in an effort to prevent additional maltreatment to your child or the removal of your child from your home.

DCFS INVESTIGATOR PRINTED NAME

MAILED BY

PROPOSED

Arkansas Department of Human Services
Division of Children and Family Services
Child Maltreatment True But Exempted Investigative Determination Notice to
☐ Legal Parents ☐ Legal Guardians
of the Alleged Juvenile Offender (14 through 17 Years of Age)

To: _____

Address: _____

_____

From: _____

_____

Title: _____

Phone: _____

County of Referral: _____ **Primary Assigned County:** _____

Date: _____ **CHRIS Referral #** _____

Re: Name of Alleged Offender: _____

Name of Alleged Victim: _____

The Division of Children and Family Services or Arkansas State Police's Crimes Against Children Division received an allegation of suspected child maltreatment involving the above named person. The incident was reported on (date)_____.

Pursuant to Arkansas Code Ann. § 12-18-704 this is your notice that based on the preponderance of the evidence, the investigative agency determined the allegation to be:

☐ True but exempted, and the offender's name will not be placed in the Child Maltreatment Central Registry because the report was true for neglect as defined at Arkansas Code Ann. § 12-18-103(14)(B) (i.e., investigation documented the presence of an illegal substance in either the bodily fluids or bodily substances in either the mother or the child at the time of birth, also known as Garrett's Law).

☐ True but exempted, and the offender's name will not be placed in the Child Maltreatment Central Registry because you were practicing your religious beliefs as permitted by the law.

☐ True but exempted, and the offender's name will not be placed in the Child Maltreatment Central Registry because a determination was made that the offender does not pose a risk of maltreatment to vulnerable populations.

The type of maltreatment was_____.

Juveniles, fourteen (14) to seventeen (17) years old at the time of the act or omission that resulted in the true finding will automatically have an administrative hearing. The juvenile offender or the parent can decline the automatic administrative hearing by submitting a, signed request to: Office of Appeals & Hearing, SLOT N401, P.O. Box 1437, Little Rock, AR 72203. Administrative hearings are conducted telephonically, unless the offender, his parent, guardian, or attorney asks that the hearing be held in person. The request for an in-person hearing must be made within thirty (30) days of this notice and mailed to the Office of Appeals & Hearing (see address listed above).

To obtain a copy of the investigative report, send a $10.00 check or money order along with a written, notarized request to the Division of Children & Family Services, Central Registry Unit, P.O. Box 1437, SLOT S566, Little Rock, AR 72203. The request must contain your name, address and the names of the child(ren) involved.

PROPOSED

You have the right to an attorney. If you cannot afford one, you should contact Legal Services.

☐ Pursuant to Arkansas Code Ann. § 12-18-1007, the Division of Children and Family Services may offer your family supportive services for which you qualify, should you desire them. Supportive services can provide things like tutoring, counseling, parenting classes, and other assistance or services. Each case is different and the services available to you may vary.

If you would like to receive supportive services, or would like more information on the services available to you and your family, please contact your local county office, listed above.

☐ Pursuant to Arkansas Code Ann. § 12-18-1010, the Division of Children and Family Services may open a protective services case for your family. The Division shall provide services to your family in an effort to prevent additional maltreatment to your child or the removal of your child from your home.

DCFS INSVESTIGATOR PRINTED NAME

MAILED BY

PROPOSED

Arkansas Department of Human Services

Division of Children and Family Services

True But Exempted Child Maltreatment Investigative Determination Notice to Offender

To: _____

Address: _____

_____

From: _____

_____

_____

Phone: _____

County of Referral: _____ **Primary Assigned County:** _____

Date: _____ **CHRIS Referral #** _____

Certified Mail # _____

Re: Name of Alleged Offender: _____

Name of Alleged Victim(s): _____

The Division of Children and Family Services (DCFS) or Arkansas State Police's Crimes Against Children Division (CACD) received an allegation of suspected child maltreatment involving the above named people. The incident was reported on (date) _____.

The type of maltreatment was _____.

Pursuant to Arkansas Code Ann. § 12-18-703, this is your notice that based on the preponderance of the evidence, the investigative agency determined the allegation to be:

☐ True but exempted, and your name will~~should~~ not be placed in the Child Maltreatment Central Registry because the report was true for neglect as defined at A.C.A. § 12-18-103(14)(B) ~~Garrett's Law~~ (i.e., i~~I~~nvestigation documented the presence of an illegal substance in either the bodily fluids or bodily substances in either the mother or the child at the time of birth, also known as Garrett's Law).

☐ True but exempted, and your name will~~should~~ not be placed in the Child Maltreatment Central Registry because you were practicing your religious beliefs as permitted by the law.

☐ True but exempted, and your name will not be placed in the Child Maltreatment Central Registry because a determination was made that you do not pose a risk of maltreatment to vulnerable populations.

If you disagree with the investigative determination, you may request an administrative hearing within 30 days of receipt of this notice. To request an administrative hearing, you must mail a copy of this form along with your request to the: Office of Appeals & Hearing~~–~~, SLOT N401, P.O. Box 1437, Little Rock, AR 72203.~~–~~ Administrative hearings are conducted telephonically, unless you ask that the hearing be held in person.~~-~~ The request for an in-person hearing must be noted on your request for an administrative hearing. You have the right to an attorney; if you cannot afford one you should contact Legal Services.

If you want to obtain a copy of the investigative report, send a $10.00 check or money order along with a written, notarized request to the Arkansas Department of Human Services, Division of Children & Family Services, Central Registry Unit, P.O. Box 1437, SLOT S566, Little Rock, AR 72203. ~~-~~The request must contain your name, address and the names of the child(ren) involved.

_____

DCFS INVESTIGATOR PRINTED NAME

MARKUP

MAILED BY

MARKUP

Arkansas Department of Human Services
Division of Children and Family Services
REQUEST FOR CHILD MALTREATMENT CENTRAL REGISTRY CHECK

THIS FORM WILL NOT BE PROCESSED UNTIL ALL INFORMATION IS COMPLETED.

TYPE OF APPLICANT:

☐ DHS Employee/Applicant [Division:_____] ☐ Foster Parent ☐ Legal Custodian ☐ Adoptive Parent ☐

☐ Provisional Foster Parent ☐ Foster Family Support System (FFSS) for: _____
Name of Foster Family whom FFSS will support

☐ ~~Foster Family Support System (FFSS) for:~~ _____
~~*Name of Foster Family whom FFSS will support*~~

☐ Other (This request will be processed for a fee of $10 made payable by check or money order to DHS. We do not accept cash. This fee may be waived for non-profits who provide proof of 501(c)(3) status. Allow 7-10 business days for processing.)

This information should be addressed to:

_____ _____
Name/Title (print) Organization Requesting the Report

_____
_____ _____ _____
Address (physical) Telephone # Fax #

_____
_____
Address (provide mailing, if different than physical)

Name of Applicant: _____
_____ **Maiden Name/Other Names**
Used: _____ **Race**: _____

Present Address: (since_____,_____) _____
_____

Previous Addresses (from the last six years):

1) _____ 2) _____
_____ _____
From_____ to _____ From_____ to _____

3) _____ 4) _____
_____ _____
From_____ to _____ From_____ to _____

Cities and States of Employment (outside of Arkansas) for last six years:

1) _____ 2) _____

MARKUP

From_____ to _____ From_____ to _____

MARKUP

3) _____ 4) _____

_____ _____

From_____ to _____ From_____ to _____

Children (related or non-related) now residing or who have resided in the home at any time and all biological children, even if they have not resided in the home:

Full ~~_____~~Name: _ Full Name: _____

_____ DOB/Age: DOB/Age:_____/__

_____/_____ Relationship: _____

Relationship: _____ SS# ~~(if known)~~: _____

~~SS# (if known):~~

Full ~~_____~~Name: _ Full Name: _____

_____ DOB/Age: DOB/Age:_____/__

_____/_____ Relationship: _____

Relationship: _____ SS# ~~(if known)~~: _____

THE FOLLOWING IS TO BE COMPLETED **ONLY** WITH A NOTARY

I,_____verify that the information above is true and complete. I authorize the Arkansas Child Maltreatment Central Registry to release any information their files may contain concerning me as an offender of a true report of child maltreatment.

_____ _____

Signature of Applicant Date

County of_____State of Arkansas

Acknowledged before me, this_____ day of_____, _____

_____

Notary Public My commission expires: _____

THE FOLLOWING IS TO BE COMPLETED BY CENTRAL REGISTRY

☐ The Arkansas Child Maltreatment Central Registry contains no record under the referenced name in a true report of child maltreatment.

Examiner's Initials and Date_____

Please note that whenever there is a determination of child maltreatment, the person identified as the offender has the right to a hearing to contest that determination. The person's name may not be placed in the Central Registry until after the hearing decision. Therefore, the absence of a true report in the Child Maltreatment Central Registry does not imply that the person is or is not the subject of a completed child maltreatment investigation. Please check the Central Registry periodically as names can be added to the Central Registry based on new maltreatment reports and upon final administrative determination.

☐ Information Found

Examiner's Signature and Date_____ _____

Child Maltreatment Central Registry

MARKUP

Slot S 566
P O Box 1437
Little Rock AR 72203

MARKUP

ARKANSAS DEPARTMENT OF HUMAN SERVICES

Division of Children and Family Services
Central Registry Unit Slot S 566

P.O. Box 1437, · Little Rock, AR 72203-1437
501-682-0405 · Fax: 501-682-0407 · TDD: 501-682-1442

To:

From: Child Maltreatment Central Registry Review Team

In the matter of referral #_____, the Arkansas Department of Human Services (DHS) Child Maltreatment Central Registry Review Team has reviewed your request to be removed from the Arkansas Child Maltreatment Central Registry. Please note that the Child Maltreatment Central Registry Review Team only considers whether a name may be removed from the Arkansas Child Maltreatment Central Registry. It does not determine whether the initial investigation finding of true was the appropriate finding.

After consideration of the evidence provided, the Team has determined in its _____ 20_____ , meeting that this request for removal is:

- ☐ Granted
- ☐ Denied
- ☐ Placed on Hold

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.

MARKUP

You may request an administrative hearing to appeal this decision. If you choose to request an administrative hearing, you must make the request in writing within **thirty (30)** days of receipt of this letter.

Mail your request for an administrative hearing with a copy of this letter to:

Office of Appeals & Hearings
Slot N 401
P O Box 1437
Little Rock, AR 72206
(501) 682-8622

Notice: This notification letter has been processed on behalf of the Arkansas DHS Child Maltreatment Central Registry Review Team by designated personnel who are not part of, and are unable to answer questions pertaining to the DHS Child Maltreatment Central Registry Review Team's decision processes.

MARKUP