

ARKANSAS REGISTER

Proposed Rule Cover Sheet



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Name of Department _____

Agency or Division Name _____

Other Subdivision or Department, If Applicable _____

Previous Agency Name, If Applicable _____

Contact Person _____

Contact E-mail _____

Contact Phone _____

Name of Rule _____

Newspaper Name _____

Date of Publishing _____

Final Date for Public Comment _____

Location and Time of Public Meeting _____

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 child maltreatment investigation rule(s) under one or more of the following chapters, subchapters, or sections of the Arkansas Code: §§ 9-28-103 and 12-18-105.

Effective July 1, 2020:

The Division of Children and Family Services (DCFS) issues an updated Child Maltreatment Investigation Determinations Updates Guide, PUB-357. It provides rules for child maltreatment investigators on the legal elements required to make a true finding of child maltreatment under the Child Maltreatment Act. The rules help investigators identify the elements that must be established by a preponderance of the evidence before conduct can be found to constitute maltreatment of a child under the Act. The guide, formerly known as the Child Maltreatment Assessment Protocol, updates, amends, and clarifies the prior rules. Specifically, the rules explain the legal assessment for investigative staff, clarifies the five categories of maltreatment, articulates circumstances and exceptions for each category, and refines language to focus the scope of investigations to the legal elements required by the Act.

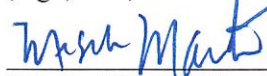
DCFS also revises Form CFS-328-A, "Request for Name Removal from the Central Registry." The revision makes clear that if an individual is found guilty of or pleads guilty or nolo contendere to an act of child maltreatment, then that individual does not qualify for a request to be removed from the registry even if the act is subsequently expunged. The individual shall remain in the registry unless the conviction is reversed or vacated.

DCFS is making technical corrections to PUB-357 to match the new terminology of the title. Technical corrections include Procedure II-B1, Procedure II-C2, Procedure II-D4, Procedure XIII-A6, and Excerpt Policy II-D. In addition, DCFS is making a content change removing the notifications of automatic removals.

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 at <https://humanservices.arkansas.gov/resources/promulgation-of-new-rules>. 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 **May 2, 2020**. 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 501-320-6164.

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