

ARKANSAS REGISTER

Transmittal Sheet

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For Office

Use Only:

Effective Date _____ Code Number _____

Name of Agency _____

Department _____

Contact _____ E-mail _____ Phone _____

Statutory Authority for Promulgating Rules _____

Rule Title: _____

Intended Effective Date

(Check One)

Date

☐ Emergency (ACA 25-15-204) Legal Notice Published _____

☐ 10 Days After Filing (ACA 25-15-204) Final Date for Public Comment _____

☐ Other _____ Reviewed by Legislative Council _____
(Must be more than 10 days after filing date.)

Adopted by State Agency _____

Electronic Copy of Rule e-mailed from: (Required under ACA 25-15-218)

Contact Person

E-mail Address

Date

CERTIFICATION OF AUTHORIZED OFFICER

I Hereby Certify That The Attached Rules Were Adopted
In Compliance with the Arkansas Administrative Act. (ACA 25-15-201 et. seq.)

Tiffany Wright
Signature

Phone Number

E-mail Address

Title

Date

POLICY V-E: CHILD INVOLVED IN A PROTECTIVE SERVICES CASE WHO IS MISSING

07/2024

Occasionally there are instances when a child or youth involved in an open protective services case may run away or otherwise go missing. In all instances of missing children who are part of an open protective services case, the Division of Children and Family Services (DCFS) will collaborate with the child's family, law enforcement, and the National Center for Missing and Exploited Children (NCMEC) in an effort to locate the child.

Child Who May Have Been Taken Without Authorization or the Family Has Absconded with the Child(ren)

If the family or Division has reason to believe the child was taken from his/her parents, caretakers, or both, without authorization by another individual, then upon notification, the family's FSW caseworker and FSW caseworker's supervisor will ensure the following individuals are notified of the child's disappearance:

- A. Area Director; and
- B. Assistant Director of Field Operations, or designee.

The Assistant Director of Field Operations or designee will then notify the DCFS Director.

The FSW caseworker will also issue a Protective Services Alert if:

- A. The family has left the county of origin and moved with his/her child(ren) to another county or state;
- B. The new address is unknown; and
- C. The child's health or physical well-being is deemed to be in immediate danger because the family is involved in an open protective services case involving an identified safety threat.

Child Who May Have Run Away

If the family, Division, or both have reason to believe the child independently left his/her home of his or her own accord (for example, they run away), then upon notification, the family's FSW caseworker and FSW caseworker's supervisor will ensure the Area Director is also notified of the child's disappearance. The FSW caseworker will then follow the steps outlined below.

PROCEDURE V-E1: When a Child is Reported Missing from a Family with an Open Protective Services Case

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The following applies to situations in which the child has been taken from his or her parents, caretakers, or both, without authorization and to situations in which the child has run away independently from the home.

After receiving notification of the child's disappearance from the child's family or by other means, the FSW caseworker will:

- A. Notify his or her supervisor and the child's attorney ad litem (if applicable) within two (2) hours.
 - 1) This notification may occur via email, phone, or text.
- B. Determine within two (2) hours whether the child's parents or caretakers have filed a missing person report with the local police department or sheriff's office.
 - 1) If the parents, caretakers, or both have filed a missing person report, obtain the missing report number from the parents or caretakers.
 - 2) If the parents or caretakers have not yet filed a missing person report, encourage the parents or caretaker to file the report with the local police department or sheriff's department as soon as possible and obtain the missing person report number from the parents or caretakers as soon as possible.
 - 3) If the parents and caretakers refuse to file a missing person report within one (1) business day, contact the local police department or sheriff's department immediately to file a missing person report and provide the following information where reasonably possible:
 - a) Child's name;
 - b) A description of the child's physical features such as height, weight, sex, ethnicity, race, hair color, and eye color;
 - c) A photo of the child;
 - i. Any published photo or other information published to help locate the child shall not identify the child as being involved with DCFS.
 - d) Child's date of birth;
 - e) Circumstances of the missing child's disappearance, including the date the child went missing or was last seen and if the child indicated a destination (and, if so, what the destination is);
 - f) Any other factual, biographical, or historical information that may assist with locating the missing child;
 - g) Endangerment information such as the child's pregnancy status, prescription medications, suicidal tendencies, vulnerability to being sex trafficked, and other health or risk factors; and
 - h) A request for law enforcement to enter the information into the National Crime Information Center (NCIC) database of the Federal Bureau of Investigation.
 - i. If the local police department or sheriff's department will not allow DCFS to file a missing person report on behalf of the family, document the attempt to file the missing person report in the Division's information management system.
- C. Once a police report has been filed, contact the National Center for Missing and Exploited Children (NCMEC) at 1-800-THE-LOST (1-800-843-5678) no later than twenty-four (24) hours after receiving information on missing or abducted children or youth to provide the following information where reasonably possible to NCMEC per the Memorandum of Understanding (MOU) between DCFS and NCMEC:

- 1) Child's name;
 - 2) A description of the child's physical features such as height, weight, sex, ethnicity, race, hair color, and eye color
 - 3) Photo of the child;
 - a) Any published photo or other information published to help locate the child shall not identify the child as being involved with DCFS;
 - 4) Child's date of birth;
 - 5) Name and contact information of the FSW caseworker and FSW supervisor;
 - 6) Investigating Law Enforcement Agency Name, Contact Information, and Case Number (i.e., Missing Person Report number);
 - 7) Circumstances of the missing child's disappearance, including the date the child went missing or was last seen;
 - 8) Any other factual, biographical, or historical information that may assist with locating the missing Child; and
 - 9) Endangerment information such as the child's pregnancy status, prescription medications, suicidal tendencies, vulnerability to being sex trafficked, and other health or risk factors.
- D. Upon NCMEC's request, release to NCMEC any additional requested information or records in its possession that are relevant to locating the missing child.
- E. Maintain regular communication with law enforcement agencies and NCMEC in efforts to provide a safe recovery of a missing or abducted child, including by sharing information pertaining to the child's recovery and circumstances related to the recovery.
- F. Update contacts in the Division's information management system regarding the missing child and efforts to locate the missing child.
- G. If the child:
- 1) Is not found and there are other children in the home:
 - a) Continue to provide services to the family and other children as appropriate;
 - b) Continue to call previously contacted parties and inquire for information and furnish further information that becomes available through case closure; and
 - c) If appropriate, extend the search to other counties and states.
 - 2) Is not found within sixty (60) calendar days and is the only child in the home:
 - a) Update the family's assessment to determine if additional services (such as counseling) may be appropriate for the parents or caretakers; and
 - b) Close the case if the family does not need further services.

After notification of the child's disappearance by the family or by other means, the FSW supervisor will:

- A. Notify the Area Director or designee of the child's disappearance; and
- B. Conference with the FSW as needed.

POLICY VII-N: CHILD MISSING FROM AN OUT-OF-HOME PLACEMENT

07/2024

Occasionally there are instances when a child or youth may leave an out-of-home placement without authorization. Any of these instances will result in immediate action from the placement provider as outlined for the various circumstances below.

In all instances of missing children, the Division of Children and Family Services (DCFS) will collaborate with the placement provider, law enforcement, and the National Center for Missing and Exploited Children (NCMEC) in an effort to locate the child.

Children in foster care who are located after they run away from Interstate Compact on the Placement of Children (ICPC) approved placements in another state are handled by the DCFS ICPC office. However, if a pick-up order is issued, the Interstate Compact for Juveniles (ICJ) applies.

Neither ICJ nor ICPC are applicable to children who are not in foster care and are kidnapped (by either a custodial or non-custodial parent) and taken to another state. These situations are a matter between the legal custodian and law enforcement. However, for children with whom the Division comes into contact due to an interference with custody issue not related to a child who is in DCFS custody, please refer to Policy VI-I: Interference with Custody.

Child Who May Have Been Taken from an Out-of-Home Placement

If the placement provider has reason to believe the child was taken from the placement without authorization by another individual, then the placement provider will immediately notify the youth's primary Family Service Worker (FSW) caseworker and primary FSW caseworker's supervisor. The out-of-home placement provider will also begin an immediate search for the child or youth. The search will entail the following actions:

- A. Searching the immediate premises; and
- B. Searching the community to contact the child's friends and other contacts who may know of or have information regarding the child's whereabouts.

Upon notification from the placement provider, the youth's primary FSW caseworker and primary FSW caseworker's supervisor will ensure the following individuals are notified of the child's disappearance:

- A. Area Director; and
- B. Assistant Director of Field Operations or designee.

The primary FSW caseworker will then follow the steps outlined in Procedure VII-N1 below.

The Assistant Director of Field Operations or designee will then notify the DCFS Director.

Child Who May Have Run Away

If the placement provider has reason to believe the child left the out-of-home placement of his or her own accord (such as, if they run away), then the out-of-home placement provider will begin an immediate search for the child or youth. The search will entail the following actions:

- A. Searching the immediate premises; and
- B. Searching the community to contact the child's friends and other contacts who may know of or have information regarding the child's whereabouts.

If the child is located within one (1) hour of initiating the search, the placement provider will notify the primary FSW caseworker and primary FSW caseworker's supervisor of the incident no later than the next calendar day. The child's primary FSW caseworker will document the incident (such as, if the child ran away but was located within one (1) hour) accordingly in the Division information management system. The primary FSW caseworker, or secondary FSW caseworker, as appropriate, will also conduct a visit with the child and placement provider by the next business day to assess why the child ran away and what immediate steps may need to be taken to better support both the child and the placement provider.

If the child who is believed to have run away of his/her own accord cannot be located within one (1) hour of initiating the search, then at that point the out-of-home placement provider will immediately notify the youth's primary Family Service Worker (FSW) caseworker and primary FSW caseworker's supervisor. The primary FSW caseworker will then follow the steps outlined in Procedure VII-N1 below.

PROCEDURE VII-N1: When a Child is Reported Missing from an Out-of-Home Placement

07/2024

After receiving notification of the child's disappearance by the placement provider, the primary Family Service Worker (FSW) caseworker will:

- A. Notify the child's custodial or non-custodial parent of the discovery of the child's disappearance within two (2) hours (or sooner depending on the age of the child) by phone, or preferably, a visit to the home if possible.
 - 1) If the parents currently reside in a county outside the primary FSW caseworker's county, the secondary FSW caseworker or an appropriate FSW supervisor may conduct the home visit to notify the parents that his/her child is currently missing.
 - 2) If the custodial or non-custodial parent's current or correct address or telephone number is unknown, a letter will be written to the parent's last known address.
- B. Notify supervisor, the child's secondary FSW and Transitional Youth Services (TYS) Coordinator (if applicable), and attorney ad litem within two (2) hours via email, phone, or text.
- C. Notify the state police, local police department, or sheriff's office, as applicable, within two (2) hours after receiving information on missing or abducted children or youth. The

notification, which may occur via email, text, or phone will include where reasonably possible:

- 1) Child's name;
 - 2) A description of the child's physical features such as height, weight, sex, ethnicity, race, hair color, and eye color;
 - 3) A photo of the child; and
 - a) Any published photos or other information published to help locate the child shall not identify the child as a child in foster care;
 - 4) Child's date of birth;
 - 5) Circumstances of the missing child's disappearance, including the date the child went missing or was last seen, and if the child indicated a destination (and if so, what the destination is);
 - 6) Any other factual, biographical, or historical information that may assist with locating the missing child;
 - 7) Endangerment information such as the child's pregnancy status, prescription medications, suicidal tendencies, vulnerability to being sex trafficked, and other health or risk factors; and
 - 8) A request for law enforcement to enter the information into the National Crime Information Center (NCIC) database of the Federal Bureau of Investigation.
- D. Once a police report has been filed, contact the National Center for Missing and Exploited Children (NCMEC) at 1-800-THE-LOST (1-800-843-5678) no later than twenty-four (24) hours after receiving information on missing or abducted children or youth, to provide the following information, where reasonably possible, to NCMEC per the Memorandum of Understanding (MOU) between the Division of Children and Family Services (DCFS) and NCMEC:
- 1) Child's name;
 - 2) A description of the child's physical features such as height, weight, sex, ethnicity, race, hair color, and eye color;
 - 3) Photo of the child;
 - a) Any published photos or other information published to help locate the child shall not identify the child as a child in foster care.
 - 4) Child's date of birth;
 - 5) Name and contact information of the primary FSW caseworker and FSW supervisor;
 - 6) Investigating Law Enforcement Agency Name, Contact Information, and Case Number, including a Missing Person Report number;
 - 7) Circumstances of the missing child's disappearance, including the date the child went missing or was last seen;
 - 8) Any other factual, biographical, or historical information that may assist with locating the missing Child; and
 - 9) Endangerment information such as the child's pregnancy status, prescription medications, suicidal tendencies, vulnerability to being sex trafficked, and other health or risk factors.

- E. Upon NCMEC's request, release to NCMEC any additional requested information or records that are relevant to locating the missing child.
- F. Maintain regular communication with law enforcement agencies and NCMEC in efforts to provide a safe recovery of a missing or abducted child, including by sharing information pertaining to the child's recovery and circumstances related to the recovery.
- G. Contact the local Office of Chief Counsel (OCC) and request OCC to complete and file a pick-up order and a motion and order to notify the court that the child is missing no more than twenty-four (24) hours after receiving notification of a missing child.
 - 1) The motion requesting the pick-up order and the proposed order will put the court on notice that the child is missing.
- H. Provide the order regarding the missing child to the designated Transitional Youth Services representative in the DCFS Central Office who will assist in locating the youth.
- I. Update the child's placement information in the Division's information management system within two (2) business days, to include completion of fields regarding the required reports made to local law enforcement and NCMEC.
 - 1) Even when the child is placed on runaway status, the child's Medicaid case will remain open. If the child is still on runaway status at the time of his or her Medicaid redetermination, such as the anniversary of his or her entering foster care, then the Medicaid case will be closed at that time.
- J. Communicate regularly with the child's secondary FSW caseworker and the Transitional Youth Services (TYS) Coordinator, if applicable, and the designated Transitional Youth Services representative in Central Office.
- K. When an Arkansas child in foster care has run away and is located in another state, notify the Administrator of the Interstate Compact for Juveniles (ICJ) of the Division of Youth Services.
 - 1) ICJ will process all out-of-state runaways' probationers, runaways, and children in foster care.
- L. If the child is not found:
 - 1) Continue to call previously contacted parties and inquire for information, furnish further information that becomes available, and if appropriate, extend the search to other counties and states.
 - 2) Update the custodial or non-custodial parents to assure them that the search continues no less than weekly when current contact information for the custodial or non-custodial parents is available.
 - a) This requirement does not apply to parents whose parental rights have been terminated.

After receiving notification of the child's disappearance from the FSW, the Family Service Worker supervisor will:

- A. Notify the Area Director or designee of the child's disappearance; and
Conference with the FSW as needed.

PROCEDURE VII-N2: When a Child Missing from an Out-of-Home Placement is Located

07/2024

When a child missing from an out-of-home placement is located, the primary Family Service Worker will:

- A. Ensure the child has a physical exam by his/her primary care physician, if possible, within seventy-two (72) hours of locating the child or immediately in the case of a medical emergency.
- B. Notify immediately (but no later than twenty-four (24) hours after the child has been located) all parties and individuals previously notified of the child's disappearance that the child has been located to include, but not limited to:
 - 1) Secondary FSW, if applicable;
 - 2) TYS Coordinator, if applicable;
 - 3) FSW Supervisor;
 - 4) Area Director;
 - 5) Placement provider;
 - 6) Local OCC attorney;
 - 7) Child's attorney ad litem;
 - 8) Custodial and non-custodial parents;
 - 9) Law enforcement; and
 - 10) NCMEC:
 - a) This notification may occur via email, phone, or text as appropriate.
- C. Conduct a visit with the child and placement provider by the next business day after the child has been located, to determine what immediate needs the child and placement provider may have and what immediate steps may need to be taken to better support both the child and the placement provider (this visit may be conducted by the secondary FSW caseworker as appropriate).
- D. Update the child's placement in the Division's information management system within two (2) business days of locating the child.
- E. Determine the primary factors that contributed to the child's running away or otherwise being absent from foster care to include:
 - 1) Updating the child's assessment in the Division's information management system within thirty (30) days of locating the child; and
 - 2) Determining if the child is a possible sex trafficking victim based on responses to the updated assessment and any other information gathered.
 - a) If there is reason to believe the child is, or is at risk of being, a victim of sex trafficking:
 - i. Document accordingly in the Division's information management system and conference with the FSW supervisor to determine appropriate next steps for additional screening related to sex trafficking victims and referral to appropriate services, or both.

- ii. Report information on children or youth who have been identified as being a sex trafficking victim to local law enforcement immediately, and in no case later than twenty-four (24) hours after receiving the information.
 - iii. Document in the Division's information management system when local law enforcement is notified of a child being identified as a sex trafficking victim.
- F. Communicate regularly with the child's secondary FSW caseworker and or TYS Coordinator, if applicable.

When a child missing from an out-of-home placement is located, the secondary FSW caseworker will:

- A. Collaborate with the primary FSW as needed to ensure:
 - 1) The child has a physical exam by his/her primary care physician, if possible, within seventy-two (72) hours of locating the child; and
 - 2) All appropriate parties are notified that the child has been located.

The Family Service Worker Supervisor(s) will:

- A. Conference with the FSW(s) as needed; and
- B. Notify the Area Director or designee.