

Exhibit H.3



Arkansas Department of Human Services Division of Children and Family Services

700 Main Street, Donaghey Plaza South, 5th Floor

P.O. Box 1437, Slot S560

Little Rock, Arkansas 72203-1437

Telephone (501) 682-8008 TDD (501) 682-1442 FAX 501) 682-6968

October 17, 2012



Varnaria Vickers-Smith, Legislative Analyst
Senate Interim Children and Youth Committee and the
House Aging, Children and Youth, Legislative and Military Affairs Committee
Arkansas Bureau of Legislative Research
One Capital Mall, 5th Floor, Room R-516
Little Rock, AR 72201

RE: Initial Filing - Regular Promulgation

Dear Ms. Vickers-Smith:

Please place the Division of Children & Family Services on the Children & Youth Committee agenda for review of the Rules as listed on the Questionnaire. The public comment period is from October 17, 2012 to November 15, 2012, with an effective date of January 1, 2013.

Enclosed are copies of the Questionnaire, Summary of Changes, Financial Impact Statement and Rule.

If you have any questions or comments, please contact Christin Harper, Policy & Professional Development Administrator, Division of Children and Family Services, P.O. Box 1437, (Slot S570), Little Rock, Arkansas 72203-1437; phone 682-8541; email christin.harper@arkansas.gov or fax 682-6968.

Sincerely,

A handwritten signature in blue ink that reads "Cecile Blucker".
Cecile Blucker

Director, Division of Children and Family Services

BUREAU OF LEGISLATIVE RESEARCH

DEPARTMENT OF HUMAN SERVICES
Division of Children and Family Services
AMENDING ADMINISTRATIVE REGULATIONS

TITLE: New Rule

Revised Rule

- Procedure II-E1: County Office Response to the Child Abuse Hotline for Assessments That Are the Responsibility of the Division
- Procedure II-E4: Other Child Maltreatment Assessment Action
- CFS-232-T2: True But Exempt Child Maltreatment Investigative Determination Notice to Offender

Rescinded Rule

PROPOSED EFFECTIVE DATE: January 1, 2013

STATUTORY AUTHORITY: A.C.A. 9-28-103

NECESSITY AND FUNCTION: New Rule

Revised Rule

- Procedure II-E1: County Office Response to the Child Abuse Hotline for Assessments That Are the Responsibility of the Division
 - Adds requirement for FSW to conduct a CHRIS history search prior to initiating an investigation in order to potentially gain a broader perspective on the family involved in the report.
- Procedure II-E4: Other Child Maltreatment Assessment Actions
 - Adds requirement that anytime there is an open investigation involving a child in the hospital (e.g., Garrett's Law report, child admitted to hospital for injuries or other health issues associated with child abuse or neglect), FSW must conduct a home visit prior to the child being discharged from the hospital.
- CFS-232-T2: True But Exempt Child Maltreatment Investigative Determination Notice to Offender
 - Adds space to record certified mail number.
 - Adds information regarding request for Administrative Hearing.

Rescinded Rule

PAGES FILED:



Signature

Name: Cecile Blucker

Title: Director

Section: Division of Children and Family Services

Department of Human Services

PROMULGATION DATES:

October 17-November 15, 2012

CONTACT PERSON:

Christin Harper
DHS-DCFS Policy Unit
Phone: (501) 682-8541
Fax: (501) 683-4854
Email: christin.harper@arkansas.gov

**QUESTIONNAIRE FOR FILING PROPOSED RULES AND REGULATIONS
WITH THE ARKANSAS LEGISLATIVE COUNCIL AND JOINT INTERIM COMMITTEE**

DEPARTMENT/AGENCY Department of Human Services
DIVISION Division of Children and Family Services
DIVISION DIRECTOR Cecile Blucker
CONTACT PERSON Christin Harper, Policy & Professional Development Administrator
ADDRESS P. O. Box 1437, Slot S570, Little Rock, AR 72203-1437
PHONE NO. (501) 682-8541 FAX NO. (501) 683-4854 E-MAIL christin.harper@arkansas.gov
NAME OF PRESENTER AT COMMITTEE MEETING Christin Harper
PRESENTER E-MAIL christin.harper@arkansas.gov

INSTRUCTIONS

- A. Please make copies of this form for future use.
- B. Please answer each question **completely** using layman terms. You may use additional sheets, if necessary.
- C. If you have a method of indexing your rules, please give the proposed citation after "Short Title of this Rule" below.
- D. Submit two (2) copies of this questionnaire and financial impact statement attached to the front of two (2) copies of the proposed rule and required documents. Mail or deliver to:

**Donna K. Davis
Administrative Rules Review Section
Arkansas Legislative Council
Bureau of Legislative Research
Room 315, State Capitol
Little Rock, AR 72201**

1. What is the short title of this rule? Updates to Investigation Procedures

To require investigators to run a history check prior to initiating investigations; to require that for any open investigation involving a child in the hospital, a home visit will be conducted prior to the child being discharged; to update form CFS-232-T2 by adding space to record certified mail number and information regarding request for administrative hearing.

2. What is the subject of the proposed rule? _____

3. Is this rule required to comply with a federal statute, rule, or regulation? Yes No
If yes, please provide the federal rule, regulation, and/or statute citation.

4. Was this rule filed under the emergency provisions of the Administrative Procedure Act? Yes No
If yes, what is the effective date of the emergency rule? _____

When does the emergency rule expire? _____

Will this emergency rule be promulgated under the permanent provisions of the Administrative Procedure Act? Yes No

5. Is this a new rule? Yes No

If yes, please provide a brief summary explaining the regulation.

Does this repeal an existing rule? Yes No
If yes, a copy of the repealed rule is to be included with your completed questionnaire. If it is being replaced with a new rule, please provide a summary of the rule giving an explanation of what the rule does.

Is this an amendment to an existing rule? Yes No
If yes, please attach a mark-up showing the changes in the existing rule and a summary of the substantive changes. **Note: The summary should explain what the amendment does, and the mark-up copy should be clearly labeled "mark-up."**

6. Cite the state law that grants the authority for this proposed rule?
If codified, please give Arkansas Code citation.

A.C.A. § 9-28-103

7. What is the purpose of this proposed rule? Why is it necessary?

Revised Rule

- Procedure II-E1: County Office Response to the Child Abuse Hotline for Assessments That Are the Responsibility of the Division
 - o Adds requirement for FSW to conduct a CHRIS history search prior to initiating an investigation in order to potentially gain a more comprehensive perspective of the family involved in the report.
- Procedure II-E4: Other Child Maltreatment Assessment Actions
 - o Adds requirement that anytime there is an open investigation involving a child in the hospital (e.g., Garrett's Law report, child admitted to hospital for injuries or other health issues associated with child abuse or neglect), FSW must conduct a home visit prior to the child being discharged from the hospital.
- CFS-232-T2: True But Exempt Child Maltreatment Investigative Determination Notice to Offender
 - o Adds space to record certified mail number.
 - o Adds information regarding request for Administrative Hearing.

8. Please provide the address where this rule is publicly accessible in electronic form via the Internet as required by Arkansas Code § 25-19-108(b).

AR Secretary of State Website

DHS/DCFS CHRIS public:

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

9. Will a public hearing be held on this proposed rule?

Yes

No

If yes, please complete the following:

Date: _____

Time: _____

Place: _____

10. When does the public comment period expire for permanent promulgation? (Must provide a date.)

November 15, 2012

11. What is the proposed effective date of this proposed rule? (Must provide a date.)

January 1, 2013

12. Do you expect this rule to be controversial?

Yes

No

If yes, please explain. _____

13. Please give the names of persons, groups, or organizations that you expect to comment on these rules? Please provide their position (for or against) if known.

We do not know of any specific groups of persons who would comment.

FINANCIAL IMPACT STATEMENT
PLEASE ANSWER ALL QUESTIONS COMPLETELY

DEPARTMENT: Department of Human Services

DIVISION: Division of Children and Family Services

PERSON COMPLETING THIS STATEMENT: Greg Crawford

PHONE NO.: (501) 682-6248 / **FAX NO.:** (501) 682-6968 / **E-MAIL:** greg.crawford@arkansas.gov

To comply with Act 1104 of 1995, please complete the following Financial Impact Statement and file copies with the questionnaire and proposed rules.

SHORT TITLE OF THIS RULE: Assessment of Child Maltreatment Reports

1. Does this proposed, amended, or repealed rule or regulation have a financial impact?
Yes No
2. Does the proposed, amended, or repealed rule affect small businesses?
Yes No If yes, please attach a copy of the economic impact statement required to be filed with the Arkansas Economic Development Commission under Arkansas Code § 25-15-301 et seq.
3. If you believe that the development of a financial impact statement is so speculative as to be cost prohibited, please explain.
4. If the purpose of this rule or regulation is to implement a federal rule or regulation, please give the incremental cost for implementing the regulation. Please indicate if the cost provided is the cost of the program.

Current Fiscal Year

General Revenue _____
Federal Funds _____
Cash Funds _____
Special Revenue _____
Other (Identify) _____
Total \$0.00

Next Fiscal Year

General Revenue _____
Federal Funds _____
Cash Funds _____
Special Revenue _____
Other (Identify) _____
Total \$0.00

5. What is the total estimated cost by fiscal year to any party subject to the proposed, amended, or repealed rule or regulation? Identify the party subject to the proposed regulation, and explain how they are affected.

Current Fiscal Year

\$ 0.00

Next Fiscal Year

\$ 0.00

6. What is the total estimated cost by fiscal year to the agency to implement these regulations? Is this the cost of the program or grant? Please explain.

Current Fiscal Year

\$ 0.00

Next Fiscal Year

\$ 0.00

DCFS SUMMARY OF CHANGES FOR OCTOBER 2012 PROMULGATION

SUMMARY OF DCFS REGULAR PROMULGATION

The purpose of this regular promulgation is to:

- To revise procedure to require investigators to run a history check prior to initiating investigations in order to gain a more comprehensive perspective of the family involved in the report.
- To require that for any open investigation involving a child in the hospital, a home visit will be conducted prior to the child being discharged from the hospital.
- To update form CFS-232-T2 by adding a space to record certified mail number and information regarding request for Administrative Hearing.

PROCEDURE II-E1: County Office Response to the Child Abuse Hotline for Assessments That Are the Responsibility of the Division

01/2013~~2~~

The County Supervisor or designee will:

- A. Assign the report to a Family Service Worker(s) or a Unit Group who will conduct the assessment when a report is received in the CHRIS county in-box.
- B. Make entries on the "Inv. Notes" as the assessment is conducted.
- C. Consult with and advise the Family Service Worker as the assessment is conducted.

The FSW will:

A. Conduct a CHRIS history search prior to initiation of investigation.

~~A-B.~~ Begin the child maltreatment assessment immediately and no later than 24 hours after receipt of a report by the Hotline, if the allegation is severe maltreatment (Priority I), 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; or the allegation is that a child has been subjected to neglect as defined by Garrett's Law § 12-18-103(13)(B).

~~B-C.~~ Begin all other child maltreatment assessments within 72 hours of receipt of a report by the Hotline.

~~C-D.~~ Make immediate telephone notification to the Prosecuting Attorney and law enforcement on Priority I reports.

~~D-E.~~ Notify the Prosecuting Attorney of an allegation of severe maltreatment (Priority I) within 5 business days via CFS-201-A: Notice of Child Maltreatment Allegation to Law Enforcement and Prosecuting Attorney, unless the Prosecuting Attorney has provided written notice that the Division need not send notification of the initial maltreatment report.

~~E-F.~~ Consider the assessment initiated:

- 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 3 times at different times of the day or on different days 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.

~~F-G.~~ Submit the record to the supervisor for approval of due diligence to locate and interview the child after all these efforts have been made.

~~G-H.~~ Make notifications to the appropriate parties according to Procedure XIV-A1. Begin entering the "Child Maltreatment Assessment" into the "Investigation" section of CHRIS.

PROCEDURE II-E1: County Office Response to the Child Abuse Hotline for Assessments That Are the Responsibility of the Division

01/2013

The County Supervisor or designee will:

- A. Assign the report to a Family Service Worker(s) or a Unit Group who will conduct the assessment when a report is received in the CHRIS county in-box.
- B. Make entries on the "Inv. Notes" as the assessment is conducted.
- C. Consult with and advise the Family Service Worker as the assessment is conducted.

The FSW will:

- A. Conduct a CHRIS history search prior to initiation of investigation.
- B. Begin the child maltreatment assessment immediately and no later than 24 hours after receipt of a report by the Hotline, if the allegation is severe maltreatment (Priority I), 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; or the allegation is that a child has been subjected to neglect as defined by Garrett's Law § 12-18-103(13)(B).
- C. Begin all other child maltreatment assessments within 72 hours of receipt of a report by the Hotline.
- D. Make immediate telephone notification to the Prosecuting Attorney and law enforcement on Priority I reports.
- E. Notify the Prosecuting Attorney of an allegation of severe maltreatment (Priority I) within 5 business days via CFS-201-A: Notice of Child Maltreatment Allegation to Law Enforcement and Prosecuting Attorney, unless the Prosecuting Attorney has provided written notice that the Division need not send notification of the initial maltreatment report.
- F. Consider the assessment initiated:
 - 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 3 times at different times of the day or on different days 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.
- G. Submit the record to the supervisor for approval of due diligence to locate and interview the child after all these efforts have been made.
- H. Make notifications to the appropriate parties according to Procedure XIV-A1. Begin entering the "Child Maltreatment Assessment" into the "Investigation" section of CHRIS.

PROCEDURE II-E4: Other Child Maltreatment Assessment Actions

~~019/20134~~

The Family Service Worker will:

- A. Use CFS-317: Off-Site Worker's Safety Log during the child maltreatment investigation for all off-site visits away from his/her primary work-site. If the worker is going to return to the primary work-site more than one hour later than the "Planned Return Date/Time", he/she will contact his/her immediate supervisor, County Supervisor or designee with a revised anticipated return date/time.
- B. Give the family and alleged offender (if alleged offender resides outside of the home) PUB-52: Child Protective Services—A Caretaker's Guide during the first contact and explain, as appropriate, to help the family/alleged offender understand its contents.
- C. Conduct a home visit to assess the safety, risk, and protective factors of the environment where the child resides and determine the names and conditions of other children in the home. The home visit may or may not be conducting during the course of interviews with the alleged victim; however, anytime there is an open investigation involving a child in the hospital (e.g., Garrett's Law report, child admitted to hospital for injuries or other health issues associated with child abuse or neglect), a home visit will be conducted prior to the child being discharged from the hospital.-
- D. Contact the DHS attorney to petition the court for an ex parte order of investigation to allow access if the parents, caretakers, or others deny access to any place where the child may be.
- E. Exercise due diligence in locating the non-custodial parent of the victim child. Examples of due diligence include, but are not limited to, seeking information from relatives or using information from the alleged victim child's birth certificate to identify and locate the non-custodial parent.
- F. Document all efforts at reasonable diligence, if unable to locate the non-custodial parent to ensure completion of the investigation within 30 days.
- G. Obtain X-rays, photographs, radiology procedures, drug test results, medical records, other pertinent records (e.g., school records, or videos from mandated reporters).
- H. Ensure that all the information gathered during the assessment is contained within the DCFS file whether or not the information supports the investigative determination.
- I. Key all screens in the "Investigation" section of CHRIS including screens listed under the "Interview" and "Client" sections. Skip screens only when the information for that screen is unavailable.
- J. Complete and print CFS-6003: Report to Prosecuting Attorney within 30 days of the initial report of severe maltreatment (Priority I reports) and send to Prosecuting Attorney and law enforcement.

As DCFS is the Secondary Assigned Investigator on all CACD Primary Assigned Investigations, the FSW will:

- A. Complete the Safety Plan and Risk Assessment sections. CACD investigators may not complete this section.
- B. Provide to the CACD Primary Assigned Investigator any new allegations of child maltreatment that come to the attention of DCFS during the investigation.
- C. 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.

The FSW will not:

- A. Enter any data in the CHRIS Investigation file with the exception of the Safety Plan and Risk Assessment tabs that CACD Investigators are not allowed to complete.
- B. Complete the "Investigation Closure" screen and "Request/Approve Closure."

With the exception of investigations where CACD is the Primary Investigator, the FSW Supervisor will:

- A. Review the investigative determination and other pertinent screens in CHRIS.
- B. Approve the investigation closure on the "Investigation Closure" screen.

|

When CACD is assigned as the primary investigator, the DCFS Supervisor of the secondary assigned investigator will:

- A. Complete/approve the "Investigation Case Connect" screen and "Transfer/Assign to Case Assignment," if appropriate.
- B. Complete the "Closure" screen and "Request/Approve Closure."

PROCEDURE II-E4: Other Child Maltreatment Assessment Actions

01/2013

The Family Service Worker will:

- A. Use CFS-317: Off-Site Worker's Safety Log during the child maltreatment investigation for all off-site visits away from his/her primary work-site. If the worker is going to return to the primary work-site more than one hour later than the "Planned Return Date/Time", he/she will contact his/her immediate supervisor, County Supervisor or designee with a revised anticipated return date/time.
- B. Give the family and alleged offender (if alleged offender resides outside of the home) PUB-52: Child Protective Services—A Caretaker's Guide during the first contact and explain, as appropriate, to help the family/alleged offender understand its contents.
- C. Conduct a home visit to assess the safety, risk, and protective factors of the environment where the child resides and determine the names and conditions of other children in the home. The home visit may or may not be conducting during the course of interviews with the alleged victim; however, anytime there is an open investigation involving a child in the hospital (e.g., Garrett's Law report, child admitted to hospital for injuries or other health issues associated with child abuse or neglect), a home visit will be conducted prior to the child being discharged from the hospital.
- D. Contact the DHS attorney to petition the court for an ex parte order of investigation to allow access if the parents, caretakers, or others deny access to any place where the child may be.
- E. Exercise due diligence in locating the non-custodial parent of the victim child. Examples of due diligence include, but are not limited to, seeking information from relatives or using information from the alleged victim child's birth certificate to identify and locate the non-custodial parent.
- F. Document all efforts at reasonable diligence, if unable to locate the non-custodial parent to ensure completion of the investigation within 30 days.
- G. Obtain X-rays, photographs, radiology procedures, drug test results, medical records, other pertinent records (e.g., school records, or videos from mandated reporters).
- H. Ensure that all the information gathered during the assessment is contained within the DCFS file whether or not the information supports the investigative determination.
- I. Key all screens in the "Investigation" section of CHRIS including screens listed under the "Interview" and "Client" sections. Skip screens only when the information for that screen is unavailable.
- J. Complete and print CFS-6003: Report to Prosecuting Attorney within 30 days of the initial report of severe maltreatment (Priority I reports) and send to Prosecuting Attorney and law enforcement.

As DCFS is the Secondary Assigned Investigator on all CACD Primary Assigned Investigations, the FSW will:

- A. Complete the Safety Plan and Risk Assessment sections. CACD investigators may not complete this section.
- B. Provide to the CACD Primary Assigned Investigator any new allegations of child maltreatment that come to the attention of DCFS during the investigation.
- C. 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.

The FSW will not:

- A. Enter any data in the CHRIS Investigation file with the exception of the Safety Plan and Risk Assessment tabs that CACD Investigators are not allowed to complete.
- B. Complete the "Investigation Closure" screen and "Request/Approve Closure."

With the exception of investigations where CACD is the Primary Investigator, the FSW Supervisor will:

- A. Review the investigative determination and other pertinent screens in CHRIS.
- B. Approve the investigation closure on the "Investigation Closure" screen.

When CACD is assigned as the primary investigator, the DCFS Supervisor of the secondary assigned investigator will:

- A. Complete/approve the "Investigation Case Connect" screen and "Transfer/Assign to Case Assignment," if appropriate.
- B. Complete the "Closure" screen and "Request/Approve Closure."



Arkansas Department of Human Services Division of Children and Family Services

True But Exempt Child Maltreatment Investigative Determination Notice to Offender

To: _____

Address: _____

From: _____

Phone: _____

County Office: _____

Date: _____

CHRIS Referral # _____

Re: Name of Alleged Offender: _____

Certified Mail # _____

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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. §12-18-708, this is your notice that based on the preponderance of the evidence, the investigative agency determined the allegation to be:

True but exempt, and your name should not be placed in the Child Maltreatment Central Registry because the report was true for Garrett's Law.

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

The type of maltreatment was _____.

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.

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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

INVESTIGATOR SIGNATURE

MARKYUP



**Arkansas Department of Human Services
Division of Children and Family Services**

True But Exempt Child Maltreatment Investigative Determination Notice to Offender

To: _____

Address: _____

From: _____

Phone: _____

County Office: _____

Date: _____

CHRIS Referral # _____

Re: Name of Alleged Offender:

Certified Mail # _____

Name of Alleged Victim(s):

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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

INVESTIGATOR SIGNATURE