

EXHIBIT H-3



Arkansas Department of Human Services Division of Children and Family Services

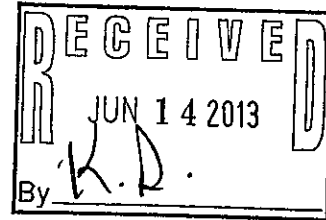
700 Main Street, Donaghey Plaza South, 5th Floor

P.O. Box 1437, Slot S560

Little Rock, Arkansas 72203-1437

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

June 14, 2013



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 June 14, 2013 to July 13, 2013, with an effective date of August 19, 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 black 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:

Revised Rule

- POLICY XIV-A (and Related Procedures): NOTICES REGARDING CHILD MALTREATMENT
- PROCEDURE IX-A3: Appeals and Hearings of True Child Maltreatment Decisions
- PROCEDURE IX-A4: Regular Administrative Hearing Process
- PROCEDURE IX-A5: Expedited Hearing Process
- PROCEDURE IX-A6: Preliminary Administrative Hearing
- PROCEDURE IX-A7: Investigative File for the Administrative Hearing
- PROCEDURE XIII-A3: Information Disclosure on True Findings
- PROCEDURE XIII-A4: Information Disclosure on Screened Out and Unsubstantiated Reports
- PROCEDURE XIII-A5: Central Registry Fees
- PUB-52 Child Protective Services: A Caretaker's Guide
- PUB-357 Child Maltreatment Assessment Protocol
- CACD-223-T1: Child Maltreatment True Investigative Determination Notice to Underaged Juvenile Offender (under 14 years old)
- CACD-223-T3: Child Maltreatment True Investigative Determination Notice to Alleged Juvenile Offender 14-17 Years of Age
- CACD-224-T1: Child Maltreatment True Investigative Determination Notice to Legal Parents and Legal Guardians of Underaged Juvenile Offender (under 14 years old)
- CACD-224-T3: Child Maltreatment True Investigative Determination Notice to Legal Parents or Legal Guardians of the Alleged Juvenile Offender (14 - 17 Years of Age)
- CACD-240-U1: Notice of Unsubstantiated Child Maltreatment Investigative Determination to Alleged Underaged Juvenile Offender (Under 14 years old)
- CACD-240-U2: Notice of Unsubstantiated Child Maltreatment Investigative Determination to Alleged Juvenile Offender (14-17 years of age)
- CACD-284-N: Notice of Name Placement on Central Registry to Legal Parents or Legal Guardians of the Juvenile Offender (14 -17 Years of Age)
- CFS-223-T1: Child Maltreatment True Investigative Determination Notice to Underaged Juvenile Offender (under 14 years old)
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New Rule

- POLICY II-E (and Related Procedures): INVESTIGATION OF CHILD MALTREATMENT REPORTS
- CFS-200: Protection Plan
- CFS-217: Request for Investigation Timeframe Extension

Rescinded Rule

- POLICY II-K (and Related Procedures): PROTECTION PLANS
- CACD-223-T2: Child Maltreatment True Investigative Determination Notice to Alleged Juvenile Offender 13-15 Years of Age
- CACD-224-T2: Child Maltreatment True Investigative Determination Notice to Legal Parents and Legal Guardians of Alleged Juvenile Offender 13-15 Years of Age
- CFS-223-T2: Child Maltreatment True Investigative Determination Notice to Alleged Juvenile Offender 13- 15 Years of Age
- CFS-224-T2 Child Maltreatment True Investigative Determination Notice to Legal Parents and Legal Guardians of Alleged Juvenile Offender 13-15 Years of Age

PROPOSED EFFECTIVE DATE: August 19, 2013

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

NECESSITY AND FUNCTION:

Revised Rule

- POLICY XIV-A (and Related Procedures): NOTICES REGARDING CHILD MALTREATMENT
 - Revised to reflect change in definition of underaged juvenile offender per Act 1006 of the 89th General Assembly, Regular Session 2013
 - Revised to include the elderly, individuals with disabilities or mental illness, or juveniles within at risk determination categories per Act 1006 of the 89th General Assembly, Regular Session 2013
 - Clarified chain of command for at risk determination notices
 - Deleted references to special notification of 13-15 Year Olds if involved in delinquency proceeding based on same set of facts in child maltreatment report per Act 1006 of the 89th General Assembly, Regular Session 2013
- PROCEDURE IX-A3: Appeals and Hearings of True Child Maltreatment Decisions
 - Added reference to CACD when their investigations are

- appealed per “Agreement Between Arkansas Department of Human Services and Arkansas State Police”
- PROCEDURE IX-A4: Regular Administrative Hearing Process
 - Added reference to CACD when their investigations are appealed per “Agreement Between Arkansas Department of Human Services and Arkansas State Police”
 - Clarified that CACD will appear and testify in Administrative Hearings relating to their investigations and all court proceedings relating to their investigations without a subpoena
 - Updated information regarding timeframe and proceeding per “Agreement Between Arkansas Department of Human Services and Arkansas State Police”
 - requirements for Administrative Hearings per Act 1006 of the 89th General Assembly, Regular Session 2013
- PROCEDURE IX-A5: Expedited Hearing Process
 - Added reference to CACD when their investigations are appealed per “Agreement Between Arkansas Department of Human Services and Arkansas State Police”
 - Revised to include different types of electronic media for which department may charge a reasonable fee for researching, copying, or mailing per Act 1006 of the 89th General Assembly, Regular Session 2013
- PROCEDURE IX-A6: Preliminary Administrative Hearing
 - Added reference to CACD when their investigations require Preliminary Administrative Hearing per “Agreement Between Arkansas Department of Human Services and Arkansas State Police”
 - Revised to include preliminary administrative hearing shall proceed even if there is an ongoing criminal or delinquency investigation or criminal or delinquency charges have been or will be filed per Act 1006 of the 89th General Assembly, Regular Session 2013
- PROCEDURE IX-A7: Investigative File for the Administrative Hearing
 - Clarified that investigative file submitted to Child Maltreatment Central Registry shall include copies of pictures, audio tapes, and video tapes, if applicable per “Agreement Between Arkansas Department of Human Services and Arkansas State Police”
 - Added that CACD will appear and testify in Administrative Hearings related to their investigations and all court proceedings relating to their investigations without a subpoena per “Agreement Between Arkansas Department of Human Services and Arkansas State Police”
 - Removed prohibition to DCFS testifying at Administrative Hearing if file not provided
- PROCEDURE XIII-A3: Information Disclosure on True Findings
 - Updated to include reference to administrative hearing proceedings per Act 1006 of the 89th General Assembly, Regular Session 2013
- PROCEDURE XIII-A4: Information Disclosure on Screened Out and Unsubstantiated Reports
 - Updated to include reference to administrative hearing

proceedings per Act 1006 of the 89th General Assembly, Regular Session 2013

- PROCEDURE XIII-A5: Central Registry Fees
 - Revised to include different types of electronic media for which department may charge a reasonable fee for researching, copying, or mailing per Act 1006 of the 89th General Assembly, Regular Session 2013
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 - Revised to reflect change in definition of age of underaged juvenile offender and caretaker and corresponding impact on changes to sexual abuse and related definitions per Act 1006 of the 89th General Assembly, Regular Session 2013
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 - Revised to reflect change in definition of age of underaged juvenile offenders per Act 1006 of the 89th General Assembly, Regular Session 2013

- CACD-240-U2: Notice of Unsubstantiated Child Maltreatment Investigative Determination to Alleged Juvenile Offender (14-17 years of age)
 - Revised to reflect change in definition of age of juvenile offenders per Act 1006 of the 89th General Assembly, Regular Session 2013
- CACD-284-N: Notice of Name Placement on Central Registry to Legal Parents or Legal Guardians of the Juvenile Offender (14 -17 Years of Age)
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New Rule

- POLICY II-E (and Related Procedures): INVESTIGATION OF CHILD MALTREATMENT REPORTS
 - Developed to outline all requirements pertaining investigations; includes extension of timeframe to complete investigations per Act 426 of the 89th General Assembly, Regular Session 2013; information to align policy with Agreement Between Arkansas Department of Human Services and Arkansas State Police”; instructions aligning policy with Division’s current structured decision making processes and best practices
- CFS-200: Protection Plan
 - Provides standard form to document protection plan for families when safety factor identified
- CFS-217: Request for Investigation Timeframe Extension
 - Provides standard way through which to request investigation timeframe extension per Act 426 of the 89th General Assembly, Regular Session 2013

Rescinded Rule

- POLICY II-K (and Related Procedures): PROTECTION PLANS
 - No longer needed because incorporated into Policy II-E
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PAGES FILED:



Signature

Name: Cecile Blucker Title: Director

Section: Division of Children and Family Services

Department of Human Services

PROMULGATION DATES: June 14-July 13, 2013

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? Child Maltreatment Investigation Policy, Publications, and Forms

Provides all requirements pertaining investigations; includes extension of timeframe to complete investigations per Act 426 of the 89th General Assembly, Regular Session 2013; information to align policy with Agreement Between Arkansas Department of Human Services and Arkansas State Police"; instructions aligning policy with Division's current structured decision making processes and best practices; all associated publications and forms

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:

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New Rule:

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 - CFS-200: Protection Plan
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- o Provides standard form to document protection plan for families when safety factor identified
- CFS-217: Request for Investigation Timeframe Extension
 - o Provides standard way through which to request investigation timeframe extension per Act 426 of the 89th General Assembly, Regular Session 2013

Rescinded Rule:

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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.) July 13, 2013

11. What is the proposed effective date of this proposed rule? (Must provide a date.) August 19, 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
TELEPHONE NO. (501) 682-6248 **FAX NO.** (501)682-6968 **EMAIL:** greg.crawford@arkansas.gov

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

SHORT TITLE OF THIS RULE Investigations

1. Does this proposed, amended, or repealed rule have a financial impact? Yes No
2. Does this 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 is to implement a federal rule or regulation, please give the incremental cost for implementing the rule. Please indicate if the cost provided is the cost of the program.

Current Fiscal Year

Next Fiscal Year

General Revenue _____
Federal Funds _____
Cash Funds _____
Special Revenue _____
Other (Identify) _____
Total \$0

General Revenue _____
Federal Funds _____
Cash Funds _____
Special Revenue _____
Other (Identify) _____
Total \$0

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

Current Fiscal Year

Next Fiscal Year

\$ 0

\$ 0

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

Current Fiscal Year

Next Fiscal Year

\$ 0

\$ 0

DCFS SUMMARY OF CHANGES FOR JUNE 2013 PROMULGATION

SUMMARY OF DCFS REGULAR PROMULGATION

The purpose of this regular promulgation outline all requirements pertaining to investigations including extension of the timeframe to complete investigations per Act 426 of the 89th General Assembly, Regular Session 2013; information aligning policy with the Agreement Between Arkansas Department of Human Services and Arkansas State Police, and instructions aligning policy with Division's current structured decision making processes and best practices.

XIV. CHILD MALTREATMENT NOTICES

POLICY XIV-A: NOTICES REGARDING CHILD MALTREATMENT

098/2013~~1~~

The Division of Children and Family Services will issue notices regarding child maltreatment allegations, child maltreatment investigative findings and appeal decisions to all persons pursuant to Ark. Code Ann. 12-18-501~~793~~ 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.

PROCEDURE XIV-A2: Notices of At Risk Determinations

08/2013

Upon initiation of an investigation, the investigator must immediately ascertain the:

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

If it is determined that the alleged offender is a juvenile or works with children or is otherwise engaged in paid or volunteer child-related activities or works with the elderly or an individual with a disability or mental illness (see Policy II-E for more information regarding how to make at risk determination), the investigator will:

- A. Complete applicable sections of CFS-215-R: Risk Determination of Child(ren) Under Care of Alleged Offender and immediately submit to his/her supervisor.
- B. If notified by the Area Director that the DCFS Director or designee has confirmed the at-risk determination via CFS-215-R: Risk Determination of Child(ren) Under Care of Alleged Offender:
 - 1) Issue the at-risk determination notice as applicable via CFS-214: Notice of Child Maltreatment Allegation to Employer, Volunteer Coordinator, or Licensing or Registering Authority.
 - 2) Place a copy of the CFS-214: Notice of Child Maltreatment Allegation to Employer, Volunteer Coordinator, or Licensing or Registering Authority and completed CFS-215-R: Risk Determination of Child(ren) Under Care of Alleged Offender in the investigative file.

The supervisor will:

- A. Review CFS-215-R: Risk Determination of Child(ren) Under Care of Alleged Offender immediately upon receipt.
- B. Conference immediately with the investigator regarding the at-risk determination.
- C. Complete applicable sections of CFS-215-R: Risk Determination of Child(ren) Under Care of Alleged Offender and immediately submit to his/her Area Director.

The Area Director or designee/ CACD Administrator or designee will:

- A. Review CFS-215-R: Risk Determination of Child(ren) Under Care of Alleged Offender immediately upon receipt.
- B. Conference immediately with the supervisor regarding the at-risk determination.
- C. Consult with OCC as necessary prior to making a notice of at-risk determination.
- D. Complete applicable sections of CFS-215-R: Risk Determination of Child(ren) Under Care of Alleged Offender.
- E. Fax CFS-215-R to the DCFS Director or designee immediately.
 - 1) If DCFS Director or designee confirms the at-risk determination in writing via CFS-215-R:

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- a) Give written approval to the investigator and supervisor to issue the at-risk determination notices as applicable via CFS-214: Notice of Child Maltreatment Allegation to Employer, Volunteer Coordinator, or Licensing or Registering Authority.
- b) Ensure investigator receives completed CFS-215-R (with DCFS Director or designee signature) for placement in investigative file.

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The DCFS Director or designee will:

- A. Immediately confirm or deny at risk determination via completion of application sections of CFS-215-R.
- B. Immediately fax completed CFS-215-R to Area Director or designee or CACD Administrator or designee, as applicable.

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The investigator must also determine if the alleged offender is engaged in any paid or volunteer child-related activities. If so, the investigator must immediately ascertain the name and address of the person in charge of those activities.

The investigator will make a determination of "at risk" if the alleged offender's job or volunteer duties include direct or unsupervised contact with children, and the allegation:

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- A. is any Priority I;
- B. is any Priority II, with the exception of Environmental or Educational Neglect or Inadequate Clothing, Food or Shelter;
- C. involves a child in foster care; or,
- D. involves an employee of the Department of Human Services or the Crimes Against Children Division of the AR State Police.

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The supervisor and Area Director may consult with OCC as necessary, prior to making a determination as to whether children appear to be at risk. When the supervisor and Area Director make their determination, the Area Director must:

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- A. obtain the confirmation of the DCFS Director or designee by faxing the CFS-215-R to the Director or designee immediately after making the determination; and,
- B. give approval to the investigator to issue the notices only after obtaining written approval to do so from the Director or designee.

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PROCEDURE XIV-A3: Follow-up Notices of At Risk Determinations

08/2013

If upon further investigation the investigator concludes children, the elderly, or individuals with a disability or mental illness under the care of the alleged offender are not at risk, the "at risk" determination will be changed and the investigator will immediately:

- A. Notify his/her supervisor the determination that children are not at risk.
- B. If the Area Director notifies

The supervisor will:

- A. Conference immediately with the investigator regarding the new determination of child not at risk.
- B. Immediately notify the Area Director regarding the new determination of child not at risk.

The Area Director or designee/CACD Administrator or designee will:

- A. Conference immediately with the supervisor regarding the new determination of children not at risk.
- B. Immediately notify the DCFS Director or designee regarding the new determination of child not at risk.
- C. If the DCFS Director or designee agrees that children are no longer determined to be at risk:
 - 1) Immediately notify the investigator and supervisor to immediately issue CFS-214-R1: Follow-Up Notice to Employer, Volunteer Coordinator, or Licensing or Registering Authority Regarding Child Maltreatment Allegation, as applicable.

The DCFS Director or designee will:

- A. Immediately confirm or deny determination that children are no longer at risk.
- B. Immediately notify Area Director or designee or CACD Administrator or designee, as applicable.

The "at risk" determination can be changed if, upon further investigation the investigator believes children under the care of the alleged offender are not at risk. The investigator shall immediately notify his/her supervisor upon determination that children are not at risk.

The supervisor and Area Director may consult with OCC as necessary, prior to making a determination as to whether to send a follow up notice stating that children are not at risk. When the supervisor and Area Director make their determination, the Area Director must:

- A. ~~obtain the approval of the DCFS Director or designee by faxing the CFS 215-R1 to the Director or designee immediately after making the determination; and,~~
- B. ~~give approval to the investigator to issue the notices only after obtaining written approval to do so from the Director or designee.~~

PROCEDURE XIV-A4: Notices of True Investigative Findings

02/2012

When a preponderance of the evidence found during an investigation indicates that an allegation should be determined true, the investigating agency shall notify certain persons as noted below or may notify the certain persons as noted below if the department determines the notification is necessary to ensure the health or safety of a child or confirm the investigative determination upon request as noted below. These notices may be made prior to satisfaction of due process for the alleged offender. If notice cannot be made to the alleged offender, see Procedure IX-A56, Expedited Hearing Process.

Any person or agency to whom disclosure is made may not disclose to any other person a report or other information included in the notices. However, the person or agency is permitted to consult his or her own attorney regarding the information in any notice provided to them.

F. Alleged Underaged Juvenile Offender (under 14 years of age)

- 1) Type of Allegation All maltreatment
- 2) What Information Name of alleged offender
Name of alleged victim
Type of maltreatment
- 3) When Within 10 business days of determination
- 4) Form CFS-223-T1 or CACD-223-T1 as appropriate

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G. Alleged juvenile offender 13-15 years of age

- 1) Type of Allegation All maltreatment
- 2) What Information Name of alleged offender
Name of alleged victim
Type of maltreatment
- 3) When Within 10 business days of determination
- 4) Form CFS-223-T2 or CACD-223-T2 as appropriate

H.G. Alleged juvenile offender 14-17 years of age

- 1) Type of Allegation All maltreatment
- 2) What Information Name of alleged offender
Name of alleged victim

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- 3) When Type of maltreatment
Within 10 business days of determination
- 4) Form CFS-223-T3 or CACD-223-T3 as appropriate

H. Alleged juvenile offender (at time of offense) currently 18 or older (at time of notification)

- 1) Type of Allegation All maltreatment
- 2) What Information Name of alleged offender
Name of alleged victim
- 3) When Within 10 business days of determination
- 4) Form CFS-223-T4 or CACD-223-T4 as appropriate

H. Legal parents and legal guardians of alleged underaged juvenile offender (under 14 years of age)

- 1) Type of Allegation All maltreatment
- 2) What Information Name of alleged offender
Name of alleged victim
Type of maltreatment
- 3) When Within 10 business days of determination
- 4) Form CFS-224-T1 or CACD-224-T1 as appropriate

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K. Legal parents and legal guardians of alleged underaged juvenile offender 13-15 years of age

- 1) Type of Allegation All maltreatment
- 2) What Information Name of alleged offender
Name of alleged victim
- 3) When Within 10 business days of determination
- 4) Form CFS-224-T2 or CACD-224-T2 as appropriate

L. Legal parents and legal guardians of alleged juvenile offender 16-17 years of age

- 1) Type of Allegation Sexual abuse
- 2) What information Name of alleged juvenile offender
Name of alleged victim
- 3) When Within 10 business days of determination
- 4) Form CFS-224-T3 or CACD-224-T3 as appropriate

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M-K. Current foster parent of alleged offender in foster care

- 1) Type of Allegation All maltreatment
- 2) What Information Name of alleged offender
Type of maltreatment
- 3) When Within 10 business days of determination
- 4) Form CFS-224-T4

O. Victim, if 14 or years of age or older

- 1) Type of Allegation All maltreatment
- 2) What Information Name of alleged victim
Name of alleged offender

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- | | |
|---------|--|
| 3) When | Type of maltreatment
Within 10 business days of determination |
| 4) Form | CFS-225-T1 or CACD-225-T1 as appropriate |

CC. Offender, ~~13 years of age and older~~ (see "True Determination and special process for Notice to Offender" below)

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- | | |
|-----------------------|--|
| 1) Type of Allegation | All maltreatment |
| 2) What Information | Name of alleged victim
Name of alleged offender
Type of maltreatment |
| 3) When | Within 10 business days of determination |
| 4) Form | CFS 232-T1 and CFS-232-T1a or CACD-232-T1 and CACD-232-T1a as appropriate |

TRUE DETERMINATION AND SPECIAL PROCESS FOR NOTICE TO OFFENDER

If the investigation is determined true and not exempt, the offender must be notified of the right to request an administrative hearing within 30 days of the investigative determination.

If the alleged offender is a juvenile age ~~14~~ or older at the time of the act or omission, the notification must include a statement that the matter has been referred for an automatic administrative hearing. The hearing may be waived by the juvenile offender or his/her parent in writing. This hearing may not be waived by the Department if the child is in foster care, but may be waived by the attorney of the child in foster care.

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The investigator may elect to provide notice via certified mail with restricted delivery, or by face-to-face meeting. If either or both methods fail to make contact with the offender, the investigator should utilize a process server.

Upon completion of the investigation, the investigator will:

- A. Go into the Document Tracking screen in CHRIS, click on the "standard" line, go to the pick-list and select the CFS-232-T1: Notice to Offender of True Child Maltreatment Investigative Determination or Expedited Hearing. Enter the date. The CFS-232-T1 will be mailed or presented in a face-to-face meeting in the "Date Requested" field.
- B. Provide the alleged offender a copy of the CFS-232-T1: Notice to Offender of True Child Maltreatment Investigative Determination or Expedited Hearing within 10 business working days of determination.

Notice via Certified Mail

If the investigator elects to mail the notice to the offender, he shall send the CFS-232-T1: Notice to Offender of True Child Maltreatment Investigative Determination or Expedited Hearing to the offender via certified mail with restricted delivery.

Notice via Face-to-Face Meeting

A. If the investigator elects to hand deliver the notice to the offender in the county office or at a safe location outside the office, he must use the CFS-232-T1: Notice to Offender of True Child Maltreatment Investigative Determination.

- 1) When the investigator has presented the CFS-232-T1: Notice to Offender to the offender in the county office, and if the offender refuses to sign the form, the CFS-232-T1a: Witness Statement of Notice of Investigative Determination must be used; the investigator must obtain a DHS employee in the county office who is unbiased and available to witness that the offender has been presented with the notice, but refuses to sign. The available DHS county office employee will fill-out the CFS-232-T1a in the presence of the offender and the investigator who is attempting to provide notice.
 - a. If the investigator schedules a meeting to present notice to the offender in the county office and the offender does not keep the appointment, then the investigator should attempt to deliver by certified mail restricted delivery. If the certified mail delivery is unsuccessful, the investigator should utilize a process server.
- 2) If the investigator elects to hand deliver the notice at a safe location outside the county office, he must be accompanied by an available DHS county office employee. When the investigator has presented the CFS-232-T1 to the offender, and if the offender refuses to sign the form, the accompanying DHS employee will fill out the CFS-232-T1a in the presence of the offender and the investigator who is attempting to provide notice.
 - a. If an investigator isn't able to make contact with the offender outside the office, he should utilize a process server.

Notice via Process Server

The investigator should utilize a process server only after 1) the postal service returns the green card unsigned; or 2) the investigator was unsuccessful in making face-to-face contact with the offender.

Upon successfully providing notification of the determination to the alleged offender, the investigator will:

- A. Enter the date the offender received the notice in the "Date Received/Issued" field on CHRIS after the postal service returns the green card (return receipt); or
- B. Enter the date the offender was provided with the notice in a face-to-face meeting.

Continuing Attempts to Notify When Unable to Locate Offender

If the process server is unable to serve the offender, the Division shall continue to attempt to notify the offender no less-frequently than once a year for no fewer than three years.

TRUE DETERMINATION AND CHILDREN, THE ELDERLY, OR INDIVIDUALS WITH DISABILITIES OR MENTAL ILLNESS AT RISK

Upon satisfaction of due process and if the investigative determination is true, if the offender is a juvenile or is When a child maltreatment investigative determination names as an alleged offender a person who is engaged in child-related activities or employment, works with the elderly, an individual with disabilities or mental illness, or is a juvenile and the department has determined that 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 department may notify the following of the investigative determination upon receiving written approval from the DCFS Director or designee. These notices may be made prior to satisfaction of due process for the alleged offender.

A. Alleged offender's employer, entity or person in charge of the alleged offender's paid or volunteer activity; a licensing or registering authority to the extent necessary to carry out its official responsibilities

- 1) Type of Allegation All maltreatment;
- 2) What Information Name of alleged offender
Type of maltreatment
- 3) When Within 10 business days of determination
- 4) Form CFS-234-T or CACD-234-T as appropriate

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If the Division later determines that there is not a preponderance of the evidence indicating that children under the care of the alleged offender appear to be at risk, the Division shall immediately notify the previously notified person or entity of that information.

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PROCEDURE XIV-A5: Notices of Unsubstantiated Allegations of Child Maltreatment

02/2012

When a determination that an allegation of child maltreatment is not supported by a preponderance of evidence and is determined to be unsubstantiated, the investigating agency shall notify as outlined below or confirm upon request as outlined below, only if notice of the allegation was given:

F. Alleged underaged juvenile offender (under 134 years of age)

- | | |
|-----------------------|--|
| 1) Type of Allegation | All maltreatment |
| 2) What Information | Name of alleged victim
Name of alleged offender
Type of maltreatment |
| 3) When | Within 10 business days of determination |
| 4) Form | CFS-240-U1 or CACD-240-U1 as appropriate |

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G. Alleged juvenile offender (134-17 years of age)

- | | |
|-----------------------|--|
| 1) Type of Allegation | All maltreatment |
| 2) What Information | Name of alleged victim
Name of alleged offender
Type of maltreatment |
| 3) When | Within 10 business days of determination |
| 4) Form | CFS-240-U2 or CACD-240-U2 as appropriate |

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PROCEDURE XIV-A6: Notices of Overturned True Investigation Determination

08/2013

Due process is satisfied by providing the alleged offender with notice and an opportunity for an administrative hearing and 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 alleged 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 alleged offender's name on the Child Maltreatment Central Registry.

Notices of overturned decisions may be sent only after due process is satisfied. Verification must be obtained of either the judicial determination or the fact that alleged offender prevailed in the administrative hearing. These notices serve to inform that the investigative determination was overturned.

J. Alleged victim, if 149 years of age or older

- | | |
|-----------------------|--|
| 1) Type of Allegation | All maltreatment |
| 2) What Information | Name of alleged victim
Type of maltreatment |
| 3) When | Within 10 business days after Central Registry receives notice that the alleged offender prevailed in the administrative hearing |
| 4) Form | CFS-265-O-1 or CACD-265-O-1 as appropriate |

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

08/2013

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.

F. Legal parents and legal custodians of the juvenile offender (149 through 17 years of age)

- | | |
|-----------------------|------------------|
| 1) Type of Allegation | All maltreatment |
|-----------------------|------------------|

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- 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 or CACD-284-N as appropriate

J. Victim, if 14⁰ years of age or older

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- 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 or CACD-285-N as appropriate

W. School where juvenile offender, age 14⁰ or older is enrolled

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- 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 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

XIV. CHILD MALTREATMENT NOTICES

POLICY XIV-A: NOTICES REGARDING CHILD MALTREATMENT

08/2013

The Division of Children and Family Services will issue notices regarding child maltreatment allegations, child maltreatment investigative findings and appeal decisions to all persons pursuant to Ark. Code Ann. 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.

:

PROCEDURE XIV-A2: Notices of At Risk Determinations

08/2013

If it is determined that the alleged offender is a juvenile or works with children or is otherwise engaged in paid or volunteer child-related activities or works with the elderly or an individual with a disability or mental illness (see Policy II-E for more information regarding how to make at risk determination), the investigator will:

- A. Complete applicable sections of CFS-215-R: Risk Determination of Child(ren) Under Care of Alleged Offender and immediately submit to his/her supervisor.
- B. If notified by the Area Director that the DCFS Director or designee has confirmed the at-risk determination via CFS-215-R: Risk Determination of Child(ren) Under Care of Alleged Offender:
 - 1) Issue the at-risk determination notice as applicable via CFS-214: Notice of Child Maltreatment Allegation to Employer, Volunteer Coordinator, or Licensing or Registering Authority.
 - 2) Place a copy of the CFS-214: Notice of Child Maltreatment Allegation to Employer, Volunteer Coordinator, or Licensing or Registering Authority and completed CFS-215-R: Risk Determination of Child(ren) Under Care of Alleged Offender in the investigative file.

The supervisor will:

- A. Review CFS-215-R: Risk Determination of Child(ren) Under Care of Alleged Offender immediately upon receipt.
- B. Conference immediately with the investigator regarding the at-risk determination.
- C. Complete applicable sections of CFS-215-R: Risk Determination of Child(ren) Under Care of Alleged Offender and immediately submit to his/her Area Director.

The Area Director or designee/ CACD Administrator or designee will:

- A. Review CFS-215-R: Risk Determination of Child(ren) Under Care of Alleged Offender immediately upon receipt.
- B. Conference immediately with the supervisor regarding the at-risk determination.
- C. Consult with OCC as necessary prior to making a notice of at-risk determination.
- D. Complete applicable sections of CFS-215-R: Risk Determination of Child(ren) Under Care of Alleged Offender.
- E. Fax CFS-215-R to the DCFS Director or designee immediately.
 - 1) If DCFS Director or designee confirms the at-risk determination in writing via CFS-215-R:
 - a) Give written approval to the investigator and supervisor to issue the at-risk determination notices as applicable via CFS-214: Notice of Child Maltreatment Allegation to Employer, Volunteer Coordinator, or Licensing or Registering Authority.
 - b) Ensure investigator receives completed CFS-215-R (with DCFS Director or designee signature) for placement in investigative file.

The DCFS Director or designee will:

- A. Immediately confirm or deny at risk determination via completion of application sections of CFS-215-R.
- B. Immediately fax completed CFS-215-R to Area Director or designee or CACD Administrator or designee, as applicable.

PROCEDURE XIV-A3: Follow-up Notices of At Risk Determinations

08/2013

If upon further investigation the investigator concludes children, the elderly, or individuals with a disability or mental illness under the care of the alleged offender are not at risk, the "at risk" determination will be changed and the investigator will immediately:

- A. Notify his/her supervisor the determination that children are not at risk.
- B. If the Area Director notifies

The supervisor will:

- A. Conference immediately with the investigator regarding the new determination of child not at risk.
- B. Immediately notify the Area Director regarding the new determination of child not at risk.

The Area Director or designee/CACD Administrator or designee will:

- A. Conference immediately with the supervisor regarding the new determination of children not at risk.
- B. Immediately notify the DCFS Director or designee regarding the new determination of child not at risk.
- C. If the DCFS Director or designee agrees that children are no longer determined to be at risk:
 - 1) Immediately notify the investigator and supervisor to immediately issue CFS-214-R1: Follow-Up Notice to Employer, Volunteer Coordinator, or Licensing or Registering Authority Regarding Child Maltreatment Allegation, as applicable.

The DCFS Director or designee will:

- A. Immediately confirm or deny determination that children are no longer at risk.
- B. Immediately notify Area Director or designee or CACD Administrator or designee, as applicable.

PROCEDURE XIV-A4: Notices of True Investigative Findings

02/2012

When a preponderance of the evidence found during an investigation indicates that an allegation should be determined true, the investigating agency shall notify certain persons as noted below or may notify the certain persons as noted below if the department determines the notification is necessary to ensure the health or safety of a child or confirm the investigative determination upon request as noted below. These notices may be made prior to satisfaction of due process for the alleged offender. If notice cannot be made to the alleged offender, see Procedure IX-A5, Expedited Hearing Process.

Any person or agency to whom disclosure is made may not disclose to any other person a report or other information included in the notices. However, the person or agency is permitted to consult his or her own attorney regarding the information in any notice provided to them.

- F. Alleged underaged juvenile offender (under 14 years of age)
 - 1) Type of Allegation All maltreatment

- 2) What Information Name of alleged offender
Name of alleged victim
Type of maltreatment
- 3) When Within 10 business days of determination
- 4) Form CFS-223-T1 or CACD-223-T1 as appropriate

G. Alleged juvenile offender 14-17 years of age

- 1) Type of Allegation All maltreatment
- 2) What Information Name of alleged offender
Name of alleged victim
Type of maltreatment
- 3) When Within 10 business days of determination
- 4) Form CFS-223-T3 or CACD-223-T3 as appropriate

H. Alleged juvenile offender (at time of offense) currently 18 or older (at time of notification)

- 1) Type of Allegation All maltreatment
- 2) What Information Name of alleged offender
Name of alleged victim
- 3) When Within 10 business days of determination
- 4) Form CFS-223-T4 or CACD-223-T4 as appropriate

I. Legal parents and legal guardians of alleged underaged juvenile offender (under 14 years of age)

- 1) Type of Allegation All maltreatment
- 2) What Information Name of alleged offender
Name of alleged victim
Type of maltreatment
- 3) When Within 10 business days of determination
- 4) Form CFS-224-T1 or CACD-224-T1 as appropriate

J. Legal parents and legal guardians of alleged juvenile offender 14-17 years of age

- 1) Type of Allegation Sexual abuse
- 2) What information Name of alleged juvenile offender
Name of alleged victim
- 3) When Within 10 business days of determination
- 4) Form CFS-224-T3 or CACD-224-T3 as appropriate

K. Current foster parent of alleged offender in foster care

- 1) Type of Allegation All maltreatment
- 2) What Information Name of alleged offender
Type of maltreatment
- 3) When Within 10 business days of determination
- 4) Form CFS-224-T4

O. Victim, if 14 years of age or older

- | | |
|-----------------------|--|
| 1) Type of Allegation | All maltreatment |
| 2) What Information | Name of alleged victim
Name of alleged offender
Type of maltreatment |
| 3) When | Within 10 business days of determination |
| 4) Form | CFS-225-T1 or CACD-225-T1 as appropriate |

CC. Offender, (see "True Determination and special process for Notice to Offender" below)

- | | |
|-----------------------|--|
| 1) Type of Allegation | All maltreatment |
| 2) What Information | Name of alleged victim
Name of alleged offender
Type of maltreatment |
| 3) When | Within 10 business days of determination |
| 4) Form | CFS 232-T1 and CFS-232-T1a or CACD-232-T1 and CACD-232-T1a as appropriate |

TRUE DETERMINATION AND SPECIAL PROCESS FOR NOTICE TO OFFENDER

If the investigation is determined true and not exempt, the offender must be notified of the right to request an administrative hearing within 30 days of the investigative determination.

If the alleged offender is a juvenile age 14 or older at the time of the act or omission, the notification must include a statement that the matter has been referred for an automatic administrative hearing. The hearing may be waived by the juvenile offender or his/her parent in writing. This hearing may not be waived by the Department if the child is in foster care, but may be waived by the attorney of the child in foster care.

The investigator may elect to provide notice via certified mail with restricted delivery, or by face-to-face meeting. If either or both methods fail to make contact with the offender, the investigator should utilize a process server.

Upon completion of the investigation, the investigator will:

- A. Go into the Document Tracking screen in CHRIS, click on the "standard" line, go to the pick-list and select the CFS-232-T1: Notice to Offender of True Child Maltreatment Investigative Determination or Expedited Hearing. Enter the date. The CFS-232-T1 will be mailed or presented in a face-to-face meeting in the "Date Requested" field.
- B. Provide the alleged offender a copy of the CFS-232-T1: Notice to Offender of True Child Maltreatment Investigative Determination or Expedited Hearing within 10 business days of determination.

Notice via Certified Mail

If the investigator elects to mail the notice to the offender, he shall send the CFS-232-T1: Notice to Offender of True Child Maltreatment Investigative Determination or Expedited Hearing to the offender via certified mail with restricted delivery.

Notice via Face-to-Face Meeting

- A. If the investigator elects to hand deliver the notice to the offender in the county office or at a safe location outside the office, he must use the CFS-232-T1: Notice to Offender of True Child Maltreatment Investigative Determination.
 - 1) When the investigator has presented the CFS-232-T1: Notice to Offender to the offender in the county office, and if the offender refuses to sign the form, the CFS-232-T1a: Witness Statement of Notice of Investigative Determination must be used; the investigator must obtain a DHS employee in the county office who is unbiased and available to witness that the offender has been presented with the notice, but refuses to sign. The available DHS county office employee will fill-out the CFS-232-T1a in the presence of the offender and the investigator who is attempting to provide notice.
 - a. If the investigator schedules a meeting to present notice to the offender in the county office and the offender does not keep the appointment, then the investigator should attempt to deliver by certified mail restricted delivery. If the certified mail delivery is unsuccessful, the investigator should utilize a process server.
 - 2) If the investigator elects to hand deliver the notice at a safe location outside the county office, he must be accompanied by an available DHS county office employee. When the investigator has presented the CFS-232-T1 to the offender, and if the offender refuses to sign the form, the accompanying DHS employee will fill out the CFS-232-T1a in the presence of the offender and the investigator who is attempting to provide notice.
 - a. If an investigator isn't able to make contact with the offender outside the office, he should utilize a process server.

Notice via Process Server

The investigator should utilize a process server only after 1) the postal service returns the green card unsigned; or 2) the investigator was unsuccessful in making make face-to-face contact with the offender.

Upon successfully providing notification of the determination to the alleged offender, the investigator will:

- A. Enter the date the offender received the notice in the "Date Received/Issued" field on CHRIS after the postal service returns the green card (return receipt); or
- B. Enter the date the offender was provided with the notice in a face-to-face meeting.

Continuing Attempts to Notify When Unable to Locate Offender

If the process server is unable to serve the offender, the Division shall continue to attempt to notify the offender no less-frequently than once a year for no fewer than three years.

TRUE DETERMINATION AND CHILDREN, THE ELDERLY, OR INDIVIDUALS WITH DISABILITIES OR MENTAL ILLNESS AT RISK

Upon satisfaction of due process and if the investigative determination is true, if the offender is a juvenile or is engaged in child-related activities or employment, works with the elderly, an individual with disabilities or mental illness, or is a juvenile and the department has determined that children, the elderly, or individuals with disabilities or mental illness under the care of the offender appear to be at risk of maltreatment by the alleged offender, the department may notify the following of the investigative determination upon receiving written approval from the DCFS Director or designee.

- A. Alleged offender's employer, entity or person in charge of the alleged offender's paid or volunteer activity; a licensing or registering authority to the extent necessary to carry out its official responsibilities
 - 1) Type of Allegation All maltreatment;
 - 2) What Information Name of alleged offender
Type of maltreatment
 - 3) When Within 10 business days of determination
 - 4) Form CFS-234-T or CACD-234-T as appropriate

If the Division later determines that there is not a preponderance of the evidence indicating that children under the care of the alleged offender appear to be at risk, the Division shall immediately notify the previously notified person or entity of that information.

PROCEDURE XIV-A5: Notices of Unsubstantiated Allegations of Child Maltreatment

02/2012

When a determination that an allegation of child maltreatment is not supported by a preponderance of evidence and is determined to be unsubstantiated, the investigating agency shall notify as outlined below or confirm upon request as outlined below, only if notice of the allegation was given:

- F. Alleged underaged juvenile offender (under 14 years of age)
- 1) Type of Allegation All maltreatment
 - 2) What Information Name of alleged victim
Name of alleged offender
Type of maltreatment
 - 3) When Within 10 business days of determination
 - 4) Form CFS-240-U1 or CACD-240-U1 as appropriate
- G. Alleged juvenile offender (14-17 years of age)
- 1) Type of Allegation All maltreatment
 - 2) What Information Name of alleged victim
Name of alleged offender
Type of maltreatment
 - 3) When Within 10 business days of determination
 - 4) Form CFS-240-U2 or CACD-240-U2 as appropriate

PROCEDURE XIV-A6: Notices of Overturned True Investigation Determination

08/2013

Due process is satisfied by providing the alleged offender with notice and an opportunity for an administrative hearing and 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 alleged 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 alleged offender's name on the Child Maltreatment Central Registry.

Notices of overturned decisions may be sent only after due process is satisfied. Verification must be obtained of either the judicial determination or the fact that alleged offender prevailed in the administrative hearing. These notices serve to inform that the investigative determination was overturned.

- J. Alleged victim, if 14 years of age or older
 - 1) Type of Allegation All maltreatment
 - 2) What Information Name of alleged victim
Type of maltreatment
 - 3) When Within 10 business days after Central Registry receives notice that the alleged offender prevailed in the administrative hearing
 - 4) Form CFS-265-O-1 or CACD-265-O-1 as appropriate

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

08/2013

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.

- 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 or CACD-284-N as appropriate

J. 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 or CACD-285-N as appropriate

W. 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 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

PROCEDURE IX-A3: Appeals and Hearings of True Child Maltreatment Decisions

0829/2013

The Appeals and Hearing Section will notify DCFS or CACD (as appropriate) that an appeal has been filed. The DCFS or CACD investigator responsible for the case will prepare an Investigative File immediately and make it available to the petitioner, any representative, the OCC Attorney and the Appeals and Hearings Section.

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At least 10 days prior to the administrative hearing, the alleged offender and the department will share any information with the other party the party intends to introduce into evidence at the hearing that is not contained in the record. -Additionally, if any child served with a subpoena to be a witness in an administrative hearing is a party to an open dependency-neglect case, the child's attorney ad litem will be provided a copy of the subpoena.

The Appeals and Hearings section will send a notice of hearing which contains the time, date, and place of the hearing and the name of the hearing officer who will conduct the hearing. -The hearing will be held by telephone if neither party requests that the hearing be conducted in person. -If the hearing is held in person, the location will be in an office of the department nearest to the petitioner's residence unless the Administrative Law Judge determines that the hearing will be conducted via video teleconference.

Upon receipt of notice that a true child maltreatment determination is the subject of an appeal, the Family Service Worker DCFS investigator and DCFS County Supervisor or CACD investigator and CACD supervisor (as appropriate), OCC Attorney and the Area Director will consult to review the evidence used to establish the true determination and ascertain the impact of any subsequent events of the case after the determination was made. -If the consultation reveals no merit for defending the true finding, the Area Director will complete the CFS-313: Office of Chief Counsel Review of Administrative Hearing Investigative Determination and provide a copy to the County Supervisor, OCC attorney, and Assistant Director of Community Services. The OCC attorney will inform Appeals and Hearing of the decision not to defend. The CFS-313 will be included in the investigative file. If the consultation reveals merit for defending the true finding, the appropriate office/unit must designate a representative who must be familiar with the circumstances leading to the adverse decision and must be able to summarize the pertinent aspects of the situation and present the documentation to support the basis for the findings. - The representative will be able to answer questions posed by the petitioner or the hearing officer relative to the issue and should be prepared to cross examine witnesses.

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The Department must notify the hearing officer and respondent of the status of any proceeding of the Juvenile Division of the Circuit Court if the child maltreatment at issue in the administrative hearing proceeding is also an issue in the juvenile division of the circuit court proceeding. - The notice may include issues such as whether a 72-hour hold was exercised on the victim, whether the child was released, or if a petition for emergency custody or dependency-neglect was dismissed.

Office of Chief Counsel will assign an attorney to represent the investigative agency at the hearing only if the petitioner has an attorney. - If the petitioner appears at the hearing with an attorney without having first notified the department, the investigator shall ask for a continuance so that an OCC attorney may be appointed.

If the petitioner fails to appear for the hearing and does not contact the Appeals and Hearing Section prior to the date of the hearing, the appeal will be dismissed.

PROCEDURE IX-A4: Regular Administrative Hearing Process

0829/2013

A Hearing Officer from the Appeals and Hearings Section will conduct the hearing in an informal but orderly manner. The Hearing Officer will explain the hearing procedure.

The petitioner may be accompanied by friends or other persons and may be represented by a friend, legal counsel, or other designated representative.

The hearing officer may not review material prior to the hearing unless the material is also made available to the petitioner or his representative.

The representative will read the Administrative Hearing Statement and will then present the Department's case, which includes introducing evidence and questioning witnesses subpoenaed to the hearing as well as cross-examining the petitioner's witnesses.

After completion of DCFS' or CACD's case, the petitioner's case will be presented. This includes the opportunity to present witnesses, advance arguments, offer additional evidence, question the agency representative, and confront and cross-examine witnesses. Questioning of all parties will be confined to the issues involved.

In all cases, the petitioner will be advised of the right to judicial review in the event of an adverse ruling.

The ALJ may amend an investigative determination during (but not after) an administrative hearing to conform with the evidence presented. If the alleged offender could not reasonably infer the amended investigative determination from the investigative record and information submitted by the Division, the ALJ may grant a request for continuance to the alleged offender.

The hearing officer will prepare a hearing decision based on a comprehensive report of the proceedings. The format will consist of an Introduction, Findings of Fact, Conclusions of Law, and a Decision. Final administrative action must be completed within 180 calendar days from the receipt of the appeal by the Appeals and Hearings Section with the following exceptions:

A. The 180-day limit will not apply if there is an ongoing criminal investigation or criminal charges have or will be filed regarding the occurrence that is the subject of the child maltreatment report upon request of any party a stay is granted as permitted pursuant to A.C.A. § 12-18-801 et seq.

1) A. The Administrative Law Judge may stay the case upon a showing by any party that there is an ongoing criminal or delinquency investigation regarding the occurrence that is the subject of the child maltreatment report. In those cases, the administrative hearing shall be stayed pending final disposition of the criminal proceedings. It is the responsibility of the petitioner to report the final disposition of the criminal proceeding to the Department.

B. B. If a criminal or delinquency proceeding is filed regarding the occurrence that is the subject of the child maltreatment report and a request for a stay is accompanied by the written notification of the date the criminal or delinquency proceeding was filed by a party, the administrative hearing shall be stayed for a period of not more than one year from the date the criminal or delinquency proceeding is filed.

- 1) The stay shall be lifted and the set for a hearing upon the earlier of:
 - a) A petition and showing by any party that there is good cause to conduct the administrative hearing before the conclusion of the criminal or delinquency proceeding;
 - b) The final disposition of the criminal or delinquency proceeding; or
 - c) The expiration of one year from the date the criminal or delinquency proceeding was filed.

2) A stay granted per the rules described above may be extended after the one year expiration upon a written notice from the requesting party that the criminal or delinquency proceeding is still ongoing.

3) It is the duty of the petitioner to report the final disposition of the criminal or delinquency proceeding to the DHS Office of Appeals and Hearings for a stay as described above. The case shall be dismissed and the petitioner's name placed on the Child Maltreatment Central Registry if the petitioner fails to provide a file-marked copy of the final disposition of the criminal or delinquency proceeding within thirty days of the entry of the final disposition.

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Delays in completing the administrative hearing that are attributable to either party shall not count against the limit of the 180 days if the administrative law judge determines that good cause for the delay is shown by the party requesting the delay and the request for delay is made in writing and delivered to the DHS Office of Appeals and Hearings and all other parties.

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Failure to complete the hearing process in a timely fashion shall not deprive the department or a court reviewing the child maltreatment determination of jurisdiction to make a final agency determination or review a final agency determination pursuant to the Administrative Procedures Act.

Each report shall include a file-marked copy of the criminal disposition.

If a court of competent jurisdiction adjudicates a question that is an issue to be determined by the DHS Office of Appeals and Hearings, the prevailing party to the judicial adjudication who is also a party to the administrative adjudication shall file a certified copy of the judicial adjudication with the office. The office shall determine whether and to what extent the judicial adjudication has preclusive effect on the administrative adjudication by applying the principles of claim preclusion and issue preclusion. The office shall not readjudicate any precluded issue. If the judicial adjudication is modified or reversed, the office shall determine whether and to what extent any issue in the administrative adjudication remains precluded, and shall schedule a hearing with respect to any matter that is no longer precluded.

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~~If a case dealing with an identical issue has already been decided by another court of competent jurisdiction, the ALJ may grant a motion for summary judgment without an administrative hearing. If such a case has already been decided by another court, OCC shall file a certified copy of the judgment or adjudication with the Office of Appeals and Hearings.~~

~~The request for an administrative hearing will be considered waived if the petitioner fails to report the disposition of the criminal proceedings within 30 days of the entry of a dispositive judgment or order.~~

~~If the criminal proceedings have reached no final outcome within 12 months of the filing of the administrative appeal, the administrative appeal will be deemed waived if the petitioner fails to provide a written statement of the status of the criminal proceedings every 60 days and a disposition report within 30 days of the entry of a dispositive judgment or order.~~

The decision becomes final unless appealed and subsequently overturned in a court of law.

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~~Upon request by the petitioner, DCFS shall provide a list of persons who were told previously that the report was "True". The Family Service Worker will provide a copy of the administrative hearing order upon request by a subject of the report.~~

PROCEDURE IX-A5: Expedited Hearing Process

08/2013

If the alleged offender requests a hearing, DCFS may then request an expedited hearing if the alleged offender is engaged in child-related activities or employment or is employed or a volunteer with persons with disabilities, persons with mental illness or elderly persons and those persons are at risk of harm because of the alleged offender's employment or volunteer activities. DCFS will notify the alleged offender using certified mail within three business days of the request via the CFS-233-T that an expedited hearing has been requested. The alleged offender will have five days from receipt of the notice of the request to object to the request to expedite the administrative hearing. The alleged offender must notify the Department in writing via mail, fax or e-mail of his objection.

The Area Director or CACD Area Manager will determine if the request for the expedited hearing should be submitted to the Office of Appeals & Hearings. The request for the expedited hearing should be made using the

CFS-232-T EH. If approved for an expedited hearing, Office of Appeals and Hearings will notify the alleged offender of the date of the hearing.

If approved for an expedited hearing, the investigator shall provide the alleged offender with a complete copy of his file. -The department may charge a reasonable fee not to exceed \$10.00 for researching, copying, or mailing records from a child maltreatment investigative file; and a reasonable fee for reproducing copies of electronic media, such as audio tapes, video recordings, compact discs, or DVDs tapes and photographs.- However, no fee may be charged to a person who is indigent.

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The investigator shall document when the file was made available to the alleged offender.-The file is considered to have been made available when notification is made to the offender or his attorney that a copy of the investigative record is available for pick up at the department office in the county in which the alleged offender resides or in the department office in the county designated by the alleged offender or his attorney.

The expedited hearing may not be held until 30 days have elapsed since DCFS made available to the alleged offender a complete copy of his file.- The alleged offender may waive the requirement for the 30 day wait period.

PROCEDURE IX-A6: Preliminary Administrative Hearing

0827/20139

If DCFS/CACD (as appropriate) is unable to notify the alleged offender of the investigation determination, the Area Director or CACD Area Manager 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.

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

DCFS/CACD (as appropriate) must prove:

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- 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; and,
- B. That a child, an elderly person, or a person with a disability or mental illness may be at risk of harm.

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

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

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

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- 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; and
- B. A child, an elderly person, or a person with a disability or mental illness may be at risk of 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 no less frequently than once a

year for no fewer than three years from the date the name is placed on the Registry. After three 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 ~~learning of his/her listing in the Child Maltreatment Central Registry, the offender may request a hearing as outlined in the notice as provided in Procedure II-D8.~~ If the offender fails to ~~timely~~ 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.

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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 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 years from the date the name is placed on the Registry.

PROCEDURE IX-A7: Investigative File for the Administrative Hearing

038/2013

The file prepared for the hearing will contain all information obtained during the course of the investigation.

The office that prepares the investigative file will present evidence to support the decision that is the subject of disagreement. -For a hearing request based on a child maltreatment investigation report, the file will contain a copy of the:

- A. CFS-6001: Referral Information Report
- B. CFS-212-A: Notice of Child Maltreatment Allegation to Alleged Offender,
- C. CFS-384-LEA: Notification to LEA,
- D. CFS-320: Administrative Hearing Statement, and the
- E. CFS-232-T1: Notice to Alleged Adult Offender of True Maltreatment Investigative Determination.

A copy of the return receipt verification (green card) or documentation of delivery by a process server must also be attached to the file. —The CFS-313: Office of Chief Counsel Review of Administrative Hearing Investigative Determination will be included with the Investigative file if the agency has decided that the true child maltreatment determination will not be defended.

The CFS-320: Administrative Hearing Statement will summarize the nature of the complaint, a summary of the Child Maltreatment investigation, and the decision. —The CFS-320, however, is not evidence. —Complete documentation will be required in the investigative file to support the Administrative Hearing Statement.

If the Investigative File prepared is incomplete the ALJ may grant a continuance and direct the Division to make diligent inquiry and obtain the missing information and provide it to the offender.

County staff or Crimes Against Children Division staff will have 10 calendar days to respond to a request from Central Registry for a copy of the investigative file. The investigative file shall include any copies of pictures, audio tapes, and video tapes that are a part of a particular file.

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County staff or Crimes Against Children Division staff must complete the CFS-320 upon request by Central Registry for the investigative file. Staff will route the CFS-320 directly to Appeals and Hearings, with a copy to the OCC attorney, if an attorney is assigned.— If the name of the assigned OCC attorney is not known, the copy of the CFS-320 should be sent to the County Legal Operations Coordinator.

The individual requesting the hearing (the petitioner) will be advised by the Appeals and Hearings Section that the petitioner has 10 calendar days to provide a witness list.

An OCC attorney may provide assistance in case preparation even if the attorney will not be at the hearing. -OCC will provide relevant information pertinent to the defense of the determination on CFS-313.

Department employees as well as employees of CACD will be expected to attend hearings and present testimony without the benefit of a subpoena and will be notified by the Appeals and Hearings Section of their required presence at the hearing.

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~~If the agency fails to provide a file to the Appeals and Hearing Section, the DCFS representative will not be allowed to testify or call any witnesses.~~ The DCFS representative will be notified of any witness requested by the petitioner requesting the hearing. The DCFS representative will have five calendar days from receipt of this notice to request a for-rebuttal witness list.

The Department of Human Services, Office of Chief Counsel, will issue the subpoenas under the authority of Ark. Code Ann. § 20-76-201 and 12-18-802. The Chief Counsel of DHS may designate someone to sign subpoenas issued for administrative hearings on child maltreatment.

Administrative hearing decisions and all exhibits submitted at the hearing are confidential and may be used or disclosed only as provided in A.C.A. §12-18-809.

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PROCEDURE IX-A3: Appeals and Hearings of True Child Maltreatment Decisions

08/2013

The Appeals and Hearing Section will notify DCFS or CACD (as appropriate) that an appeal has been filed. The DCFS or CACD investigator responsible for the case will prepare an Investigative File immediately and make it available to the petitioner, any representative, the OCC Attorney and the Appeals and Hearings Section.

At least 10 days prior to the administrative hearing, the alleged offender and the department will share any information with the other party the party intends to introduce into evidence at the hearing that is not contained in the record. Additionally, if any child served with a subpoena to be a witness in an administrative hearing is a party to an open dependency-neglect case, the child's attorney ad litem will be provided a copy of the subpoena.

The Appeals and Hearings section will send a notice of hearing which contains the time, date, and place of the hearing and the name of the hearing officer who will conduct the hearing. The hearing will be held by telephone if neither party requests that the hearing be conducted in person. If the hearing is held in person, the location will be in an office of the department nearest to the petitioner's residence unless the Administrative Law Judge determines that the hearing will be conducted via video teleconference.

Upon receipt of notice that a true child maltreatment determination is the subject of an appeal, the DCFS investigator and DCFS Supervisor or CACD investigator and CACD supervisor (as appropriate), OCC Attorney and the Area Director will consult to review the evidence used to establish the true determination and ascertain the impact of any subsequent events of the case after the determination was made. If the consultation reveals no merit for defending the true finding, the Area Director will complete the CFS-313: Office of Chief Counsel Review of Administrative Hearing Investigative Determination and provide a copy to the County Supervisor, OCC attorney, and Assistant Director of Community Services. The OCC attorney will inform Appeals and Hearing of the decision not to defend. The CFS-313 will be included in the investigative file. If the consultation reveals merit for defending the true finding, the appropriate office/unit must designate a representative who must be familiar with the circumstances leading to the adverse decision and must be able to summarize the pertinent aspects of the situation and present the documentation to support the basis for the findings. The representative will be able to answer questions posed by the petitioner or the hearing officer relative to the issue and should be prepared to cross examine witnesses.

The Department must notify the hearing officer and respondent of the status of any proceeding of the Juvenile Division of the Circuit Court if the child maltreatment at issue in the administrative hearing proceeding is also an issue in the juvenile division of the circuit court proceeding. The notice may include issues such as whether a 72-hour hold was exercised on the victim, whether the child was released, or if a petition for emergency custody or dependency-neglect was dismissed.

Office of Chief Counsel will assign an attorney to represent the investigative agency at the hearing only if the petitioner has an attorney. If the petitioner appears at the hearing with an attorney without having first notified the department, the investigator shall ask for a continuance so that an OCC attorney may be appointed.

If the petitioner fails to appear for the hearing and does not contact the Appeals and Hearing Section prior to the date of the hearing, the appeal will be dismissed.

PROCEDURE IX-A4: Regular Administrative Hearing Process

08/2013

A Hearing Officer from the Appeals and Hearings Section will conduct the hearing in an informal but orderly manner. The Hearing Officer will explain the hearing procedure.

The petitioner may be accompanied by friends or other persons and may be represented by a friend, legal counsel, or other designated representative.

The hearing officer may not review material prior to the hearing unless the material is also made available to the petitioner or his representative.

The representative will read the Administrative Hearing Statement and will then present the Department's case, which includes introducing evidence and questioning witnesses subpoenaed to the hearing as well as cross-examining the petitioner's witnesses.

After completion of DCFS' or CACD's case, the petitioner's case will be presented. This includes the opportunity to present witnesses, advance arguments, offer additional evidence, question the agency representative, and confront and cross-examine witnesses. Questioning of all parties will be confined to the issues involved.

In all cases, the petitioner will be advised of the right to judicial review in the event of an adverse ruling.

The ALJ may amend an investigative determination during (but not after) an administrative hearing to conform with the evidence presented. If the alleged offender could not reasonably infer the amended investigative determination from the investigative record and information submitted by the Division, the ALJ may grant a request for continuance to the alleged offender.

The hearing officer will prepare a hearing decision based on a comprehensive report of the proceedings. The format will consist of an Introduction, Findings of Fact, Conclusions of Law, and a Decision. Final administrative action must be completed within 180 calendar days from the receipt of the appeal by the Appeals and Hearings Section with the following exceptions:

- A. The 180-day limit will not apply if upon request of any party a stay is granted as permitted pursuant to A.C.A. § 12-18-801 et seq. The Administrative Law Judge may stay the case upon a showing by any party that there is an ongoing criminal or delinquency investigation regarding the occurrence that is the subject of the child maltreatment report.
- B. If a criminal or delinquency proceeding is filed regarding the occurrence that is the subject of the child maltreatment report and a request for a stay is accompanied by the written notification of the date the criminal or delinquency proceeding was filed by a party, the administrative hearing shall be stayed for a period of not more than one year from the date the criminal or delinquency proceeding is filed.
 - 1) The stay shall be lifted and the set for a hearing upon the earlier of:
 - a) A petition and showing by any party that there is good cause to conduct the administrative hearing before the conclusion of the criminal or delinquency proceeding;
 - b) The final disposition of the criminal or delinquency proceeding; or,
 - c) The expiration of one year from the date the criminal or delinquency proceeding was filed.
 - 2) A stay granted per the rules described above may be extended after the one year expiration upon a written notice from the requesting party that the criminal or delinquency proceeding is still ongoing.
 - 3) It is the duty of the petitioner to report the final disposition of the criminal or delinquency proceeding to the DHS Office of Appeals and Hearings for a stay as described above. The case shall be dismissed and the petitioner's name placed on the Child Maltreatment Central Registry if the petitioner fails to provide a file-marked copy of the final disposition of the criminal or delinquency proceeding within thirty days of the entry of the final disposition.

Delays in completing the administrative hearing that are attributable to either party shall not count against the limit of the 180 days if the administrative law judge determines that good cause for the delay is shown by the party requesting the delay and the request for delay is made in writing and delivered to the DHS Office of Appeals and Hearings and all other parties.

Failure to complete the hearing process in a timely fashion shall not deprive the department or a court reviewing the child maltreatment determination of jurisdiction to make a final agency determination or review a final agency determination pursuant to the Administrative Procedures Act.

If a court of competent jurisdiction adjudicates a question that is an issue to be determined by the DHS Office of Appeals and Hearings, the prevailing party to the judicial adjudication who is also a party to the administrative adjudication shall file a certified copy of the judicial adjudication with the office. The office shall determine whether and to what extent the judicial adjudication has preclusive effect on the administrative adjudication by applying the principles of claim preclusion and issue preclusion. The office shall not readjudicate any precluded issue. If the judicial adjudication is modified or reversed, the office shall determine whether and to what extent any issue in the administrative adjudication remains precluded, and shall schedule a hearing with respect to any matter that is no longer precluded.

The decision becomes final unless appealed and subsequently overturned in a court of law.

Upon request by the petitioner, DCFS shall provide a list of persons who were told previously that the report was "True". The Family Service Worker will provide a copy of the administrative hearing order upon request by a subject of the report.

PROCEDURE IX-A5: Expedited Hearing Process

08/2013

If the alleged offender requests a hearing, DCFS may then request an expedited hearing if the alleged offender is engaged in child-related activities or employment or is employed or a volunteer with persons with disabilities, persons with mental illness or elderly persons and those persons are at risk of harm because of the alleged offender's employment or volunteer activities. DCFS will notify the alleged offender using certified mail within three business days of the request via the CFS-233-T that an expedited hearing has been requested. The alleged offender will have five days from receipt of the notice of the request to object to the request to expedite the administrative hearing. The alleged offender must notify the Department in writing via mail, fax or e-mail of his objection.

The Area Director or CACD Area Manager will determine if the request for the expedited hearing should be submitted to the Office of Appeals & Hearings. The request for the expedited hearing should be made using the CFS-232-T EH. If approved for an expedited hearing, Office of Appeals and Hearings will notify the alleged offender of the date of the hearing.

If approved for an expedited hearing, the investigator shall provide the alleged offender with a complete copy of his file. The department may charge a reasonable fee not to exceed \$10.00 for researching, copying, or mailing records from a child maltreatment investigative file; and a reasonable fee for reproducing copies of electronic media, such as audio tapes, video recordings, compact discs, or DVDs and photographs. However, no fee may be charged to a person who is indigent.

The investigator shall document when the file was made available to the alleged offender. The file is considered to have been made available when notification is made to the offender or his attorney that a copy of the investigative record is available for pick up at the department office in the county in which the alleged offender resides or in the department office in the county designated by the alleged offender or his attorney.

The expedited hearing may not be held until 30 days have elapsed since DCFS made available to the alleged offender a complete copy of his file. The alleged offender may waive the requirement for the 30 day wait period.

PROCEDURE IX-A6: Preliminary Administrative Hearing

08/2013

If DCFS/CACD (as appropriate) is unable to notify the alleged offender of the investigation determination, the Area Director or CACD Area Manager 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 or CACD Area Manager will determine if the request for the preliminary hearing should be submitted to the DHS Office of Appeals and Hearings.

DCFS/CACD (as appropriate) 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; and,
- B. That a child, an elderly person, or a person with a disability or mental illness may be at risk of harm.

The DCFS/CACD 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; or,
- 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; and
- B. A child, an elderly person, or a person with a disability or mental illness may be at risk of 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 no less frequently than once a year for no fewer than three years from the date the name is placed on the Registry. After three 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 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 years from the date the name is placed on the Registry.

PROCEDURE IX-A7: Investigative File for the Administrative Hearing

08/2013

The file prepared for the hearing will contain all information obtained during the course of the investigation.

The office that prepares the investigative file will present evidence to support the decision that is the subject of disagreement. For a hearing request based on a child maltreatment investigation report, the file will contain a copy of the:

- A. CFS-6001: Referral Information Report,
- B. CFS-212-A: Notice of Child Maltreatment Allegation to Alleged Offender,
- C. CFS-384-LEA: Notification to LEA,
- D. CFS-320: Administrative Hearing Statement, and the
- E. CFS-232-T1: Notice to Alleged Adult Offender of True Maltreatment Investigative Determination.

A copy of the return receipt verification (green card) or documentation of delivery by a process server must also be attached to the file. The CFS-313: Office of Chief Counsel Review of Administrative Hearing Investigative Determination will be included with the investigative file if the agency has decided that the true child maltreatment determination will not be defended.

The CFS-320: Administrative Hearing Statement will summarize the nature of the complaint, a summary of the Child Maltreatment Investigation, and the decision. The CFS-320, however, is not evidence. Complete documentation will be required in the investigative file to support the Administrative Hearing Statement.

If the Investigative File prepared is incomplete the ALJ may grant a continuance and direct the Division to make diligent inquiry and obtain the missing information and provide it to the offender.

County staff or Crimes Against Children Division staff will have 10 calendar days to respond to a request from Central Registry for a copy of the investigative file. The investigative file shall include any copies of pictures, audio tapes, and video tapes that are a part of a particular file.

County staff or Crimes Against Children Division staff must complete the CFS-320 upon request by Central Registry for the investigative file. Staff will route the CFS-320 directly to Appeals and Hearings, with a copy to the OCC attorney, if an attorney is assigned. If the name of the assigned OCC attorney is not known, the copy of the CFS-320 should be sent to the County Legal Operations Coordinator.

The individual requesting the hearing (the petitioner) will be advised by the Appeals and Hearings Section that the petitioner has 10 calendar days to provide a witness list.

An OCC attorney may provide assistance in case preparation even if the attorney will not be at the hearing. OCC will provide relevant information pertinent to the defense of the determination on CFS-313.

Department employees as well as employees of CACD will be expected to attend hearings and present testimony without the benefit of a subpoena and will be notified by the Appeals and Hearings Section of their required presence at the hearing.

The DCFS representative will be notified of any witness requested by the petitioner requesting the hearing. The DCFS representative will have five calendar days from receipt of this notice to request a for-rebuttal witness list.

The Department of Human Services, Office of Chief Counsel, will issue the subpoenas under the authority of Ark. Code Ann. § 20-76-201 and 12-18-802. The Chief Counsel of DHS may designate someone to sign subpoenas issued for administrative hearings on child maltreatment.

Administrative hearing decisions and all exhibits submitted at the hearing are confidential and may be used or disclosed only as provided in A.C.A. §12-18-809.

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PROCEDURE XIII-A3: Information Disclosure on True Findings

098/20134

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;
- C. Any government entity having a need for the information in order to carry out its responsibilities under law to protect children from abuse or neglect;
- 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;
- 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 af protective order that the court orders issued by the court;

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- U. Individual federal and state legislators, and their authorized staff members acting in their official capacities, who agree to keep the information confidential.

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.

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PROCEDURE XIII-A3: Information Disclosure on True Findings

08/2013

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;
- C. Any government entity having a need for the information in order to carry out its responsibilities under law to protect children from abuse or neglect;
- 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;
- 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;

- U. Individual federal and state legislators, and their authorized staff members acting in their official capacities, who agree to keep the information confidential.

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.

CLEAR

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

08/2013

CONFIDENTIALITY

Information on a screened out or unsubstantiated report is confidential 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.
- 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.

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

08/2013

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- H. The attorney ad litem of a child who is the subject of a report
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- 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-A5: Central Registry Fees

08/2013

The Division may charge a reasonable fee, not to exceed \$10.00 for research, copying, and mailing records of the investigative files of child maltreatment cases and Central Registry information.— DCFS may also charge a reasonable fee for reproducing copies of electronic media, such as audio tapes, video recordings, compact discs, or DVDs and photographs.

No fee will be charged to a:

- A. Nonprofit or volunteer agency that requests searches of the investigative files;
- B. Person who is indigent.

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PROCEDURE XIII-A5: Central Registry Fees

08/2013

The Division may charge a reasonable fee, not to exceed \$10.00 for research, copying, and mailing records of the investigative files of child maltreatment cases and Central Registry information. DCFS may also charge a reasonable fee for reproducing copies of electronic media, such as audio tapes, video recordings, compact discs, or DVDs and photographs.

No fee will be charged to a:

- A. Nonprofit or volunteer agency that requests searches of the investigative files;
- B. Person who is indigent.

CLEAR

Family Service Worker Signature _____

Phone _____

Or

CACD Investigator Signature _____

Phone _____

* A subject of the report includes the offender, the victim child and the victim child's parents (custodial and non-custodial), guardians or legal custodians.

Where do I send the request?

You should send the written, notarized request to:

Arkansas Department of Human Services
Division of Children and Family Services
Central Registry Unit
P.O. Box 1437, [Slot S566]
Little Rock, Arkansas 72203-1437

If I have more questions, where can I get the answers?

Call your own attorney or Legal Services in your community if you have any legal questions.

Call your local DHS county office if you have questions about available services.

This information is available in different formats such as: large print, audiotape, etc. If you need another format, contact the Division's ADA Coordinator at 682-8760 or TDD 682-1442.

CHILD PROTECTIVE SERVICES

A

Caretaker's Guide

ARKANSAS DEPARTMENT
of
HUMAN SERVICES

Division of Children and Family Services
in partnership with the Arkansas State Police
Crimes Against Children Division

What is child maltreatment?

Child maltreatment means abuse, neglect, or abandonment of a child by the caretaker (a parent, guardian, custodian, or foster parent). The caretaker may be anyone who is 14 years of age or older and entrusted with the care of the child. Child maltreatment occurs when the caretaker harms the child, lets harm come to the child, or fails to meet the child's basic needs. Child maltreatment also includes sexual abuse and exploitation of a child whether by a caretaker or by another person.

Who reports child maltreatment?

Anyone who suspects child maltreatment may make a report. Some people (for example, doctors, teachers, and school counselors) are required by law to report suspected child maltreatment.

What happens when there is a report of child maltreatment?

When the Child Abuse Hotline accepts a report of suspected child maltreatment, Arkansas law says that the Division of Children and Family Services (DCFS) or the Arkansas State Police Crimes Against Children Division (CACD) will investigate the report. Generally, CACD will investigate severe maltreatment allegations, referred to as Priority I allegations, but DCFS may help provide services to families involved in these cases if appropriate. DCFS will generally investigate less severe maltreatment allegations that are referred to as Priority II allegations and also provide services to families involved in Priority II cases if appropriate.

What happens if the report is true?

DCFS and/or CACD will work with you to make sure that children in your care are protected and their basic needs met. If you do not protect the children in your care, court action may be taken and your children could be removed from your home. If you are named as an offender in a true investigative determination, you will be provided notice and have the opportunity to appeal the investigative determination before your name is placed in the Central Registry.

A true report may be released only if: (1) the offender has failed to request an administrative hearing within thirty (30) days of receiving notification of the investigative finding; or (2) a hearing has been held and the judge decides that

investigative finding of true should remain as a true finding.

Under certain situations, your name can be removed from the Central Registry. Please contact your local DCFS County Office for more information. If there is a true finding of sexual abuse, but the offender is under 14 years old (Underage Juvenile Offender), his or her name will not be added to the Central Registry.

What if the report is unsubstantiated (not true)?

If you are the subject* of a report, you may request a copy of the report. See "Obtaining a Copy of the Report" below. Hard copy records of unsubstantiated reports are destroyed at the end of the month in which the determination is made. Therefore, requests for unsubstantiated reports must be made before the record is destroyed if a complete copy of the record is wanted. Information contained in the automated database will continue to be available to authorized recipients even after the hard copy is destroyed. The Division will not release any information regarding a pending child maltreatment report to you. If requested, DCFS can tell the court and the prosecuting attorney about the report.

How can you obtain a copy of the report?

DCFS will tell you in writing. You will not be told who made the report. If you are the subject* of the report, send a written, notarized request to get a copy of your report. The written request must give your name and address and the name of the child(ren) involved.

If you are a parent requesting a copy of a child maltreatment report on your child(ren), and you are NOT a subject* of the report, your request must include a statement attesting to your legal relationship to the child(ren).

The request for a copy of a report must be accompanied by a check or money order made payable to the Department of Human Services (DHS) in the amount of ten dollars (\$10.00).

Thank you for taking the time to review this important information.

CHILD PROTECTIVE SERVICES

A Caretaker's Guide

ARKANSAS DEPARTMENT
of
HUMAN SERVICES

Division of Children and Family Services
in partnership with the Arkansas State Police
Crimes Against Children Division

Family Service Worker Signature _____ Phone _____

Or

CACD Investigator Signature _____ Phone _____

***A subject of the report includes the offender, the victim child and the victim child's parents (custodial and non-custodial), guardians or legal custodians.**

Where do I send the request?

You should send the written, notarized request to:

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Division of Children and Family Services
Central Registry Unit
P.O. Box 1437, (Slot S566)
Little Rock, Arkansas 72203-1437

If I have more questions, where can I get the answers?

Call your own attorney or Legal Services in your community if you have any legal questions.

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This information is available in different formats such as: large print, audiotape, etc. If you need another format, contact the Division's ADA Coordinator at 682-8760 or TDD 682-1442.

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Child maltreatment means abuse, neglect, or abandonment of a child by the caretaker (a parent, guardian, custodian, or foster parent). The caretaker may be anyone who is 14 years of age or older and entrusted with the care of the child. Child maltreatment occurs when the caretaker harms the child, lets harm come to the child, or fails to meet the child's basic needs. Child maltreatment also includes sexual abuse and exploitation of a child whether by a caretaker or by another person.

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What happens if the report is true?

DCFS and/or CACD will work with you to make sure that children in your care are protected and their basic needs met. If you do not protect the children in your care, court action may be taken and your children could be removed from your home. If you are named as an offender in a true investigative determination, you will be provided notice and have the opportunity to appeal the investigative determination before your name is placed in the Central Registry.

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investigative finding of true should remain as a true finding.

Under certain situations, your name can be removed from the Central Registry. Please contact your local DCFS County Office for more information. If there is a true finding of sexual abuse, but the offender is under 14 years old (Underage Juvenile Offender), his or her name will not be added to the Central Registry.

What if the report is unsubstantiated (not true)?

If you are the subject* of a report, you may request a copy of the report. See "Obtaining a Copy of the Report" below. Hard copy records of unsubstantiated reports are destroyed at the end of the month in which the determination is made. Therefore, requests for unsubstantiated reports must be made before the record is destroyed if a complete copy of the record is wanted. Information contained in the automated database will continue to be available to authorized recipients even after the hard copy is destroyed. The Division will not release any information regarding a pending child maltreatment report to you. If requested, DCFS can tell the court and the prosecuting attorney about the report.

How can you obtain a copy of the report?

DCFS will tell you in writing. You will not be told who made the report. If you are the subject* of the report, send a written, notarized request to get a copy of your report. The written request must give your name and address and the name of the child(ren) involved.

If you are a parent requesting a copy of a child maltreatment report on your child(ren), and you are NOT a subject* of the report, your request must include a statement attesting to your legal relationship to the child(ren).

The request for a copy of a report must be accompanied by a check or money order made payable to the Department of Human Services (DHS) in the amount of ten dollars (\$10.00).

Thank you for taking the time to review this important information.

D. SEXUAL ABUSE –

- 1) By a person ~~13-14~~ years of age or older to a person younger than 18 years of age:
 - a. Actual or attempted sexual intercourse, deviate sexual activity, or sexual contact by forcible compulsion;
 - b. Indecent exposure, or forcing, the watching of pornography or live sexual activity
- 2) By a person 18 years of age or older to a person not his or her spouse who is younger than 15 years of age:
 - a. Actual or attempted sexual intercourse, deviate sexual activity, or sexual contact or solicitation of these activities;
- 3) By a person 20 years of age or older to a person not his or her spouse who is younger than 16 years of age:
 - a. Actual or attempted sexual intercourse, deviate sexual activity, or sexual contact or solicitation of these activities;
- 4) By a caretaker to a person younger than 18 years of age:
 - a. Actual or attempted sexual intercourse, deviate sexual activity, or sexual contact or solicitation;
 - b. Forcing or encouraging the watching of pornography;
 - c. Forcing, permitting, or encouraging the watching of live sexual activity;
 - d. Forcing listening to a phone sex line; or
 - e. Committing an act of voyeurism (see page 54).
- 5) By a person younger than ~~13-14~~ years of age to a person younger than 18 years of age:
 - a. Actual or attempted sexual intercourse, deviate sexual activity, or sexual contact by forcible compulsion.

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III. ACCEPTING CHILD ABUSE HOTLINE REPORTS OF CHILD MALTREATMENT NAMING AN ADULT AS THE VICTIM:

The Child Abuse Hotline shall only accept reports of child maltreatment naming an adult as the victim if:

- A. The alleged offender is a caretaker of any child; and
- B. The person making the report is one of the following:
 - 1) The adult victim (who was a child at the time of the maltreatment);
 - 2) A law enforcement officer;
 - 3) The victim's counselor or therapist; or
 - 4) The offender's counselor or therapist.

EDUCATIONAL NEGLECT (Priority II)

I. Definition

Any child who is not meeting compulsory school attendance requirements because his or her parent or custodian is failing or refusing to enforce these attendance requirements is

Excerpts: PUB-357: Child Maltreatment Assessment Protocol

educationally neglected. A parent or custodian is failing or refusing to enforce the state's compulsory attendance requirements if:

- A. The parent or guardian having custody or charge of any child between the ages of five through 17 years (by September 15 of the school year), both inclusive, fails to enroll and send the child to a public, private, or parochial school, or provide a home school for the child, or
- B. The parent or guardian having custody or charge of a child of the above-referenced age disregards his or her responsibility to ensure that a child attends school, or actively prevents such child from attending school.

Examples of educational neglect include:

- 1) The parent or custodian who does not enroll the child in school; or,
- 2) The parent or custodian who prevents a child from attending school; or,
- 3) The parent or custodian who does not take reasonable action to ensure that the child regularly attends school; or,
- 4) The parent or custodian who has not made arrangements to home school the child.

NOTE: Failure to follow an Individualized Educational Program (IEP) does not constitute educational neglect.

II. Taking a report

- A. An acceptable reporter is any person with reasonable cause to suspect that a child is educationally neglected.
- B. However, the Child Abuse Hotline shall not accept a report of educational neglect from a school unless the school has complied with A.C.A. 6-18-222. As such, the Child Abuse Hotline confirm with the reporter of a school calling in a report of educational neglect that:

- 1) The school provided notice to the parent, guardian or person in loco parentis when the student had half of the allowed absences for that particular school district;
- 2) The date of said notice and whether the notice was provided by telephone or mail; and,
- 3) The school filed a FINS petition and the FINS case been adjudicated.

The Child Abuse Hotline will not accept a report of educational neglect from the school unless notice was provided and the FINS case has been adjudicated.

B. Usage

The reporter has reason to believe that a child is not home schooled and is not attending school because:

- 1) The parent or custodian did not enroll the child in the school program; or
- 2) The parent or custodian disregards the responsibility to ensure that the child is attending school or the parent or custodian actively prevents the child from attending school; or,
- 3) The parent or custodian has not taken the necessary steps to provide home schooling.

C. Factors to be considered in taking and/or founding a report

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Excerpts: PUB-357: Child Maltreatment Assessment Protocol

- 1) The child's physical condition, particularly as it relates to the child's ability to get ready for school, and
- 2) The child's mental abilities, particularly concerning the child's ability to get ready for school, and
- 3) The number of days missed, and
- 4) The parent's or custodian's attempts to ensure that the child attends school, and
- 5) The parent or custodian has hand-delivered to the superintendent within the time frames required by A.C.A § 6-15-503 written notice of the parent or custodian's intent to home school the child via the Department of Education Home School Office "Notice of Intent to Home School and Home School Waiver" form.

III. Founding a report

This allegation of maltreatment may be founded only after the Worker has:

- A. Verified that the child is not or was not meeting mandated educational requirements; and
- B. Secured a preponderance of evidence that the child is/has been educationally neglected as defined in Section I; and
- C. Verified the parent or custodian has failed to provide written notice to the superintendent of the intent to home school the child as required by A.C.A § 6-15-503 and via the Department of Education Home School Office "Notice of Intent to Home School and Home School Waiver" form.
- D. Applied the factors in Section II, C, above and determined that the child is/was educationally neglected.

ENVIRONMENTAL NEGLECT (Priority II)

I. Definition

The child's person, clothing, or living conditions are unsanitary to the point that the child's health is in danger. This may include infestations of rodents, spiders, insects, snakes, lice, etc., human or animal feces, and rotten or spoiled food and/or garbage that the child can reach.

II. Taking a report

- A. An acceptable reporter is any person with reasonable cause to suspect that a child is living in the conditions noted above and that the conditions are a significant threat to the child's health.

B. Usage

The reporter has reason to believe that the child is living in conditions defined above as the result of disregard of duty or negligence on the part of the child's parent or caretaker responsible for the child's welfare.

C. Factors to be considered

Special attention should be paid to the age of the child, the child's physical condition, and the living conditions in the home in order to determine whether the report constitutes an allegation of harm.

In addition, the following incident factors should be considered:

Excerpts: PUB-357: Child Maltreatment Assessment Protocol

- 1) Severity of the conditions,
- 2) Frequency of the conditions,
- 3) Duration of the conditions, and
- 4) Chronicity or pattern of similar conditions.

Note: Environmental neglect pertaining to head lice shall not be accepted by the Child Abuse Hotline unless the head lice is chronic or the alleged victim currently has sores that require immediate medical attention.

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III. Founding a report

This allegation of maltreatment may be founded only after the Worker has:

- A. Verified that the conditions described exist or had existed; and
- B. Secured a preponderance of evidence that the unhealthful/unsanitary conditions are/were the result of neglect as defined in Section I; and
- C. Applied the factors in Section II, C, above, and determined that the conditions represent a threat to the child's health.
- D. Secured a preponderance of evidence that a child was maltreated as in Section I.

INDECENT EXPOSURE (Priority I)

I. Definition

The exposure by a person aged ~~13~~ 14 years or older of the person's sexual organs for the purpose of arousing or gratifying the sexual desire of the person, or any other person, under circumstances in which the person knows the conduct is likely to cause affront or alarm.

II. Taking a Report

— A— An acceptable reporter is any person who has reasonable cause to suspect that a person age ~~13~~ 14 years or older exposed his/her sexual organs for the purpose of arousing or gratifying the sexual desire of the person, or any other person, under circumstances in which the person knows the conduct is likely to cause affront or alarm.

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A.

B. The Child Abuse Hotline shall only accept reports of child maltreatment naming an adult as the victim if:

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- 1) The alleged offender is a caretaker of any child; and,
- 2) The person making the report is one of the following:
 - a. The adult victim;
 - b. A law enforcement officer; or,
 - c. The alleged offender.

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C. B— Usage

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The reporter has reason to believe that a person age ~~13~~ 14 years or older exposed his sexual organs for the purpose of arousing or gratifying the sexual desire of the person, or any other person, under circumstances in which the person knows the conduct is likely to cause affront or alarm.

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Excerpts: PUB-357: Child Maltreatment Assessment Protocol

III. Founding a Report

This allegation may be founded only after the Worker has:

Secured a preponderance of evidence that a person aged 13-14 years or older, exposed his/her sexual organs for the purpose of arousing or gratifying the sexual desire of the person, or any other person, under circumstances in which the person knows the conduct is likely to cause affront or alarm.

ORAL SEX (Priority I)

I. Definition

Any contact, however slight or the attempted contact between the sex organs of one person and the mouth of another person when one of those persons is a child. This includes acts commonly known as cunnilingus and fellatio.

This form of maltreatment does not require that the offender be a caretaker of the child.

II. Taking a Report

A. An acceptable reporter is any person with reasonable cause to suspect that a child has been involved in oral sex.

B. The Child Abuse Hotline shall only accept reports of child maltreatment naming an adult as the victim if:

1) 1) The alleged offender is a caretaker of any child; and,

2) 2) The person making the report is one of the following:

a. The adult victim;

b. A law enforcement officer; or,

The alleged offender;

a. The adult victim;

b. A law enforcement officer;

c. The victim's counselor or therapist; or

d. The offender's counselor or therapist.

c.

C. Usage

The reporter has reason to believe that oral sex resulted from one of the following:

1) A direct action by a parent or caretaker 13-14 years of age or older (abuse); or

2) A direct action by any person under any of the following circumstances:

— a. The alleged offender is 13-14 years of age or older and the alleged victim is under the age of 18 and forcible compulsion was used in the act or attempt; or

a.

— b. By one person who is 18 or older to another who is under 15 and not the spouse of the alleged offender; or

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Excerpts: PUB-357: Child Maltreatment Assessment Protocol

b.

—c. By one person who is 20 years of age or older to another person who is under 16 years of age and not the spouse of the alleged offender; or

c.

—d. By one person who is a caretaker of the other who is younger than 18;
or,

d.

e. e. By a person younger than ~~13~~14 years of age (underaged juvenile offender) to a person younger than 18 years of age and forcible compulsion was used in the act or attempt.

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III. Founding a report

This allegation may be founded only after the Worker has:

- A. Verified that the child has been involved in oral sex, or the attempt to engage in oral sex; and

Secured a preponderance of evidence that the oral sex, or the attempt occurred.

PORNOGRAPHY/LIVE SEX ACT EXPOSURE (Priority I)

I. Definition

A person older than ~~13~~14 forces a person younger than 18 to view or observe pornography or live sexual activity, or

A caretaker forces or encourages the watching of pornography, or forces, permits or encourages the watching of live sexual activity.

Pornography includes:

- A. Obscene, licentious, or offensive material;
- B. Pictures, movies or videos that lack serious literary, artistic, political, or scientific value and that, when taken as a whole and applying contemporary community standards, would appear to the average person to appeal to the prurient interest;
- C. Material which depicts sexual conduct in a patently offensive manner lacking serious literary, artistic, political or scientific value.

Live sexual activity must include at least one human participant. This includes masturbation and human-on-animal sexual activity, but would not include sexual activity whose participants are exclusively animals or non-humans.

II. Taking a Report

- A. An acceptable reporter is any person with reasonable cause to suspect that a child has been:
 - 1) By a caretaker—forced or encouraged to watch pornography, or forced, permitted, or encouraged to watch live sexual activity.
 - 2) By any person—forced to watch pornography or live sexual activity.

Excerpts: PUB-357: Child Maltreatment Assessment Protocol

B. The Child Abuse Hotline shall only accept reports of child maltreatment naming an adult as the victim if:

- 1) The alleged offender is a caretaker of any child; and
- 2) The person making the report is one of the following:
 - a. The adult victim;
 - b. A law enforcement officer; or,
 - ~~c. The alleged offender; The victim's counselor or therapist; or~~
 - ~~d. The offender's counselor or therapist.~~

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C. Usage

The reporter has reason to believe that a child has been forced by another person to view or observe pornography, or any live sexual activity; or that a caretaker has forced or encouraged a child to view or observe pornography, or forced, permitted, or encouraged a child to view any live sexual activity.

III. Founding a Report

This allegation may be founded only after the Worker has:

- A. Secured a preponderance of evidence that
- 1) A person forced a child to view or observe pornography or any live sexual activity, or
 - 2) A caretaker forced or encouraged a child to watch pornography, or forced, permitted, or encouraged a child to watch live sexual activity.

NOTE: The requirements are different to make a true finding against a caretaker than as against a non-caretaker.

SEXUAL CONTACT (Priority I)

I. Definition

Any act of sexual gratification involving the touching, directly or through clothing, of the sex organs, or buttocks, or anus of a person or the breast of a female. This includes encouraging of the child to touch the offender in a sexual manner. This further includes the offender requesting to touch the child in a sexual manner. Normal affectionate hugging will not be construed as sexual contact.

II. Taking a Report

A. An acceptable reporter is any person who has reasonable cause to suspect that a child has been the victim of sexual contact. Evidence of sexual gratification is not necessary when taking or accepting a report.

B. The Child Abuse Hotline shall only accept reports of child maltreatment naming an adult as the victim if:

- 1) The alleged offender is a caretaker of any child; and
- 2) The person making the report is one of the following:
 - a. The adult victim;
 - b. A law enforcement officer; or,
 - ~~c. The victim's counselor or therapist; or~~

Excerpts: PUB-357: Child Maltreatment Assessment Protocol

d-c. The alleged offender, the offender's counselor or therapist.

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C. Usage

The reporter has reason to believe that sexual contact resulted from one of the following circumstances:

- 1) The alleged offender is ~~13-14~~ years of age or older and the alleged victim is under the age of 18 and forcible compulsion was used in the act or attempt; or
- 2) By one person who is 18 or older to another who is under 15 and not the spouse of the alleged offender; or
- 3) By one person who is 20 years of age or older to another person who is under 16 years of age and not the spouse of the alleged offender; or
- 4) By one person who is a caretaker of the other who is less than 18 years old.
- 5) By a person younger than ~~13-14~~ years of age (underaged juvenile offender) to a person younger than 18 years of age.

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Forcible Compulsion means physical force, intimidation, or a threat, express or implied, of physical injury to or death, rape, sexual abuse, or kidnapping of any person.

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- 6) The failure of the parent or caretaker to make reasonable efforts to stop an action by another person that resulted in sexual contact (failure to protect).

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III. Founding a Report

This allegation may be founded only after the Worker has:

- A. Secured a preponderance of evidence that a child has been the victim of sexual contact.
- B. There must be evidence of sexual gratification. Evidence of sexual gratification may be inferred from the attendant circumstances surrounding the specific complaint of child maltreatment.
- C. Normal affectionate hugging will not be construed as sexual contact.

SEXUAL EXPLOITATION (Priority 1)

I. Definition

Allowing, permitting, or encouraging participation or depiction of the child in prostitution, obscene photography, obscene filming, or obscenely depicting, obscenely posing, or obscenely posturing a child for any use or purpose.

This form of maltreatment does not require that the offender be a caretaker of the child.

II. Taking a report

A. An acceptable reporter is any person with reasonable cause to suspect that a child has been sexually exploited.

B. The Child Abuse Hotline shall only accept reports of child maltreatment naming an adult as the

Excerpts: PUB-357: Child Maltreatment Assessment Protocol

victim if:

- 1) The alleged offender is a caretaker of any child; and
- 2) The person making the report is one of the following:
 - a. The adult victim;
 - b. A law enforcement officer, or,
 - c. The alleged offender.

~~B. The Child Abuse Hotline shall only accept reports of child maltreatment naming an adult as the victim if:~~

- 1) ~~The alleged offender is a caretaker of any child; and~~
- 2) ~~The person making the report is one of the following:~~
 - a. ~~The adult victim;~~
 - b. ~~A law enforcement officer;~~
 - c. ~~The victim's counselor or therapist; or~~
 - d. ~~The offender's counselor or therapist.~~

C. Usage

The reporter has reason to believe that a child has been sexually exploited.

The failure of the parent or caretaker to make reasonable efforts to stop an action by another person, which resulted in sexual exploitation, ~~(Failure to protect).~~

III. Founding a report

This allegation may be founded only after the Worker has:

- A. Verified that the child has been sexually exploited; and
- B. Secured a preponderance of evidence that the sexual exploitation occurred.

SEXUAL PENETRATION (Priority I)

I. Definition:

Any penetration, however slight, of any part of the body of one person or any animal or object into the sex organ or anus of another person when at least one of the persons involved is a child. This includes acts commonly known as anal penetration, digital penetration, coition, coitus and copulation.

This form of maltreatment does not require that the offender be a caretaker of the child.

II. Taking a report

- A. An acceptable reporter is any person with reasonable cause to suspect that a child was sexually penetrated as a result of maltreatment.
- B. The Child Abuse Hotline shall only accept reports of child maltreatment naming an adult as the victim if:
 - 1) The alleged offender is a caretaker of any child; and
 - 2) The person making the report is one of the following:
 - a. The adult victim;
 - b. A law enforcement officer;

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Excerpts: PUB-357: Child Maltreatment Assessment Protocol

- e. ~~The victim's counselor or therapist; or~~
- b. ~~The offender's counselor or therapist; or,~~
- c. The alleged offender.
- d. ~~;~~

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C. Usage

The reporter has reason to believe that sexual penetration of a child resulted from one of the following:

- 1) A direct action by any person under any of the following circumstances:
 - a. The alleged offender is 134 years of age or older and the alleged victim is under the age of 18 and forcible compulsion was used in the act or attempt; or
 - b. By one person who is 18 or older to another who is under 15 and not the spouse of the alleged offender; or
 - c. By one person who is 20 years of age or older to another person who is under 16 years of age and not the spouse of the alleged offender; or
 - d. By one person who is a caretaker of the other who is less than 18 years old.
 - e. By a person younger than 134 years of age (underaged juvenile offender) to a person younger than 18 years of age and forcible compulsion was used in the act or attempt.
- Forcible Compulsion means physical force, intimidation, or a threat, express or implied, of physical injury to or death, rape, sexual abuse, or kidnapping of any person.

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- 2) The failure of the parent or caretaker to make reasonable and prudent efforts to prevent an action by another person, which resulted in sexual penetration (failure to protect).

III. Founding a report

This allegation of maltreatment may be founded only after the Worker has:

- A. Verified that the child was sexually penetrated; and
- B. Secured a preponderance of evidence that the sexual penetration or attempted sexual penetration occurred.

UNDERAGED JUVENILE OFFENDER (UNDER 13-14 YEARS OF AGE) (Priority I)

I. Definition

Sexual abuse by a child younger than 13-14 years of age of another child younger than 18 years of age. The sexual abuse may be any of the following acts:

- A. Any contact or attempted contact between the sex organ of one child and the mouth of another child.
- B. Any act of sexual gratification involving the touching, directly or through clothing, of the sex organs, buttocks or anus of another child or the breast of a female child.
- C. Any penetration, however slight, of the anus or mouth of another child by his penis.

Excerpts: PUB-357: Child Maltreatment Assessment Protocol

- D. The penetration of the labia majora or anus of another child by any body member or foreign instrument manipulated by the child being assessed.

II. Taking a Report

- A. An acceptable reporter is any person, who has reasonable cause to suspect that a child (under age 13-14 years) has sexually abused another child
- B. Usage
The reported age of the child being investigated is under the age of 13-14.

III. Founding a Report

A determination may be made only after the Worker has:

- A. Established the exact age of the child being assessed and whether or not he/she has sexually abused (such as the behaviors listed above) another child; and
- B. Secured a preponderance of evidence that the sexual abuse or attempted sexual abuse either occurred or did not occur.

The overall finding or determination will be one of the following:

- A. Unfounded (unsubstantiated) - If there is no preponderance of evidence that the sexual abuse occurred.
- B. Exempt From Finding (less than 13-14 years of age) – There is a preponderance of evidence that the sexual abuse occurred AND the child being assessed is younger than 13-14.

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NOTE: If there is a preponderance of evidence that the sexual abuse occurred AND the child being assessed is 13-14 years of age or older, then an overall finding or determination of "True" will fall under one of the following types of sexual child maltreatment, whichever is most appropriate:

1. Oral Sex
2. Pornography/Live Sex Act Exposure
3. Sexual Contact
4. Sexual Exploitation
5. Sexual Penetration

VOYEURISM

I. Definition

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.

II. Taking a Report

- A. An acceptable reporter is any person with reasonable cause to suspect that a caregiver has looked, 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.
- B. The Child Abuse Hotline shall only accept reports of child maltreatment naming an adult as the

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Excerpts: PUB-357: Child Maltreatment Assessment Protocol

victim if:

- 1) The alleged offender is a caretaker of any child; and,
- 2) The person making the report is one of the following:
 - a. The adult victim;
 - b. A law enforcement officer; or,
 - A-c. The alleged offender.

B-C Usage

The reporter has reason to believe that a caregiver has looked, 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.

III. Founding a Report

This allegation of maltreatment may be founded only after the Worker has:

- A. Verified that a caregiver has looked, 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; and,
- B. Secured a preponderance of evidence that occurred caregiver has looked, 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.

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D. SEXUAL ABUSE –

- 1) By a person 14 years of age or older to a person younger than 18 years of age:
 - a. Actual or attempted sexual intercourse, deviate sexual activity, or sexual contact by forcible compulsion;
 - b. Indecent exposure, or forcing, the watching of pornography or live sexual activity

- 2) By a person 18 years of age or older to a person not his or her spouse who is younger than 15 years of age:
 - a. Actual or attempted sexual intercourse, deviate sexual activity, or sexual contact or solicitation of these activities;

- 3) By a person 20 years of age or older to a person not his or her spouse who is younger than 16 years of age:
 - a. Actual or attempted sexual intercourse, deviate sexual activity, or sexual contact or solicitation of these activities;

- 4) By a caretaker to a person younger than 18 years of age:
 - a. Actual or attempted sexual intercourse, deviate sexual activity, or sexual contact or solicitation;
 - b. Forcing or encouraging the watching of pornography;
 - c. Forcing, permitting, or encouraging the watching of live sexual activity;
 - d. Forcing listening to a phone sex line; or
 - e. Committing an act of voyeurism (see page 54).

- 5) By a person younger than 14 years of age to a person younger than 18 years of age:
 - a. Actual or attempted sexual intercourse, deviate sexual activity, or sexual contact by forcible compulsion.

EDUCATIONAL NEGLECT (Priority II)

I. Definition

Any child who is not meeting compulsory school attendance requirements because his or her parent or custodian is failing or refusing to enforce these attendance requirements is educationally neglected. A parent or custodian is failing or refusing to enforce the state's compulsory attendance requirements if:

- A. The parent or guardian having custody or charge of any child between the ages of five through 17 years (by September 15 of the school year), both inclusive, fails to enroll and send the child to a public, private, or parochial school, or provide a home school for the child, or
- B. The parent or guardian having custody or charge of a child of the above-referenced age disregards his or her responsibility to ensure that a child attends school, or actively prevents such child from attending school.

Examples of educational neglect include:

Excerpts: PUB-357: Child Maltreatment Assessment Protocol

- 1) The parent or custodian who does not enroll the child in school; or,
- 2) The parent or custodian who prevents a child from attending school; or,
- 3) The parent or custodian who does not take reasonable action to ensure that the child regularly attends school; or,
- 4) The parent or custodian who has not made arrangements to home school the child.

NOTE: Failure to follow an Individualized Educational Program (IEP) does not constitute educational neglect.

II. Taking a report

- A. An acceptable reporter is any person with reasonable cause to suspect that a child is educationally neglected.
- B. However, the Child Abuse Hotline shall not accept a report of educational neglect from a school unless the school has complied with A.C.A. 6-18-222. As such, the Child Abuse Hotline confirm with the reporter of a school calling in a report of educational neglect that:
 - 1) The school provided notice to the parent, guardian or person in loco parentis when the student had half of the allowed absences for that particular school district;
 - 2) The date of said notice and whether the notice was provided by telephone or mail; and,
 - 3) The school filed a FINS petition and the FINS case been adjudicated.

The Child Abuse Hotline will not accept a report of educational neglect from the school unless notice was provided and the FINS case has been adjudicated.

B. Usage

The reporter has reason to believe that a child is not home schooled and is not attending school because:

- 1) The parent or custodian did not enroll the child in the school program; or
- 2) The parent or custodian disregards the responsibility to ensure that the child is attending school or the parent or custodian actively prevents the child from attending school; or,
- 3) The parent or custodian has not taken the necessary steps to provide home schooling.

C. Factors to be considered in taking and/or founding a report

- 1) The child's physical condition, particularly as it relates to the child's ability to get ready for school, and
- 2) The child's mental abilities, particularly concerning the child's ability to get ready for school, and
- 3) The number of days missed, and
- 4) The parent's or custodian's attempts to ensure that the child attends school, and
- 5) The parent or custodian has hand-delivered to the superintendent within the time frames required by A.C.A § 6-15-503 written notice of the parent or custodian's intent to home school the child via the Department of Education Home School Office "Notice of Intent to Home School and Home School Waiver" form.

III. Founding a report

Excerpts: PUB-357: Child Maltreatment Assessment Protocol

This allegation of maltreatment may be founded only after the Worker has:

- A. Verified that the child is not or was not meeting mandated educational requirements; and
- B. Secured a preponderance of evidence that the child is/has been educationally neglected as defined in Section I; and
- C. Verified the parent or custodian has failed to provide written notice to the superintendent of the intent to home school the child as required by A.C.A § 6-15-503 and via the Department of Education Home School Office "Notice of Intent to Home School and Home School Waiver" form.
- D. Applied the factors in Section II, C, above and determined that the child is/was educationally neglected.

ENVIRONMENTAL NEGLECT (Priority II)

I. Definition

The child's person, clothing, or living conditions are unsanitary to the point that the child's health is in danger. This may include infestations of rodents, spiders, insects, snakes, etc., human or animal feces, and rotten or spoiled food and/or garbage that the child can reach.

II. Taking a report

A. An acceptable reporter is any person with reasonable cause to suspect that a child is living in the conditions noted above and that the conditions are a significant threat to the child's health.

B. Usage

The reporter has reason to believe that the child is living in conditions defined above as the result of disregard of duty or negligence on the part of the child's parent or caretaker responsible for the child's welfare.

C. Factors to be considered

Special attention should be paid to the age of the child, the child's physical condition, and the living conditions in the home in order to determine whether the report constitutes an allegation of harm.

In addition, the following incident factors should be considered:

- 1) Severity of the conditions,
- 2) Frequency of the conditions,
- 3) Duration of the conditions, and
- 4) Chronicity or pattern of similar conditions.

Note: Environmental neglect pertaining to head lice shall not be accepted by the Child Abuse Hotline unless the head lice is chronic or the alleged victim currently has sores that require immediate medical attention.

III. Founding a report

This allegation of maltreatment may be founded only after the Worker has:

- A. Verified that the conditions described exist or had existed; and

Excerpts: PUB-357: Child Maltreatment Assessment Protocol

- B. Secured a preponderance of evidence that the unhealthful/unsanitary conditions are/were the result of neglect as defined in Section I; and
- C. Applied the factors in Section II, C, above, and determined that the conditions represent a threat to the child's health.
- D. Secured a preponderance of evidence that a child was maltreated as in Section I.

INDECENT EXPOSURE (Priority I)

I. Definition

The exposure by a person aged 14 years or older of the person's sexual organs for the purpose of arousing or gratifying the sexual desire of the person, or any other person, under circumstances in which the person knows the conduct is likely to cause affront or alarm.

II. Taking a Report

- A. An acceptable reporter is any person who has reasonable cause to suspect that a person age 14 years or older exposed his/her sexual organs for the purpose of arousing or gratifying the sexual desire of the person, or any other person, under circumstances in which the person knows the conduct is likely to cause affront or alarm.
- B. The Child Abuse Hotline shall only accept reports of child maltreatment naming an adult as the victim if:
 - 1) The alleged offender is a caretaker of any child; and,
 - 2) The person making the report is one of the following:
 - a. The adult victim;
 - b. A law enforcement officer; or,
 - c. The alleged offender.

C. Usage

The reporter has reason to believe that a person age 14 years or older exposed his sexual organs for the purpose of arousing or gratifying the sexual desire of the person, or any other person, under circumstances in which the person knows the conduct is likely to cause affront or alarm.

III. Founding a Report

This allegation may be founded only after the Worker has:

Secured a preponderance of evidence that a person aged 14 years or older, exposed his/her sexual organs for the purpose of arousing or gratifying the sexual desire of the person, or any other person, under circumstances in which the person knows the conduct is likely to cause affront or alarm.

ORAL SEX (Priority I)

I. Definition

Any contact, however slight or the attempted contact between the sex organs of one person and the mouth of another person when one of those persons is a child. This includes acts commonly known as cunnilingus and fellatio.

This form of maltreatment does not require that the offender be a caretaker of the child.

Excerpts: PUB-357: Child Maltreatment Assessment Protocol

II. Taking a Report

- A. An acceptable reporter is any person with reasonable cause to suspect that a child has been involved in oral sex.
- B. The Child Abuse Hotline shall only accept reports of child maltreatment naming an adult as the victim if:
 - 1) The alleged offender is a caretaker of any child; and,
 - 2) The person making the report is one of the following:
 - a. The adult victim;
 - b. A law enforcement officer; or,
 - c. The alleged offender.

C. Usage

The reporter has reason to believe that oral sex resulted from one of the following:

- 1) A direct action by a parent or caretaker 14 years of age or older (abuse); or
- 2) A direct action by any person under any of the following circumstances:
 - a. The alleged offender is 14 years of age or older and the alleged victim is under the age of 18 and forcible compulsion was used in the act or attempt; or
 - b. By one person who is 18 or older to another who is under 15 and not the spouse of the alleged offender; or
 - c. By one person who is 20 years of age or older to another person who is under 16 years of age and not the spouse of the alleged offender; or
 - d. By one person who is a caretaker of the other who is younger than 18; or,
 - e. By a person younger than 14 years of age (underaged juvenile offender) to a person younger than 18 years of age and forcible compulsion was used in the act or attempt.

III. Founding a report

This allegation may be founded only after the Worker has:

- A. Verified that the child has been involved in oral sex, or the attempt to engage in oral sex; and

Secured a preponderance of evidence that the oral sex, or the attempt occurred.

PORNOGRAPHY/LIVE SEX ACT EXPOSURE (Priority I)

I. Definition

A person older than 14 forces a person younger than 18 to view or observe pornography or live sexual activity, or

Excerpts: PUB-357: Child Maltreatment Assessment Protocol

A caretaker forces or encourages the watching of pornography, or forces, permits or encourages the watching of live sexual activity.

Pornography includes:

- A. Obscene, licentious, or offensive material;
- B. Pictures, movies or videos that lack serious literary, artistic, political, or scientific value and that, when taken as a whole and applying contemporary community standards, would appear to the average person to appeal to the prurient interest;
- C. Material which depicts sexual conduct in a patently offensive manner lacking serious literary, artistic, political or scientific value.

Live sexual activity must include at least one human participant. This includes masturbation and human-on-animal sexual activity, but would not include sexual activity whose participants are exclusively animals or non-humans.

II. Taking a Report

- A. An acceptable reporter is any person with reasonable cause to suspect that a child has been:
 - 1) By a caretaker—forced or encouraged to watch pornography, or forced, permitted, or encouraged to watch live sexual activity.
 - 2) By any person—forced to watch pornography or live sexual activity.
- B. The Child Abuse Hotline shall only accept reports of child maltreatment naming an adult as the victim if:
 - 1) The alleged offender is a caretaker of any child; and
 - 2) The person making the report is one of the following:
 - a. The adult victim;
 - b. A law enforcement officer; or,
 - c. The alleged offender.
- C. Usage

The reporter has reason to believe that a child has been forced by another person to view or observe pornography, or any live sexual activity; or that a caretaker has forced or encouraged a child to view or observe pornography, or forced, permitted, or encouraged a child to view any live sexual activity.

III. Founding a Report

This allegation may be founded only after the Worker has:

- A. Secured a preponderance of evidence that
 - 1) A person forced a child to view or observe pornography or any live sexual activity, or
 - 2) A caretaker forced or encouraged a child to watch pornography, or forced, permitted, or encouraged a child to watch live sexual activity.

NOTE: The requirements are different to make a true finding against a caretaker than as against a non-caretaker.

SEXUAL CONTACT (Priority I)

I. Definition

Any act of sexual gratification involving the touching, directly or through clothing, of the sex organs, or buttocks, or anus of a person or the breast of a female. This includes encouraging of the child to touch the offender in a sexual manner. This further includes the offender requesting to touch the child in a sexual manner. Normal affectionate hugging will not be construed as sexual contact.

II. Taking a Report

A. An acceptable reporter is any person who has reasonable cause to suspect that a child has been the victim of sexual contact. Evidence of sexual gratification is not necessary when taking or accepting a report.

B. The Child Abuse Hotline shall only accept reports of child maltreatment naming an adult as the victim if:

- 1) The alleged offender is a caretaker of any child; and
- 2) The person making the report is one of the following:
 - a. The adult victim;
 - b. A law enforcement officer; or,
 - c. The alleged offender.

C. Usage

The reporter has reason to believe that sexual contact resulted from one of the following circumstances:

- 1) The alleged offender is 14 years of age or older and the alleged victim is under the age of 18 and forcible compulsion was used in the act or attempt; or
- 2) By one person who is 18 or older to another who is under 15 and not the spouse of the alleged offender; or
- 3) By one person who is 20 years of age or older to another person who is under 16 years of age and not the spouse of the alleged offender; or
- 4) By one person who is a caretaker of the other who is less than 18 years old.
- 5) By a person younger than 14 years of age (underaged juvenile offender) to a person younger than 18 years of age.

Forcible Compulsion means physical force, intimidation, or a threat, express or implied, of physical injury to or death, rape, sexual abuse, or kidnapping of any person.

- 6) The failure of the parent or caretaker to make reasonable efforts to stop an action by another person that resulted in sexual contact (failure to protect).

III. Founding a Report

This allegation may be founded only after the Worker has:

Excerpts: PUB-357: Child Maltreatment Assessment Protocol

- A. Secured a preponderance of evidence that a child has been the victim of sexual contact.
- B. There must be evidence of sexual gratification. Evidence of sexual gratification may be inferred from the attendant circumstances surrounding the specific complaint of child maltreatment.
- C. Normal affectionate hugging will not be construed as sexual contact.

SEXUAL EXPLOITATION (Priority I)

I. Definition

Allowing, permitting, or encouraging participation or depiction of the child in prostitution, obscene photography, obscene filming, or obscenely depicting, obscenely posing, or obscenely posturing a child for any use or purpose.

This form of maltreatment does not require that the offender be a caretaker of the child.

II. Taking a report

- A. An acceptable reporter is any person with reasonable cause to suspect that a child has been sexually exploited.
- B. The Child Abuse Hotline shall only accept reports of child maltreatment naming an adult as the victim if:
 - 1) The alleged offender is a caretaker of any child; and,
 - 2) The person making the report is one of the following:
 - a. The adult victim;
 - b. A law enforcement officer, or,
 - c. The alleged offender.

C. Usage

The reporter has reason to believe that a child has been sexually exploited.

The failure of the parent or caretaker to make reasonable efforts to stop an action by another person, which resulted in sexual exploitation (failure to protect).

III. Founding a report

This allegation may be founded only after the Worker has:

- A. Verified that the child has been sexually exploited; and
- B. Secured a preponderance of evidence that the sexual exploitation occurred.

SEXUAL PENETRATION (Priority I)

I. Definition:

Any penetration, however slight, of any part of the body of one person or any animal or object into the sex organ or anus of another person when at least one of the persons involved is a child. This includes acts commonly known as anal penetration, digital penetration, coition, coitus and copulation.

This form of maltreatment does not require that the offender be a caretaker of the child.

Excerpts: PUB-357: Child Maltreatment Assessment Protocol

II. Taking a report

- A. An acceptable reporter is any person with reasonable cause to suspect that a child was sexually penetrated as a result of maltreatment.
- B. The Child Abuse Hotline shall only accept reports of child maltreatment naming an adult as the victim if:
 - 1) The alleged offender is a caretaker of any child; and
 - 2) The person making the report is one of the following:
 - a. The adult victim;
 - b. The offender's counselor or therapist; or,
 - c. The alleged offender.

C. Usage

The reporter has reason to believe that sexual penetration of a child resulted from one of the following:

- 1) A direct action by any person under any of the following circumstances:
 - a. The alleged offender is 14 years of age or older and the alleged victim is under the age of 18 and forcible compulsion was used in the act or attempt; or
 - b. By one person who is 18 or older to another who is under 15 and not the spouse of the alleged offender; or
 - c. By one person who is 20 years of age or older to another person who is under 16 years of age and not the spouse of the alleged offender; or
 - d. By one person who is a caretaker of the other who is less than 18 years old.
 - e. By a person younger than 14 years of age (underaged juvenile offender) to a person younger than 18 years of age and forcible compulsion was used in the act or attempt.

Forcible Compulsion means physical force, intimidation, or a threat, express or implied, of physical injury to or death, rape, sexual abuse, or kidnapping of any person.
- 2) The failure of the parent or caretaker to make reasonable and prudent efforts to prevent an action by another person, which resulted in sexual penetration (failure to protect).

III. Founding a report

This allegation of maltreatment may be founded only after the Worker has:

- A. Verified that the child was sexually penetrated; and
- B. Secured a preponderance of evidence that the sexual penetration or attempted sexual penetration occurred.

UNDERAGED JUVENILE OFFENDER (UNDER 14 YEARS OF AGE) (Priority I)

I. Definition

Excerpts: PUB-357: Child Maltreatment Assessment Protocol

Sexual abuse by a child younger than 14 years of age of another child younger than 18 years of age. The sexual abuse may be any of the following acts:

- A. Any contact or attempted contact between the sex organ of one child and the mouth of another child.
- B. Any act of sexual gratification involving the touching, directly or through clothing, of the sex organs, buttocks or anus of another child or the breast of a female child.
- C. Any penetration, however slight, of the anus or mouth of another child by his penis.
- D. The penetration of the labia majora or anus of another child by any body member or foreign instrument manipulated by the child being assessed.

II. Taking a Report

- A. An acceptable reporter is any person, who has reasonable cause to suspect that a child (under age 14 years) has sexually abused another child
- B. Usage
The reported age of the child being investigated is under the age of 14.

III. Founding a Report

A determination may be made only after the Worker has:

- A. Established the exact age of the child being assessed and whether or not he/she has sexually abused (such as the behaviors listed above) another child; and
- B. Secured a preponderance of evidence that the sexual abuse or attempted sexual abuse either occurred or did not occur.

The overall finding or determination will be one of the following:

- A. Unfounded (unsubstantiated) - If there is no preponderance of evidence that the sexual abuse occurred.
- B. Exempt From Finding (less than 14 years of age) – There is a preponderance of evidence that the sexual abuse occurred AND the child being assessed is younger than 14.

NOTE: If there is a preponderance of evidence that the sexual abuse occurred AND the child being assessed is 14 years of age or older, then an overall finding or determination of "True" will fall under one of the following types of sexual child maltreatment, whichever is most appropriate:

1. Oral Sex
2. Pornography/Live Sex Act Exposure
3. Sexual Contact
4. Sexual Exploitation
5. Sexual Penetration

VOYEURISM

- I. Definition

Excerpts: PUB-357: Child Maltreatment Assessment Protocol

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.

II. Taking a Report

A. An acceptable reporter is any person with reasonable cause to suspect that a caregiver has looked, 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.

B. The Child Abuse Hotline shall only accept reports of child maltreatment naming an adult as the victim if:

- 1) The alleged offender is a caretaker of any child; and,
- 2) The person making the report is one of the following:
 - a. The adult victim;
 - b. A law enforcement officer; or,
 - c. The alleged offender.

C. Usage

The reporter has reason to believe that a caregiver has looked, 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.

III. Founding a Report

This allegation of maltreatment may be founded only after the Worker has:

- A. Verified that a caregiver has looked, 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; and,
- B. Secured a preponderance of evidence that occurred caregiver has looked, 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.



ARKANSAS STATE POLICE
CRIMES AGAINST CHILDREN DIVISION

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Child Maltreatment True Investigative Determination Notice to
Underaged Juvenile Offender (under 13-14 years old)

To:
Address:
From:
Address:
Phone:
County Office:
Date:

CHRIS Referral #

Re: Name of Underaged Juvenile Offender:
Name of Victim:

On the Arkansas State Police Crimes Against Children Division, received an allegation of suspected
child maltreatment identifying you as an alleged offender. The allegation stated that the incident was reported on
the following date:

Pursuant to A.C.A. 12-18-703, this letter is to notify you that based on the preponderance of the evidence, the
investigative agency determined the allegation to be true. Although you have been named as an Underaged
Juvenile Offender, your name will not be placed in the Arkansas Child Maltreatment Central Registry due to your
age.

Since your name will not be placed on the Child Maltreatment Central Registry, you will not have an
automatic administrative hearing. However, you may ask for an administrative hearing by submitting a signed
request within 30 days of this notice to: Office of Appeals and 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 for that hearing to be held in person. The request for an in-person hearing must also be made within
30 days of this notice and mailed to the Office of Appeals & Hearing (see address listed above).

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

Pursuant to A.C.A. §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
tutoring, counseling, parenting classes, and other assistance or services. Each case is different and the services
available to you may vary.

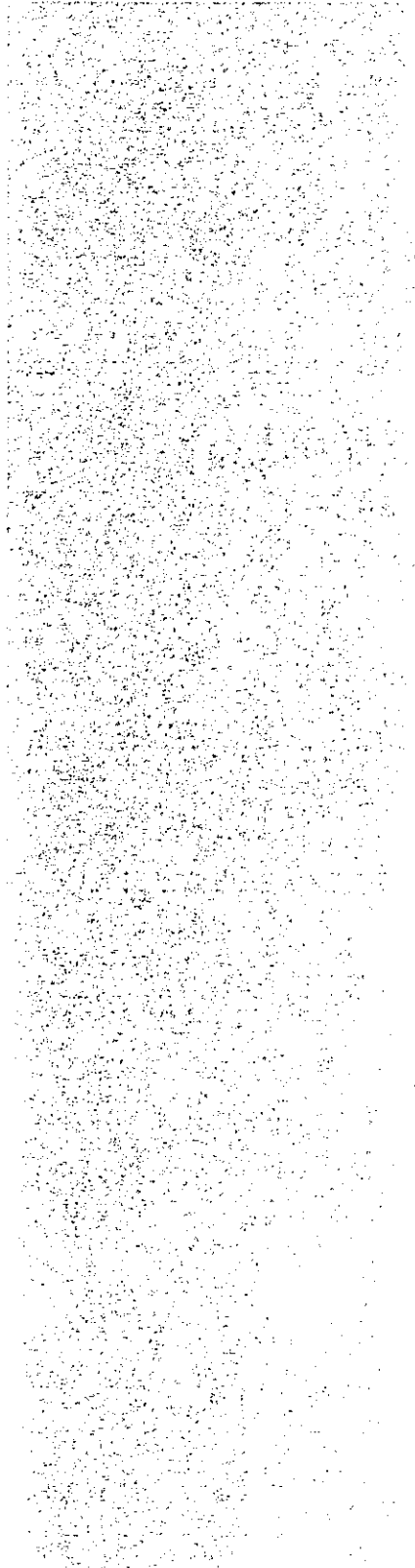
If you would like to receive supportive services, or would like more information on the services available to you
and your family, please contact your local county office, listed above.

Pursuant to A.C.A. §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.

CACD INVESTIGATOR PRINTED NAME

CACD INVESTIGATOR SIGNATURE

MARKYUP





ARKANSAS STATE POLICE
CRIMES AGAINST CHILDREN DIVISION

Child Maltreatment True Investigative Determination Notice to
Underaged Juvenile Offender (under 14 years old)

To:
Address:
From:
Address:
Phone:
County Office:
Date:

CHRIS Referral #

Re: Name of Underaged Juvenile Offender:
Name of Victim:

On the Arkansas State Police Crimes Against Children Division, received an allegation of suspected child maltreatment identifying you as an alleged offender. The allegation stated that the incident was reported on the following date:

Pursuant to A.C.A. 12-18-703, this letter is to notify you that based on the preponderance of the evidence, the investigative agency determined the allegation to be true. Although you have been named as an Underaged Juvenile Offender, your name will not be placed in the Arkansas Child Maltreatment Central Registry due to your age.

Since your name will not be placed on the Child Maltreatment Central Registry, you will not have an automatic administrative hearing. However, you may ask for an administrative hearing by submitting a signed request within 30 days of this notice to: Office of Appeals and 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 for that hearing to be held in person. The request for an in-person hearing must also be made within 30 days of this notice and mailed to the Office of Appeals & Hearing (see address listed above).

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

Pursuant to A.C.A. §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 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 A.C.A. §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.

CACD INVESTIGATOR PRINTED NAME

CACD INVESTIGATOR SIGNATURE

CLEAR



ARKANSAS STATE POLICE
CRIMES AGAINST CHILDREN DIVISION

Child Maltreatment True Investigative Determination Notice to
Alleged Juvenile Offender
1614-17 Years of Age

To:
Address:
From:
Title:
Phone:
County Office:
Date:

CHRIS Referral #

Re: Name of Alleged Offender:

Name of Alleged Victim:

The Arkansas State Police 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. §12-18-703 this is your notice that based on the preponderance of the evidence, the investigative agency determined the allegation to be true and the offender's name should be placed in the Child Maltreatment Central Registry.

The type of maltreatment was

Juveniles, 16-14 to 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 30 days of this notice and mailed to the Office of Appeals & Hearing (see address listed above).

If the hearing is waived, the offender's name will be placed on the Child Maltreatment Central Registry. Under Arkansas law, persons listed in the Child Maltreatment Central Registry as an offender in a true report are identified upon request to certain classes of public and private persons, including employers and volunteer agencies. As a result, one's employment or ability to provide volunteer services may be adversely affected if their name is placed on the Child Maltreatment Central Registry. If one's name is placed on the Child Maltreatment Central Registry, under certain circumstances, one's name may be automatically removed or one may be able to petition to have their name removed after one year.

The alleged offender's name will not be placed on the Child Maltreatment Central Registry until the receipt of the waiver of the automatic hearing or the day the administrative law judge upholds the true investigative determination.

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.

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

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 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.

CACD INVESTIGATOR PRINTED NAME

INVESTIGATOR SIGNATURE

MARKED



ARKANSAS STATE POLICE
CRIMES AGAINST CHILDREN DIVISION

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

To:
Address:
From:
Title:
Phone:
County Office:
Date:

CHRIS Referral #

Re: Name of Alleged Offender:

Name of Alleged Victim:

The Arkansas State Police 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. §12-18-703 this is your notice that based on the preponderance of the evidence, the investigative agency determined the allegation to be true and the offender's name should be placed in the Child Maltreatment Central Registry.

The type of maltreatment was

Juveniles, 14 to 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.

If the hearing is waived, the offender's name will be placed on the Child Maltreatment Central Registry. Under Arkansas law, persons listed in the Child Maltreatment Central Registry as an offender in a true report are identified upon request to certain classes of public and private persons, including employers and volunteer agencies.

The alleged offender's name will not be placed on the Child Maltreatment Central Registry until the receipt of the waiver of the automatic hearing or the day the administrative law judge upholds the true investigative determination.

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.

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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.

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.

CACD INVESTIGATOR PRINTED NAME

INVESTIGATOR SIGNATURE

CLEARED



ARKANSAS STATE POLICE
CRIMES AGAINST CHILDREN DIVISION

Child Maltreatment True Investigative Determination Notice to Legal Parent(s) and Legal Guardian(s) of the Alleged Juvenile Offender (13-14 through 17 Years of Age)

To:
Address:
From:
Title:
Phone:
County Office:
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. §12-18-705 this is your notice that based on the preponderance of the evidence, the investigative agency determined the allegation to be true and the offender's name should be placed in the Child Maltreatment Central Registry.

The type of maltreatment was _____

Juveniles, 13-14 to 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.

If hearing is waived, the offender's name will be placed on the Child Maltreatment Central Registry. Under Arkansas law, persons listed in the Child Maltreatment Central Registry as an offender in a true report are identified upon request to certain classes of public and private persons, including employers and volunteer agencies.

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

Approximately one-half of the agency's investigative determinations are upheld by the administrative law judges. The alleged offender's name will not be placed on the Child Maltreatment Central Registry until the receipt of the waiver of the automatic hearing or the day the administrative law judge hands down a hearing decision.

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.

Formatted: No underline

CACD INVESTIGATOR PRINTED NAME

CACD INVESTIGATOR SIGNATURE



ARKANSAS STATE POLICE CRIMES AGAINST CHILDREN DIVISION

Child Maltreatment True Investigative Determination Notice to Legal Parent(s) and Legal Guardian(s) of the Alleged Juvenile Offender (14 through 17 Years of Age)

To: _____
 Address: _____

 From: _____

 Title: _____
 Phone: _____
 County Office: _____
 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. §12-18-705 this is your notice that based on the preponderance of the evidence, the investigative agency determined the allegation to be true and the offender's name should be placed in the Child Maltreatment Central Registry.

The type of maltreatment was _____

Juveniles, 14 to 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 days of this notice and mailed to the Office of Appeals & Hearing (see address listed above).

If hearing is waived, the offender's name will be placed on the Child Maltreatment Central Registry. Under Arkansas law, persons listed in the Child Maltreatment Central Registry as an offender in a true report are identified upon request to certain classes of public and private persons, including employers and volunteer agencies. As a result, your employment or ability to provide volunteer services may be adversely affected if your name is placed on the Central Registry. If your name is placed on the Central Registry, under certain circumstances, your name may be automatically removed or you may be able to petition to have your name removed after one year.

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

Approximately one-half of the agency's investigative determinations are upheld by the administrative law judges. The alleged offender's name will not be placed on the Child Maltreatment Central Registry until the receipt of the waiver of the automatic hearing or the day the administrative law judge hands down a hearing decision.

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.

CACD INVESTIGATOR PRINTED NAME

CACD INVESTIGATOR SIGNATURE



ARKANSAS STATE POLICE CRIMES AGAINST CHILDREN DIVISION

Child Maltreatment True Investigative Determination Notice to
 Legal Parents and Legal Guardians of the Alleged Juvenile Offender
(16-14 through 17 Years of Age)

To: _____

Address: _____

From: _____

Title: _____

Phone: _____

County Office: _____

Date: _____

CHRIS Referral # _____

Re: Name of Alleged Offender: _____

Name of Alleged Victim: _____

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

Pursuant to A.C.A. §12-18-705 this is your notice that based on the preponderance of the evidence, the investigative agency determined the allegation to be true and the offender's name should be placed in the Child Maltreatment Central Registry.

The type of maltreatment was _____

Juveniles, 16-14 to 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 30 days of this notice and mailed to the Office of Appeals & Hearing (see address listed above).

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

Pursuant to A.C.A. §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 A.C.A. §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.
-

CACD INVESTIGATOR PRINTED NAME

INVESTIGATOR SIGNATURE

MARKUP



ARKANSAS STATE POLICE
CRIMES AGAINST CHILDREN DIVISION

Child Maltreatment True Investigative Determination Notice to
Legal Parents and Legal Guardians of the Alleged Juvenile Offender
(14 through 17 Years of Age)

To:
Address:
From:
Title:
Phone:
County Office:
Date:

CHRIS Referral #

Re: Name of Alleged Offender:

Name of Alleged Victim:

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

Pursuant to A.C.A. §12-18-705 this is your notice that based on the preponderance of the evidence, the investigative agency determined the allegation to be true and the offender's name should be placed in the Child Maltreatment Central Registry.

The type of maltreatment was

Juveniles, 14 to 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 30 days of this notice and mailed to the Office of Appeals & Hearing (see address listed above).

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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 A.C.A. §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.
-

CACD INVESTIGATOR PRINTED NAME

INVESTIGATOR SIGNATURE

CLEAR



ARKANSAS STATE POLICE
CRIMES AGAINST CHILDREN DIVISION

Notice of
Unsubstantiated Child Maltreatment Investigative Determination to
Alleged Underaged Juvenile Offender (Under 13-14 years old)

To: _____

Address: _____

From: _____

Phone: _____

County Office: _____

Date: _____

CHRIS Referral # _____

Re: Name of Alleged Victim(s): _____

Name of Alleged Offender: _____

The Arkansas State Police Crimes Against Children Division received an allegation of suspected child maltreatment identifying you as an alleged offender. The incident was reported on (date) . The type of alleged maltreatment was

Pursuant to Arkansas Code Ann. 12-18-703, this is your notice that because the allegations were not supported by a preponderance of evidence, the allegation has been determined to be unsubstantiated, and the alleged offender's name will not be placed in the Child Maltreatment Central Registry.

Because that allegation has been determined unsubstantiated, and pursuant to Arkansas Code Ann. §12-18-1011, 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 may include 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.

CACD INVESTIGATOR PRINTED NAME

INVESTIGATOR SIGNATURE



ARKANSAS STATE POLICE
CRIMES AGAINST CHILDREN DIVISION

Notice of
Unsubstantiated Child Maltreatment Investigative Determination to
Alleged Underaged Juvenile Offender (Under 14 years old)

To: _____

Address: _____

From: _____

Phone: _____

County Office: _____

Date: _____

CHRIS Referral # _____

Re: Name of Alleged Victim(s): _____

Name of Alleged Offender: _____

The Arkansas State Police Crimes Against Children Division received an allegation of suspected child maltreatment identifying you as an alleged offender. The incident was reported on (date) . The type of alleged maltreatment was .

Pursuant to Arkansas Code Ann. 12-18-703, this is your notice that because the allegations were not supported by a preponderance of evidence, the allegation has been determined to be unsubstantiated, and the alleged offender's name will not be placed in the Child Maltreatment Central Registry.

Because that allegation has been determined unsubstantiated, and pursuant to Arkansas Code Ann. §12-18-1011, 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 may include 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.

CACD INVESTIGATOR PRINTED NAME

INVESTIGATOR SIGNATURE



ARKANSAS STATE POLICE
CRIMES AGAINST CHILDREN DIVISION

Notice of
Unsubstantiated Child Maltreatment Investigative Determination to
Alleged Juvenile Offender (13-17 years of age)

To: _____

Address: _____

From: _____

Phone: _____

County Office: _____

Date: _____

CHRIS Referral # _____

Re: Name of Alleged Victim(s):

Name of Alleged Offender:

The Arkansas State Police Crimes Against Children Division received an allegation of suspected child maltreatment identifying you as an alleged offender. The incident was reported on (date) . The type of alleged maltreatment was

Pursuant to Arkansas Code Ann. 12-18-703, this is your notice that because the allegations were not supported by a preponderance of evidence, the allegation has been determined to be unsubstantiated, and the alleged offender's name will not be placed in the Child Maltreatment Central Registry.

Because that allegation has been determined unsubstantiated, and pursuant to Arkansas Code Ann. §12-18-1011, 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 may include tutoring, counseling, parenting classes, and other assistance or services. Each case is different and the services available to you may vary.

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CACD INVESTIGATOR PRINTED NAME

INVESTIGATOR SIGNATURE



ARKANSAS STATE POLICE
CRIMES AGAINST CHILDREN DIVISION

Notice of
Unsubstantiated Child Maltreatment Investigative Determination to
Alleged Juvenile Offender (14-17 years of age)

To: _____

Address: _____

From: _____

Phone: _____

County Office: _____

Date: _____

CHRIS Referral # _____

Re: Name of Alleged Victim(s):

Name of Alleged Offender:

The Arkansas State Police Crimes Against Children Division received an allegation of suspected child maltreatment identifying you as an alleged offender. The incident was reported on (date) . The type of alleged maltreatment was

Pursuant to Arkansas Code Ann. 12-18-703, this is your notice that because the allegations were not supported by a preponderance of evidence, the allegation has been determined to be unsubstantiated, and the alleged offender's name will not be placed in the Child Maltreatment Central Registry

Because that allegation has been determined unsubstantiated, and pursuant to Arkansas Code Ann. §12-18-1011, 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 may include tutoring, counseling, parenting classes, and other assistance or services. Each case is different and the services available to you may vary.

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CACD INVESTIGATOR PRINTED NAME

INVESTIGATOR SIGNATURE



ARKANSAS STATE POLICE
CRIMES AGAINST CHILDREN DIVISION

Notice of Name Placement on Central Registry to Legal Parent(s) and
Legal Guardian(s) of the Juvenile Offender (13-14 to 17 Years of Age)

To: _____

Address: _____

From: _____

Phone: _____

County Office: _____

Date: _____ CHRIS Referral # _____

Re: Name of Victim(s):
Name of Offender:

The Division of Children and Family Services (DCFS) or Arkansas State Police Crimes Against Children Division (CACD)
received an allegation of suspected child maltreatment involving your child. The incident was reported on (date)

The type of maltreatment was

As required by Arkansas Code Annotated §12-18-813, this is your notice that the investigation in the above matter, which
was determined to be true:

- Has been upheld on administrative appeal.
Was waived by you or your child during the thirty day appeal request period.

Therefore, your child's name, as the offender, is now present in the Arkansas Child Maltreatment Central Registry.

TO OBTAIN A COPY OF THE INVESTIGATIVE REPORT, send a \$10.00 check or money order (no cash) 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 the offender's name,
address and the names of the child(ren) involved.

The information provided is confidential and further disclosure is subject to Arkansas code.

CACD INVESTIGATOR PRINTED NAME

CACD INVESTIGATOR SIGNATURE



ARKANSAS STATE POLICE
CRIMES AGAINST CHILDREN DIVISION

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)

To: _____

Address: _____

From: _____

Phone: _____

County Office: _____

Date: _____

CHRIS Referral # _____

Re: Name of Victim(s):

Name of Offender:

The Division of Children and Family Services (DCFS) or Arkansas State Police Crimes Against Children Division (CACD)
received an allegation of suspected child maltreatment involving your child. The incident was reported on (date)

The type of maltreatment was

As required by Arkansas Code Annotated §12-18-813, this is your notice that the investigation in the above matter, which
was determined to be true:

- Has been upheld on administrative appeal.
Was waived by you or your child during the thirty day appeal request period.

Therefore, your child's name, as the offender, is now present in the Arkansas Child Maltreatment Central Registry.

TO OBTAIN A COPY OF THE INVESTIGATIVE REPORT, send a \$10.00 check or money order (no cash) 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 the offender's name,
address and the names of the child(ren) involved.

The information provided is confidential and further disclosure is subject to Arkansas code.

CACD INVESTIGATOR PRINTED NAME

CACD INVESTIGATOR SIGNATURE



Arkansas Department of Human Services
Division of Children & Family Services

Child Maltreatment True Investigative Determination Notice to
Underaged Juvenile Offender (under 13-14 years old)

To:
Address:
From:
Address:
Phone:
County Office:
Date: CHRIS Referral #
Re: Name of Underaged Juvenile Offender:
Name of Victim:

On the Division of Children and Family Services or Crimes Against Children Division, received an allegation of suspected child maltreatment identifying you as an alleged offender. The allegation stated that the incident was reported on:

Pursuant to A.C.A. §12-18-703, this letter is to notify you that based on the preponderance of the evidence, the investigative agency determined the allegation to be true. Although you have been named as an Underaged Juvenile Offender, your name will not be placed on the Arkansas Child Maltreatment Central Registry due to your age.

Since your name will not be placed on the Child Maltreatment Central Registry, you will not have an automatic administrative hearing. However, you may ask for an administrative hearing by submitting a signed request within 30 days of this notice to: Office of Appeals and 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 for that hearing to be held in person. The request for an in-person hearing must also be made within 30 days of this notice and mailed to the Office of Appeals & Hearing (see address listed above).

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

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 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 INVESTIGATOR PRINTED NAME

INVESTIGATOR SIGNATURE

MARKYUR



Arkansas Department of Human Services
Division of Children & Family Services

Child Maltreatment True Investigative Determination Notice to
Underaged Juvenile Offender (under 14 years old)

To: _____

Address: _____

From: _____

Address: _____

Phone: _____

County Office: _____

Date: _____ CHRIS Referral # _____

Re: Name of Underaged Juvenile Offender: _____

Name of Victim: _____

On _____ the Division of Children and Family Services or Crimes Against Children Division,
received an allegation of suspected child maltreatment identifying you as an alleged offender. The allegation
stated that the incident was reported on: _____

Pursuant to A.C.A. §12-18-703, this letter is to notify you that based on the preponderance of the evidence, the
investigative agency determined the allegation to be true. Although you have been named as an Underaged
Juvenile Offender, your name will not be placed on the Arkansas Child Maltreatment Central Registry due to your
age.

Since your name will not be placed on the Child Maltreatment Central Registry, you will not have an automatic
administrative hearing. However, you may ask for an administrative hearing by submitting a signed request within
30 days of this notice to: Office of Appeals and 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
for that hearing to be held in person. The request for an in-person hearing must also be made within 30 days of
this notice and mailed to the Office of Appeals & Hearing (see address listed above).

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

[] 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
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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

INVESTIGATOR SIGNATURE

CLEAR



Arkansas Department of Human Services
Division of Children and Family Services

Child Maltreatment True Investigative Determination Notice to
Alleged Juvenile Offender
1614-17 Years of Age

To: _____

Address: _____

From: _____

Title: _____

Phone: _____

County Office: _____

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. §12-18-703 this is your notice that based on the preponderance of the evidence, the investigative agency determined the allegation to be true and the offender's name should be placed in the Child Maltreatment Central Registry.

The type of maltreatment was _____

Juveniles, 16-14 to 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 30 days of this notice and mailed to the Office of Appeals & Hearing (see address listed above).

If the hearing is waived, the offender's name will be placed on the Child Maltreatment Central Registry. Under Arkansas law, persons listed in the Child Maltreatment Central Registry as an offender in a true report are identified upon request to certain classes of public and private persons, including employers and volunteer agencies. As a result, one's employment or ability to provide volunteer services may be adversely affected if their name is placed on the Child Maltreatment Central Registry. If one's name is placed on the Child Maltreatment Central Registry, under certain circumstances, one's name may be automatically removed, or one may be able to petition to have their name removed after one year.

The alleged offender's name will not be placed on the Child Maltreatment Central Registry until the receipt of the waiver of the automatic hearing or the day the administrative law judge upholds the true investigative determination.

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.

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

- 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 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 INVESTIGATOR PRINTED NAME

INVESTIGATOR SIGNATURE

MARKED



Arkansas Department of Human Services
Division of Children and Family Services

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

To: _____

Address: _____

From: _____

Title: _____

Phone: _____

County Office: _____

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. §12-18-703 this is your notice that based on the preponderance of the evidence, the investigative agency determined the allegation to be true and the offender's name should be placed in the Child Maltreatment Central Registry.

The type of maltreatment was _____

Juveniles, 14 to 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 30 days of this notice and mailed to the Office of Appeals & Hearing (see address listed above).

If the hearing is waived, the offender's name will be placed on the Child Maltreatment Central Registry. Under Arkansas law, persons listed in the Child Maltreatment Central Registry as an offender in a true report are identified upon request to certain classes of public and private persons, including employers and volunteer agencies. As a result, one's employment or ability to provide volunteer services may be adversely affected if their name is placed on the Child Maltreatment Central Registry. If one's name is placed on the Child Maltreatment Central Registry, under certain circumstances, one's name may be automatically removed or one may be able to petition to have their name removed after one year.

The alleged offender's name will not be placed on the Child Maltreatment Central Registry until the receipt of the waiver of the automatic hearing or the day the administrative law judge upholds the true investigative determination.

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.

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

- 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 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 INVESTIGATOR PRINTED NAME

INVESTIGATOR SIGNATURE

DUPLICATE



Arkansas Department of Human Services
Division of Children & Family Services

Child Maltreatment True Investigative Determination Notice to
Legal Parents and Legal Guardians
of Underaged Juvenile Offender (under 13-14 years old)

To:
Address:
From:
Address:
Phone:
County Office:
Date:

CHRIS Referral #

Re: Name of Underaged Juvenile Offender:
Name of Victim:

On the Division of Children and Family Services or Crimes Against Children Division, received an allegation of suspected child maltreatment identifying your child as an alleged offender. The allegation stated that the incident was reported on the following date:

Pursuant to Arkansas Code Ann. §12-18-704, this letter is to notify you that based on the preponderance of the evidence, the investigative agency determined the allegation to be true. Although your child has been named as an Underaged Juvenile Offender, your child's name will not be placed in the Arkansas Child Maltreatment Central Registry due to his or her age.

Since your child's name will not be placed on the Child Maltreatment Central Registry, your child will not have an automatic administrative hearing. However, you may ask for an administrative hearing by submitting a signed request within 30 days of this notice to: Office of Appeals and 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 for that hearing to be held in person. The request for an in-person hearing must also be made with 30 days of this notice and mailed to the Office of Appeals & Hearing (see address listed above).

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

Pursuant to A.C.A. §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 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.

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Pursuant to A.C.A. §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

INVESTIGATOR SIGNATURE

MARKYUP

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Arkansas Department of Human Services
Division of Children & Family Services

Child Maltreatment True Investigative Determination Notice to
Legal Parents and Legal Guardians
of Underaged Juvenile Offender (under 14 years old)

To:
Address:
From:
Address:
Phone:
County Office:
Date:

CHRIS Referral #

Re: Name of Underaged Juvenile Offender:
Name of Victim:

On the Division of Children and Family Services or Crimes Against Children Division, received an allegation of suspected child maltreatment identifying your child as an alleged offender. The allegation stated that the incident was reported on the following date:

Pursuant to Arkansas Code Ann. §12-18-704, this letter is to notify you that based on the preponderance of the evidence, the investigative agency determined the allegation to be true. Although your child has been named as an Underaged Juvenile Offender, your child's name will not be placed in the Arkansas Child Maltreatment Central Registry due to his or her age.

Since your child's name will not be placed on the Child Maltreatment Central Registry, your child will not have an automatic administrative hearing. However, you may ask for an administrative hearing by submitting a signed request within 30 days of this notice to: Office of Appeals and 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 for that hearing to be held in person. The request for an in-person hearing must also be made with 30 days of this notice and mailed to the Office of Appeals & Hearing (see address listed above).

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

Pursuant to A.C.A. §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 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 A.C.A. §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

INVESTIGATOR SIGNATURE

CLEAR



Arkansas Department of Human Services

Division of Children and Family Services

Child Maltreatment True Investigative Determination Notice to
 Legal Parents Legal Guardians of the Alleged Juvenile Offender
 (16-14 through 17 Years of Age)

To: _____
 Address: _____

 From: _____

 Title: _____
 Phone: _____
 County Office: _____
 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 A.C.A. §12-18-705 this is your notice that based on the preponderance of the evidence, the investigative agency determined the allegation to be true and the offender's name should be placed in the Child Maltreatment Central Registry.

The type of maltreatment was _____

Juveniles, 16-14 to 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 30 days of this notice and mailed to the Office of Appeals & Hearing (see address listed above).

If the hearing is waived, the offender's name will be placed on the Child Maltreatment Central Registry. Under Arkansas law, persons listed in the Child Maltreatment Central Registry as an offender in a true report are identified upon request to certain classes of public and private persons, including employers and volunteer agencies. As a result, one's employment or ability to provide volunteer services may be adversely affected if his or her name is placed on the Child Maltreatment Central Registry. If one's name is placed on the Child Maltreatment Central Registry, under certain circumstances, one's name may be automatically removed or one may be able to petition to have their name removed after one year. The alleged offender's name will not be placed on the Child Maltreatment Central Registry until the receipt of the waiver of the automatic hearing or the day the administrative law judge upholds the true investigative determination.

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.

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

Pursuant to A.C.A. §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 A.C.A. §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

INVESTIGATOR SIGNATURE

MARKUP



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

Child Maltreatment True 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 Office: _____
 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 A.C.A. §12-18-705 this is your notice that based on the preponderance of the evidence, the investigative agency determined the allegation to be true and the offender's name should be placed in the Child Maltreatment Central Registry.

The type of maltreatment was

Juveniles, 14 to 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 30 days of this notice and mailed to the Office of Appeals & Hearing (see address listed above).

If the hearing is waived, the offender's name will be placed on the Child Maltreatment Central Registry. Under Arkansas law, persons listed in the Child Maltreatment Central Registry as an offender in a true report are identified upon request to certain classes of public and private persons, including employers and volunteer agencies. As a result, one's employment or ability to provide volunteer services may be adversely affected if his or her name is placed on the Child Maltreatment Central Registry. If one's name is placed on the Child Maltreatment Central Registry, under certain circumstances, one's name may be automatically removed or one may be able to petition to have their name removed after one year. The alleged offender's name will not be placed on the Child Maltreatment Central Registry until the receipt of the waiver of the automatic hearing or the day the administrative law judge upholds the true investigative determination.

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.

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

Pursuant to A.C.A. §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 A.C.A. §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

INVESTIGATOR SIGNATURE

DUPLICATE



Arkansas Department of Human Services
Division of Children and Family Services

Notice of
Unsubstantiated Child Maltreatment Investigative Determination to
Alleged Underaged Juvenile Offender (Under 13-14 years old)

To: _____

Address: _____

From: _____

Phone: _____

County Office: _____

Date: _____

CHRIS Referral # _____

Re: Name of Alleged Victim(s):

Name of Alleged Offender:

The Division of Children and Family Services or Arkansas State Police Crimes Against Children Division received an allegation of suspected child maltreatment identifying you as an alleged offender. The incident was reported on (date) . The type of alleged maltreatment was .

Pursuant to Arkansas Code Ann. 12-18-703, this is your notice that because the allegations were not supported by a preponderance of evidence, the allegation has been determined to be unsubstantiated, and the alleged offender's name will not be placed in the Child Maltreatment Central Registry.

Because that allegation has been determined unsubstantiated, and pursuant to Arkansas Code Ann. §12-18-1011, 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 may include 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.

DCFS INVESTIGATOR PRINTED NAME

INVESTIGATOR SIGNATURE



Arkansas Department of Human Services
Division of Children and Family Services

Notice of
Unsubstantiated Child Maltreatment Investigative Determination to
Alleged Underaged Juvenile Offender (Under 14 years old)

To: _____

Address: _____

From: _____

Phone: _____

County Office: _____

Date: _____

CHRIS Referral # _____

Re: Name of Alleged Victim(s):

Name of Alleged Offender:

The Division of Children and Family Services or Arkansas State Police Crimes Against Children Division received an allegation of suspected child maltreatment identifying you as an alleged offender. The incident was reported on (date) . The type of alleged maltreatment was

Pursuant to Arkansas Code Ann. 12-18-703, this is your notice that because the allegations were not supported by a preponderance of evidence, the allegation has been determined to be unsubstantiated, and the alleged offender's name will not be placed in the Child Maltreatment Central Registry.

Because that allegation has been determined unsubstantiated, and pursuant to Arkansas Code Ann. §12-18-1011, 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 may include 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.

DCFS INVESTIGATOR PRINTED NAME

INVESTIGATOR SIGNATURE



Arkansas Department of Human Services

Division of Children and Family Services

Notice of Unsubstantiated Child Maltreatment Investigative Determination to Alleged Juvenile Offender (13-17 years of age)

To: _____

Address: _____

From: _____

Phone: _____

County Office: _____

Date: _____

CHRIS Referral # _____

Re: Name of Alleged Victim(s):

Name of Alleged Offender:

The Division of Children and Family Services or Arkansas State Police Crimes Against Children Division received an allegation of suspected child maltreatment identifying you as an alleged offender. The incident was reported on (date) . The type of alleged maltreatment was .

Pursuant to Arkansas Code Ann. 12-18-703, this is your notice that because the allegations were not supported by a preponderance of evidence, the allegation has been determined to be unsubstantiated, and the alleged offender's name will not be placed in the Child Maltreatment Central Registry.

Because that allegation has been determined unsubstantiated, and pursuant to Arkansas Code Ann. §12-18-1011, 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 may include 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.

DCFS INVESTIGATOR PRINTED NAME

INVESTIGATOR SIGNATURE



Arkansas Department of Human Services
Division of Children and Family Services

Notice of
Unsubstantiated Child Maltreatment Investigative Determination to
Alleged Juvenile Offender (14-17 years of age)

To: _____

Address: _____

From: _____

Phone: _____

County Office: _____

Date: _____

CHRIS Referral # _____

Re: Name of Alleged Victim(s):

Name of Alleged Offender:

The Division of Children and Family Services or Arkansas State Police Crimes Against Children Division received an allegation of suspected child maltreatment identifying you as an alleged offender. The incident was reported on (date) . The type of alleged maltreatment was

Pursuant to Arkansas Code Ann. 12-18-703, this is your notice that because the allegations were not supported by a preponderance of evidence, the allegation has been determined to be unsubstantiated, and the alleged offender's name will not be placed in the Child Maltreatment Central Registry.

Because that allegation has been determined unsubstantiated, and pursuant to Arkansas Code Ann. §12-18-1011, 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 may include 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.

DCFS INVESTIGATOR PRINTED NAME

INVESTIGATOR SIGNATURE



Arkansas Department of Human Services
Division of Children and Family Services

Notice of Name Placement on Central Registry to

Legal Parents Legal Guardians of the Juvenile Offender (13-14 to 17 Years of Age)

To: _____

Address: _____

From: _____

Phone: _____

County Office: _____

Date: _____

CHRIS Referral # _____

Re: Name of Victim(s):

Name of Offender:

The Division of Children and Family Services (DCFS) or Arkansas State Police Crimes Against Children Division (CACD) received an allegation of suspected child maltreatment involving your child. The incident was reported on (date)

The type of maltreatment was

As required by Arkansas Code Annotated §12-18-813, this is your notice that the investigation in the above matter, which was determined to be true:

- Has been upheld on administrative appeal.
Was waived by you or your child during the thirty day appeal request period.

Therefore, your child's name, as the offender, is now present in the Arkansas Child Maltreatment Central Registry.

TO OBTAIN A COPY OF THE INVESTIGATIVE REPORT, send a \$10.00 check or money order (no cash) 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 the offender's name, address and the names of the child(ren) involved.

The information provided is confidential and further disclosure is subject to Arkansas code.

DCFS INVESTIGATOR PRINTED NAME

INVESTIGATOR SIGNATURE



Arkansas Department of Human Services

Division of Children and Family Services

Notice of Name Placement on Central Registry to

Legal Parents Legal Guardians of the Juvenile Offender (14 to 17 Years of Age)

To: _____

Address: _____

From: _____

Phone: _____

County Office: _____

Date: _____

CHRIS Referral # _____

Re: Name of Victim(s): _____

Name of Offender: _____

The Division of Children and Family Services (DCFS) or Arkansas State Police Crimes Against Children Division (CACD) received an allegation of suspected child maltreatment involving your child. The incident was reported on (date)

The type of maltreatment was:

As required by Arkansas Code Annotated §12-18-813, this is your notice that the investigation in the above matter, which was determined to be true:

- Has been upheld on administrative appeal.
- Was waived by you or your child during the thirty day appeal request period.

Therefore, your child's name, as the offender, is now present in the Arkansas Child Maltreatment Central Registry.

TO OBTAIN A COPY OF THE INVESTIGATIVE REPORT, send a \$10.00 check or money order (no cash) 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 the offender's name, address and the names of the child(ren) involved.

The information provided is confidential and further disclosure is subject to Arkansas code.

DCFS INVESTIGATOR PRINTED NAME

INVESTIGATOR SIGNATURE

POLICY II-E: Investigation of Child Maltreatment Reports

08/2013

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 Division of Children and Family Services (DCFS) 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.

While an allegation that a child has been subjected to neglect as defined by Garrett's Law § 12-18-103(13)(B) is defined as a Priority II investigation, all Garrett's Law investigations must also 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 offender or observes the alleged victim outside the presence of the alleged offender, or the investigator has otherwise met due diligence (see Procedure II-E3 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.

AT RISK DETERMINATIONS

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 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.
 - 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.
 - 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.

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. §12-18-606, 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 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, interviews with appropriate parties (i.e., alleged victim, any siblings of the victim or other children under the of the alleged offender, the non-offending parent, the alleged offender, and collaterals as appropriate) and completion of the Health and Safety Assessment.

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 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 CFS-6025: Health and Safety Assessment should 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 sections:

- 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:

Health and Safety Checklist

The Health and Safety Checklist 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 48 hours of the investigation initiation, excluding weekends and holidays. 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 identifies one or more of the safety factors, the CACD investigator will immediately contact DCFS to conduct the remaining components of 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 any safety factors, 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 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 basic alternatives to implement during the safety planning process:

- A. Develop a protection plan to mitigate the identified safety factors; or,
- B. Remove the child.

The Safety Planning screen in CHRIS documents the actions taken to ensure a child's safety during the course of an investigation.

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. This documentation describing the actual use or consideration of using protecting interventions establishes reasonable efforts to prevent removal of the child from the home.

The 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 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.

If an emergency order of less than custody (see below for more information regarding orders of less than custody) is not obtained from the court, a protection plan may never:

- A. Make any change to the current physical and/or legal custody arrangement of the child; or,
- B. Otherwise limit the right of a parent (whose rights have not been terminated for the specific child(ren) involved in the current investigation) or legal custodian to visit/have access to his or her child including supervised visits.

Possible Protection Plan Actions:

Depending on the dynamics of a particular investigation and the family involved, the following orders may be a part of a protection plan as appropriate:

A. Order of Less Than Custody

If there are concerns about the alleged offender's access to the child and there is no reason to suspect that the non-offending custodian will allow the alleged offender access to the child, then DCFS is encouraged to obtain an "Order of Less than Custody" filed with the court so as to legally restrict the alleged offender from contact with the child while allowing the child to remain in the home 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:

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

To obtain an order of less than custody, the FSW may contact OCC immediately to request OCC to file a petition for an "order of less than custody." While the child may remain in the home under the conditions described above, an order of less than custody is still a dependency-neglect petition. It is not necessary for the alleged offender to have legal right to custody or visitation with the child or to have property rights allowing access to the home where the juvenile resides or to be a juvenile in order to petition the court for an order of less than custody.

The Division shall 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.

B. Order of Protection

Any adult family/household member may file a petition for an order of protection on behalf of another family or household member, including a married minor. An employee or volunteer of a domestic violence shelter or program may file a petition on behalf of a minor, including a married minor. The Division will thoroughly review the Health and Safety Assessment to ensure that a protection plan is in place for a child before leaving that child in a home where an order of protection has been filed.

An order of protection issued by a court of competent jurisdiction in any county of this state is enforceable in every county of this state by any court or law enforcement officer. An order of protection issued by a court of another state, federally recognized Indian tribe, or a territory shall be afforded full faith and credit by the courts of Arkansas and shall be enforced by law enforcement as if it were issued in Arkansas.

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. However, protection planning is ultimately the responsibility of DCFS and cannot be delegated to the family, supports, or treatment providers. 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. 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.

If a protection plan is developed, it must be documented in the Safety Planning screen in CHRIS within 48 hours of the investigation initiation, excluding weekends and holidays.

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 48 hours, excluding weekends and holidays, of the act of removal of the child.

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 48 hours of the investigation initiation, excluding weekends and holidays.

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 Service Log and contact screen in CHRIS.

Investigation Risk Assessment

The Investigation Risk Assessment (CFS-6026 in CHRIS) 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 CFS-6026: Investigation Risk Assessment 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 the Family Strengths, Needs, and Risk Assessment (FSNRA) of the open case (see Policy IV-C for more information regarding completion of the FSNRA).

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.
- 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.

PROTECTIVE CUSTODY

If at any point in time during the investigation the health and physical well-being of a child are in immediate danger and the Division must take custody of the child to ensure his or her health and safety, the child shall be placed in an appropriate licensed or approved placement. This may include an identified relative or fictive kin 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.

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 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.

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. The following circumstances meet the definition of good cause, as it pertains to requesting and granting a 15 day extension to make an investigative determination:

- A. The Prosecuting Attorney or law enforcement officials have requested that DCFS postpone the determination due to a pending criminal investigation;
- B. Medical 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.

INVESTIGATIVE DETERMINATIONS AND RESULTING REFERRALS AND CASE OPENINGS

Within the appropriate timeframes outlined above, a child maltreatment investigation will be determined to be:

- A. Unsubstantiated
- B. True
- C. True but exempt for:
 - 1) Garrett's Law (as defined by A.C.A. § 12-18-103(13)(B))
 - 2) Religious beliefs
 - 3) Underaged juvenile offenders
 - 4) Sexual abuse offenders, if offender is 13, but less than 16 and not adjudicated delinquent or criminally convicted on the same set of facts
- D. Inactive based on the criteria in PUB-357: Child Maltreatment Investigation Protocol.

The criteria for each of these determinations are as follows:

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. If the report is determined to be true, and is a report of sexual intercourse, deviate sexual activity, or sexual contact, an investigation 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, will be determined. 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.

True but Exempt Determination

The following types of cases may be found true but exempt from placement on the Child Maltreatment Central Registry. The Division may open a protective services case for any investigation determination of true but exempt.

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 exempt and will not be placed on the child maltreatment registry. A protective services case shall be opened to establish a plan of safe care.

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 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 exempt due to religious beliefs exemption in the event that the Family Service Worker 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.

A 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 exempt 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.

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:

1. More than 5 years ago; or,
2. In another state.

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 of Children and Family Services will issue notices regarding the child maltreatment investigative determination whether true or unsubstantiated to all persons pursuant to Ark. Code Ann. 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.

PROCEDURE II-E1: Assignment of Child Abuse Hotline Investigation Reports

08/2013

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-E2: Preparation for Investigation Initiation

08/2013

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-E3: Investigation Initiation

08/2013

The FSW/CACD 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 § 12-18-103(13)(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.
- D. Consider the investigation 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 (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.
- E. Document initiation activities within 48 hours of initiation excluding weekends and holidays.
- F. 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. Document initiation activities within 48 hours of initiation, excluding weekends and holidays.

The FSW/CACD Supervisor will:

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

PROCEDURE II-E4: Child Maltreatment Report Investigation Interviews

08/2013

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.
- 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, 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-327a 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.

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 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-E5: Discovery of New Victims and/or Allegations in an Ongoing Investigation

08/2013

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

The FSW/CACD 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.
- 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-E6: Medical/Psychological Evaluation Required During Investigation

08/2013

The FSW/CACD investigator (as applicable) will:

- A. Confer with the supervisor concerning a complete examination/evaluation by a mental health professional if a child has one of the following:
 - 1) Impairment of the intellectual, emotional, or psychological development as evidenced by observable and substantial reduction in the child's ability to function within a normal range of performance and behavior.
 - 2) Suffered a substantial impairment in the ability to function as a result of a specific, non-accidental action or interaction committed by a parent or caretaker.
- B. Refer for a medical examination or consultation with a physician in the following cases unless the Area Director allows an exception:
 - 1) burns, fractures or dislocations in children under three years of age;
 - 2) burns, fractures or dislocations in children of any age if unexplained or implausibly explained;
 - 3) burns, bruises, or fractures in non-ambulatory children;
 - 4) reasonable suspicion that vaginal or oral penetration has occurred;
 - 5) cases involving sexually transmitted diseases in prepubescent children;
 - 6) cases of malnutrition and failure to thrive;
 - 7) cases of serious medical neglect;
 - 8) cases of alleged head and abdominal injuries (regardless of presence of visible injury);
 - 9) reports in which the child has an observable injury, the caretaker admits responsibility for the injury and there is reason to believe that there are internal injuries or other injuries which have occurred in the past.
- C. Involve the parent, legal guardian, or legal custodian of the child whenever possible, if during the investigation, a medical examination is needed to determine the existence of abuse or neglect.
- D. Verify that the parent, legal guardian, or legal custodian has exhausted all other resources before requesting DHS funds for payment.
- E. Consider the following, listed in order of preference, in all cases in which a medical examination is required:
 - 1) Have the child examined at a Child Safety Center when available and appropriate (i.e., consider distance of Child Safety Center, whether nearest Child Safety Center has medical services on site, and if the investigation is regarding a report of alleged sexual abuse or alleged severe maltreatment).
 - 2) Have the child examined by the child's Primary Care Physician (PCP).

- 3) Have the child examined by a pediatrician if the PCP is unavailable. The investigator must advise the pediatrician whether the PCP, although not physically available, is available by telephone for consultation.
- 4) Take the child to the emergency room of the nearest hospital.

The physical examination of children alleged to be sexually abused must be conducted by a physician or other medical personnel, not the investigator.

PROCEDURE II-E7: Other Child Maltreatment Investigation Actions

08/2013

The FSW/CACD investigator (as applicable) 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.
 1. If worker will return to the primary work site more than one hour after the initial "Planned Return Date/Time," he/she will contact his/her immediate 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 conducted 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 calendar days.
- G. Make notifications of child maltreatment allegations to the appropriate parties according to Procedure XIV-A1.
- H. Obtain X-rays, photographs, radiology procedures, drug test results, medical records, other pertinent records (e.g., school records, or videos from mandated reporters).
- I. If at any time it is determined that the alleged offender is not a caretaker of the alleged victim child, excluding investigations of sexual abuse:
 - 1) Refer the matter to the appropriate law enforcement agency via CFS-321: Referral for Investigation.
 - 2) Close the investigation.
 - 3) Forward a copy of the findings to the appropriate law enforcement agency for the agency's use in any criminal investigation.
 - 4) Reopen and continue the investigation IF the appropriate law enforcement agency subsequently determines that the alleged offender is a caretaker and notifies the Division of its determination.
- J. If the family moves to another county before the investigation is complete, notify other county supervisor and request a transfer to that county inbox.
- K. If the family moves to another state, notify that state's Child Protective Services Division and follow instructions from that state.
- L. Ensure that all the information gathered during the investigation is contained within the DCFS file whether or not the information supports the investigative determination.

- M. Key all screens in the "Investigation" section of CHRIS including screens listed under the "Interview" and "Client" sections within 30 days of receipt of the hotline report.
- N. 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 unless the the Prosecuting Attorney and/or law enforcement has provided written notice to the Division that the Division does not need to provide notice of the investigative determination.

The FSW/CACD Supervisor will:

- A. If the family moves to another county before the investigation is complete, transfer investigation to the new county inbox upon receiving notification from the FSW/CACD investigator of the move.
- B. Conduct a supervisory conference with the investigator 14 days following receipt of report (or the next business day) to assess progress of the investigation up to that point.
- C. In addition to 14 day supervisory conference, discuss investigation with the investigator as appropriate/needed throughout the investigation.
- D. Complete CFS-299: Investigation Checklist for Supervisors throughout the course of the investigation.
- E. Make entries on the "Inv. Notes" as the investigation is conducted (e.g., documentation of supervisory conferences with investigator).

PROCEDURE II-E8: Health & Safety Checklist

08/2013

The FSW investigator or the (CACD) investigator (depending on which agency is assigned as primary) will:

- A. Identify any safety factors that may contribute to the immediate danger of the child's health or physical well-being.
 - 1) If CACD is assigned primary and identifies one or more safety factors, contact the DCFS supervisor or designee immediately to complete the remaining components of the Health and Safety Assessment (i.e., Safety Planning and Investigative Risk Assessment).
- B. Complete the Health and Safety Checklist for each child in the family by identifying the presence or absence of any safety factors by checking "yes" or "no", respectively within 48 hours excluding weekends and holidays.
- C. Provide narrative documentation on the Health and Safety Checklist for each safety factor identified.
- D. In cases involving CACD as primary and DCFS as secondary, both agencies will collaborate to ensure that DCFS has all relevant information needed to complete the remaining components of the Health and Safety Assessment (i.e., Safety Planning and Investigation Risk Assessment; see Procedures II-E6 and II-E7, respectively, for more information).

PROCEDURE II-E9: Safety Planning

08/2013

The FSW investigator will:

- A. Make the appropriate child protecting decisions if the child's health or physical well-being are in immediate danger.
- B. If a safety factor is not identified on the Health and Safety Checklist, but it is determined that services or other actions can be put in place to address risk factors or otherwise strengthen the family during the course of the investigation:
 - 1) Implement the services or other actions accordingly.
 - 2) Document services provided or other actions taken in the Service Log and investigation contact screen in CHRIS.
 - a) If all of the statements on the Health and Safety Checklist screen are selected "no," then the default decision on the Safety Planning screen will be "safe" indicating that there are no

children whose health or physical well-being are likely to be in immediate danger. As such, the FSW will not have to enter any information in the Safety Planning screen.

C. If a safety factor(s) is/are identified, establish the appropriate protecting intervention for each identified safety factor.

- 1) If a protection plan can be put into place to mitigate the identified safety factor(s):
 - a) Determine the suitability of the person or persons responsible for carrying out the protection actions by assuring that those persons:
 - i. Are present and participate in the development of the protection plan;
 - ii. Are fully informed about the safety factors and concerns;
 - iii. Understand and accept their responsibility to protect the child;
 - iv. Accept and believe that the safety factors and potential dangers exist;
 - v. Are available in terms of time and accessibility;
 - vi. Are aligned with and responsive to DCFS;
 - vii. Are trustworthy, dependable and have no substance use, mental health issues, or other major life issues that may prevent them from meeting their responsibilities in the plan; and,
 - viii. Provide a home that is suitable and safe if the child will be staying there.
 - b) Assure that the protection plan is sufficient to manage and control identified safety factors and prevent subsequent dangers to the child by meeting the following criteria:
 - i. Does not rely on promises from caregivers or court orders prohibiting behaviors;
 - ii. Focuses on enhancing caregiver protective capacities as the highest priority for change;
 - iii. Includes immediate supports and/or services that have an impact on controlling identified safety factors;
 - iv. Is individualized to the needs and dynamics of the family and the specific safety factor(s) identified;
 - v. Has a mechanism for ongoing oversight and monitoring by the FSW that allows FSW to provide feedback to the family and problem solve with the family as needed; and,
 - vi. Is time limited noting when each activity must be completed or in place and when the plan should expire.
 - c) If applicable, inform the non-offending caretaker of the right to file a petition in accordance with the "Domestic Abuse Act," Ark. Code Ann. § 9-15-101 et seq. in Circuit Court to have the offender removed from the home as part of the protection plan.
 - d) If the protection plan must include an intervention that will make a change to the child(ren)'s residency, the options are:
 - i. The child(ren) may remain in residence with a non-offending custodian if the alleged offender is legally restricted from contact with the child(ren) by:
 - (1) An "order of less than custody" obtained by DCFS; and,
 - (2) There is no reason to suspect that the non-offending custodian will allow the offender access to the child(ren).
 - e) Before leaving the home, obtain supervisory approval of the protection plan developed with the family.
 - f) Provide a copy of the protection plan with the family via CFS-200: Protection Plan before leaving the home.
 - g) Document the protection plan in CHRIS on the Safety Planning screen and otherwise complete the Safety Planning screen in CHRIS for any safety factors that have been identified within 48 hours of investigation initiation, excluding weekends and holidays.
- 3) If a protection plan cannot be put into place to mitigate the identified safety factor(s), then the children must be removed from the home and placed in an approved placement.
- 4) For all safety factors with a "yes" response, there should be corresponding documentation in the Safety Planning screen indicating if:

- a) a written, supervisor-approved protection plan was developed with and provided to the family via CFS-200: Protection Plan thereby allowing the child to remain safely in the home (select the appropriate radio button on the first question in the Safety Planning screen);
 - i. The safety decision on the Safety Planning screen will then be "Conditionally Safe," meaning a protection plan has been implemented and interventions outlined in the protection plan have resolved the unsafe situation for the present time.
- b) the child was removed from the home.
 - i. The safety decision on the Safety Planning screen will then be "Unsafe" meaning a protection plan could not be established so removal is the only protecting intervention for the children (i.e., without it, the children's health or physical well-being are likely to be in immediate danger).
- F. Document in CHRIS all other FSW activities, services, and/or contacts associated with the investigation.
- G. Monitor family's implementation of Protection Plan, if one has been put in place, via face-to-face contact with family within at least 72 hours.
- H. If during the course of an investigation a protection plan is put into place by DCFS, but the investigation is ultimately unsubstantiated, the FSW investigator will ensure the protection plan is reassessed with the family and communicates with other involved DCFS staff as applicable.

Note: While a protection plan must be developed during the course of an investigation if a safety factor is identified and the child is to be left in the home, protection plans should also be amended as necessary and/or developed after a protective services case is opened or any other type of case if a safety factor is identified.

The FSW supervisor will:

- A. Conference with the FSW investigator regarding the protection plan as needed.
- B. Approve the protection plan, as appropriate, prior to the FSW investigator leaving the home.
- C. Approve the Safety Planning screen as appropriate within 45 days of receipt of the hotline report.

PROCEDURE II-E10: Investigation Risk Assessment

08/2013

The primary investigator (including CACD when CACD is primary) will:

- A. Complete the Investigation Risk Assessment on each child within 30 days of receipt of the hotline report to help determine the likelihood of future abuse when there is an overall true finding.
- B. Complete both the abuse and neglect scale of the "Investigation Risk Assessment" screen in CHRIS for all "True" child maltreatment findings.
- C. Establish the level of risk (i.e., intensive, high, moderate, or low).

The FSW supervisor will:

- A. Review the completed Investigation Risk Assessment.
- B. Determine if an override is necessary due to a unique circumstance warranting a higher level of risk than assigned by the risk level chart.
 - 1) Select appropriate policy override action in CHRIS if needed.

PROCEDURE II-E11: Protective Custody of Child in Immediate Danger

08/2013

The FSW investigator will:

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

- 1) The circumstances present an immediate danger to the child's health or physical well-being; or,
 - 2) The child is neglected as defined under Garrett's Law 12-18-103, 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) Any child who is dependent as defined by the Arkansas Juvenile Code of 1989, 9-27-301 et. seq. (see Appendix I: Glossary, for definition of "dependent").
- B. 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 shall 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. Notify the OCC attorney immediately that protective custody was exercised and request an ex parte emergency order from the court.
- D. 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. 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. 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):
- A. 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. Provide the OCC attorney with the name and address of any grandparent who is entitled to notice based on the above conditions.
- H. 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. 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,
 - 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. Place the child in an appropriate licensed or approved placement.
- K. If a provisional placement will be pursued:
- 1) Complete CFS-450: Provisional Foster Home Referral and provide to the local Resource Worker ASAP.

- 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. Complete and route CFS-323: Protective Custody/Parental Notification.
- M. Open an Out-of-Home Placement case within twenty-four hours, excluding weekends and holidays.
- N. 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. Complete the CFS-336: Expiration of Protective Custody/Parental Notification and provide to the parent.
- P. If the parent refuses to accept custody of the child, file an emergency petition.

PROCEDURE II-E12: Using Interpreter Services During an Investigation

08/2013

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.
 - 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 Prevention and Support Unit in Central Office.
- C. Advise Prevention and Support Unit staff of the translated language that is needed.

The Prevention and Support Unit 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-E13: Request for Investigative Timeframe Extension

08/2013

If the FSW investigator is unable to make a supervisor approved investigative determination within 45 calendar days of receipt of the child maltreatment report due to good cause, then the FSW investigator will:

- A. Complete CFS-217: Request For Investigation Timeframe Extension, documenting good cause for the extension request.
- B. By no later than the 40th day of the investigation, submit the completed CFS-217: Request For Investigation Timeframe Extension and any additional documentation supporting the request for extension to the Area Director or designee.

The Area Director or designee will:

- A. Review and discuss the request and associated investigative file with the investigator within 24 hours of the request.
- B. If it is determined that:
 - 1) An extension is warranted,
 - a) Immediately forward the CFS-217: Request for Investigation Timeframe Extension and any supporting documentation to the Area Director.
 - 2) An extension is not warranted,
 - a) Deny the request;
 - b) Document accordingly on CFS-217: Request for Investigation Timeframe Extension;
 - c) Conference with investigator as to how to ensure a supervisor approved investigation determination is made within 45 days of the receipt of the child maltreatment report from the hotline.

The Assistant Director of Community Services or designee will:

- A. Review and respond to any extension request within 24 hours of receipt of request.

PROCEDURE II-E14: Child Maltreatment Investigative Determination

08/2013

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 determined to be either:

- A. Unsubstantiated
- B. True
- C. True but exempt for:
 - 1) Garrett's Law (as defined by A.C.A. § 12-18-103(13)(B))
 - 2) Religious beliefs
 - 3) Underaged juvenile offenders
 - 4) Sexual abuse offenders if offender is 13 but less than 16 and not adjudicated delinquent or criminally convicted on the same set of facts

- D. Inactive based on the criteria in PUB-357: Child Maltreatment Assessment Protocol.

Once a determination 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 exempt, or inactive) based on the individual findings.
 - 1) For true but exempt determinations involving underaged juvenile offenders with sexual abuse allegations:
 - a) 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.
 - b) Select "Exempted From Finding (Underaged Juvenile Offender)" as the individual finding in the Investigation Findings screen in CHRIS.
 - c) 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-E15: Referrals and Case Openings Based on Investigative Findings

08/2013

The FSW Investigator will:

- A. For reports of sexual abuse determined to be true and involving an alleged offender under 18 years of age at the time the act or omission occurred, refer the alleged offender and victim for mental health services by:
 - 1) Providing the parents or legal guardians of the alleged offender and victim with a list of mental health professionals or agencies available to evaluate and treat the alleged offender and victim, if necessary; and,
 - 2) Assisting the parents or legal guardians of the alleged offender and victim with a referral for a mental health evaluation, if necessary.
- B. For true reports regardless of allegation type, open a protective services or foster care case as appropriate and/or make referrals as appropriate.
 - 1) If a protective services or foster care case will not be opened on a true report, supervisor and Area Director approval are required in CHRIS.

- 2) If a protective services or foster care case will not be opened on a true report involving any children in the home under the age of three, make a referral to the DHS Division of Developmental Disabilities Services Children's Services for an early intervention screening via DHS-3300 in CHRIS (see Policy II-I: Early Intervention Referrals and Services and related procedures for more information).
- C. For unsubstantiated reports, open a supportive services case if the family needs and agrees to services.

The FSW Supervisor will:

- A. Assist FSW Investigator, as appropriate/needed, with any referrals.
- B. Complete/approve the "Investigation Case Connect" screen as appropriate and assign and open a case if appropriate.

However, when CACD is assigned as the primary investigator and the determination is unsubstantiated, CACD will:

- A. Complete/approve the "Investigation Case Connect" screen.

PROCEDURE II-E16: DCFS and Law Enforcement Interfaces and Responses

08/2013

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 II-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 II-B2 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 relatives and/or fictive kin, discuss the option of opening as a provisional foster home (see Procedure VI-B1 for more information),
 - 2) 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 II-B2 for more information).
 - 3) 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 relatives and fictive kin, discuss the option of opening as a provisional home (see Procedure II-B1 for more information).
 - ii. 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 II-B2 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 an approved foster home or licensed facility and follow up with caretaker within 72 business hours by conducting:

- State Police Criminal Record Check
- Child Maltreatment Central Registry Check
- Vehicle Safety Program (DMV) Check
- Individual interviews with each child
- A visual inspection of the individual's home
 - (a) If the results of the background checks, interview, and visual inspection are positive:
 - (i) Consider placement of the child with the identified individual with no further action from DCFS after placement.
 - (b) If the results of the background checks, interview, and visual inspection are NOT positive:
 - (i) 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.
 - (ii) Initiate a dependency-neglect action by completing the affidavit and notifying the Office of Chief Counsel.
 - (iii) 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 II-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 II-B2 for more information).



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

Family Name: _____ Referral Number: _____ Date: _____

Children in Home (include age of each child): _____

- 1) List identified safety factors that pose immediate danger to each child's (as applicable) health or physical well-being.

- 2) What actions have or will be taken to protect each child in relation to identified safety factors? For each action include person responsible for the action, when action will occur, duration, and frequency.

- 3) How will the plan be monitored (frequency, duration, by whom, etc.)?

IMPORTANT INFORMATION ABOUT THIS PROTECTION PLAN

- DCFS is involved to help you keep your child safe.
- This Protection Plan is an agreement to help make sure your child is safe.
- *Each person's signature on this Protection Plan means that he or she understands and agrees to this Protection Plan.*
- This Protection Plan may be changed if different actions become necessary as determined by DCFS.
- *You must immediately call the DCFS worker listed below if at a later point you decide or think you cannot follow this plan.*
- If this plan is not followed exactly as described above, DCFS will take the appropriate action to make sure your child is safe.

Caregiver 1 Signature: _____ Date: _____

Caregiver 2 Signature (if applicable) _____ Date: _____

Other Signature (if applicable) _____ Date: _____

FSW Signature _____ Date: _____

FSW Name (please print): _____ FSW Phone #: _____

FSW Supervisor Approval Received by Phone
 FSW Supervisor Name: _____ Date: _____ Time: _____



**Arkansas Department of Human Services
Division of Children and Family Services
REQUEST FOR INVESTIGATION TIMEFRAME EXTENSION**

TO: (County Supervisor or Area Director)

FROM: (Investigator or County Supervisor)

DATE:

RE: (CHRIS Referral #)

DATE REPORT RECEIVED:

A fifteen day extension is being requested for this investigation. The 45 day timeframe for completing investigations cannot be met due to the following reason(s):

The Prosecuting Attorney or law enforcement officials have requested that DCFS postpone making a determination due to a pending criminal investigation;

Medical or autopsy reports needed to make a determination have not been received;

The report involves some out-of-state subjects and interview write-ups have not been received;

Conflicting medical opinions have been received, requiring further analysis;

Multiple alleged offenders or victims are involved, requiring additional time to conduct interviews and gather evidence;

Other (Specific explanation required):

Extension Approved

Extension Denied

Reason for Denial:

County Supervisor Name: _____

County Supervisor Signature: _____

Date: _____

Area Director Name: _____

Area Director Signature: _____

Date: _____



POLICY II-K: PROTECTION PLANS

08/2008

Protection planning is the responsibility of DCFS and cannot be delegated to the family, supports, or treatment providers. Protection planning and oversight on the part of DCFS continues throughout involvement with the family as long as threats are present. Protection planning is a creative process that occurs with the family and may include the family's selected support network. The plan must be sufficient to manage and control safety threats, based on a high degree of confidence that it can be implemented and sustained.

DCFS will assure that the roles and responsibilities of providing safety services are clearly described to and discussed with the person providing those services and are documented in the case record. The protection plan is a written agreement, with a copy provided to the caregiver and to other members participating in the plan with appropriate consent of the caregiver.

PROCEDURE II-K1: Critical Elements of a Protection Plan

09/2008

The FSW must determine the suitability of the person or persons responsible for carrying out the protection actions by assuring that those persons:

- A. Are fully informed about the threats and concerns;
- B. Understand and accept their responsibility to protect the child;
- C. Accept and believe that the threats exist;
- D. Understand and accept the need for safety intervention;
- E. Are available in terms of time and accessibility;
- F. Are immediately available;
- G. Are aligned with and responsive to DCFS;
- H. Are trustworthy, dependable and have no substance use, mental health issues or other major life issues that may prevent them from being protective;
- I. Provide a home that is suitable and safe if the child will be staying there.

The FSW must assure that the protection plan is sufficient to manage and control safety threats, based on a high degree of confidence that it can be implemented and sustained. Sufficiency determination is based on a prudent judgment that the plan will keep the child safe and is based on these criteria:

- A. Does not rely on promissory commitments from caregivers or court orders prohibiting behaviors;
- B. Focuses on enhancing diminished caregiver protective capacities as the highest priority for change;
- C. Includes safety services that have an immediate impact on controlling safety threats;
- D. Includes safety actions only;
- E. Matches the safety threats as they occur in the family;
- F. Has a mechanism for ongoing oversight by the FSW;
- G. Has a contingency plan for safety providers if they are unable to fulfill their commitment to be protective;
- H. Has a communication plan for monitoring, providing feedback, and problem solving.

PROCEDURE II-K2: When to Develop a Protection Plan

09/2008

A protection plan should be developed:

- A. During the investigation as needed to prevent removal of the child from the home;
- B. After a Protective Services case is opened, when an Order of Protection is in place;
- C. In any type case, if a safety threat of any type is identified.



ARKANSAS STATE POLICE
CRIMES AGAINST CHILDREN DIVISION

Child Maltreatment True Investigative Determination Notice to
Alleged Juvenile Offender
13 - 15 Years of Age

To:
Address:
From:
Title:
Phone:
County Office:
Date:

CHRIS Referral #

Re: Name of Alleged Offender:

Name of Alleged Victim:

Certified Mail #

The Arkansas State Police Crimes Against Children Division received an allegation of suspected child maltreatment involving the above named people. The incident was reported on (date). The type of maltreatment was.

Please review the information below that next to the box(es) that is/are checked. Only the information next to the checked box(es) pertain(s) to you and your case.

[] Pursuant to A.C.A. § 12-18-703, this letter is to inform you that based on the preponderance of the evidence, the investigative agency determined the allegation to be true. Because you have been named as a juvenile offender and have also been adjudicated delinquent or have pleaded guilty, nolo contendere, or been found guilty of an offense on the same set of facts contained in the report, you 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 30 days of this notice and mailed to the Office of Appeals & Hearing (see address listed above).

If the hearing is waived, the offender's name will be placed on the Arkansas Child Maltreatment Central Registry. Under Arkansas law, persons listed on the Child Maltreatment Central Registry as an offender in a true report are identified upon request to certain classes of public and private persons, including employers and volunteer agencies. As a result, one's employment or ability to provide volunteer services may be adversely affected if their name is placed on the Child Maltreatment Central Registry. If one's name is placed on the Child Maltreatment Central Registry, under certain circumstances, one's name may be automatically removed or one may be able to petition to have their name removed after one year.

The alleged offender's name will not be placed on the Child Maltreatment Central Registry until the receipt of the waiver of the automatic hearing or the day the administrative law judge upholds the true investigative determination.

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.

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

Pursuant to A.C.A. § 12-18-703, this letter is to inform you that based on the preponderance of the evidence, the investigative agency determined the allegation for sexual abuse to be true. Although you have been named as a juvenile offender, at this point in time your name will not be placed on the Arkansas Child Maltreatment Central Registry due to your age (13-15 years of age) at the time of the allegation and the fact that you have not been adjudicated delinquent or have not pleaded guilty, nolo contendere, or been found guilty of an offense on the same set of facts contained in the report.

Since your name will not be placed on the registry at this point in time, there will not be an automatic administrative hearing. You may ask for an administrative hearing by submitting a signed request to: Office of Appeals & Hearing, SLOT N401, P.O. Box 1437, Little Rock, AR 72203; however, the request will be placed on hold until the conclusion of the investigation and prosecution.

If there is a criminal conviction or juvenile adjudication based on the same set of facts in the report at the conclusion of the criminal investigation, then DHS will refer you for an automatic 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 30 days of this notice and mailed to the Office of Appeals & Hearing (see address listed above).

If the hearing is waived, the offender's name will be placed on the Arkansas Child Maltreatment Central Registry. Under Arkansas law, persons listed on the Child Maltreatment Central Registry as an offender in a true report are identified upon request to certain classes of public and private persons, including employers and volunteer agencies. As a result, one's employment or ability to provide volunteer services may be adversely affected if their name is placed on the Child Maltreatment Central Registry. If one's name is placed on the Child Maltreatment Central Registry, under certain circumstances, one's name may be automatically removed or one may be able to petition to have their name removed after one year.

The alleged offender's name will not be placed on the Child Maltreatment Central Registry until the receipt of the waiver of the automatic hearing or the day the administrative law judge upholds the true investigative determination.

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 and 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, contact Legal Services.

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 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.

CACD INVESTIGATOR PRINTED NAME

CACD INVESTIGATOR SIGNATURE

Date

PRINTED NAME OF ALLEGED OFFENDER

SIGNATURE OF ALLEGED OFFENDER

Date



**ARKANSAS STATE POLICE
CRIMES AGAINST CHILDREN DIVISION**

Child Maltreatment True Investigative Determination Notice to Legal Parent(s) and Legal Guardian(s) of Underaged Juvenile Offender (under 13 years old)

To: _____

Address: _____

From: _____

Address: _____

Phone: _____

County Office: _____

Date: _____

CHRIS Referral # _____

Re: Name of Underaged Juvenile Aggressor:
Name of Victim:

On _____ the Division of Children and Family Services or Crimes Against Children Division, received an allegation of suspected child maltreatment identifying your child as an alleged offender. The allegation stated that the incident was reported on the following date:

This letter is to notify you that based on the preponderance of the evidence, the investigative agency determined the allegation to be true. Although your child has been named as an Underaged Juvenile Offender, your child's name will not be placed in the Arkansas Child Maltreatment Central Registry due to his or her age.

CACD INVESTIGATOR PRINTED NAME

CACD INVESTIGATOR SIGNATURE



Arkansas Department of Human Services Division of Children and Family Services

Child Maltreatment True Investigative Determination Notice to Alleged Juvenile Offender 13- 15 Years of Age

To: _____

Address: _____

From: _____

Title: _____

Phone: _____

County Office: _____

Date: _____ CHRIS Referral # _____

Re: Name of Alleged Offender: _____

Name of Alleged Victim: _____ Certified Mail # _____

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 people. The incident was reported on (date) _____. The type of maltreatment was _____.

Please review the information below that is next to the box(es) that is/are checked. Only the information next to the checked box(es) pertain(s) to you and your case.

Pursuant to A.C.A. § 12-18-703, this letter is to inform you that based on the preponderance of the evidence, the investigative agency determined the allegation to be true. Because you have been named as a juvenile offender and have also been adjudicated delinquent or have pleaded guilty, nolo contendere, or been found guilty of an offense on the same set of facts contained in the report, you 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 30 days of this notice and mailed to the Office of Appeals & Hearing (see address listed above).

If the hearing is waived, the offender's name will be placed on the Arkansas Child Maltreatment Central Registry. Under Arkansas law, persons listed on the Child Maltreatment Central Registry as an offender in a true report are identified upon request to certain classes of public and private persons, including employers and volunteer agencies. As a result, one's employment or ability to provide volunteer services may be adversely affected if their name is placed on the Child Maltreatment Central Registry. If one's name is placed on the Child Maltreatment Central Registry, under certain circumstances, one's name may be automatically removed or one may be able to petition to have their name removed after one year.

The alleged offender's name will not be placed on the Child Maltreatment Central Registry until the receipt of the waiver of the automatic hearing or the day the administrative law judge upholds the true investigative determination.

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.

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

- Pursuant to A.C.A. § 12-18-703, this letter is to inform you that based on the preponderance of the evidence, the investigative agency determined the allegation for sexual abuse to be true. Although you have been named as a juvenile offender, at this point in time your name will not be placed on the Arkansas Child Maltreatment Central Registry due to your age (13-15 years of age) at the time of the allegation and the fact that you have not been adjudicated delinquent or have not pleaded guilty, nolo contendere, or been found guilty of an offense on the same set of facts contained in the report.

Since your name will not be placed on the registry at this point in time, there will not be an automatic administrative hearing. You may ask for an administrative hearing by submitting a signed, request to: Office of Appeals & Hearing, SLOT N401, P.O. Box 1437, Little Rock, AR 72203; however, the request will be placed on hold until the conclusion of the investigation and prosecution.

If there is a criminal conviction or juvenile adjudication based on the same set of facts in the report at the conclusion of the criminal investigation, then DHS will refer you for an automatic 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 30 days of this notice and mailed to the Office of Appeals & Hearing (see address listed above).

If the hearing is waived, the offender's name will be placed on the Arkansas Child Maltreatment Central Registry. Under Arkansas law, persons listed on the Child Maltreatment Central Registry as an offender in a true report are identified upon request to certain classes of public and private persons, including employers and volunteer agencies. As a result, one's employment or ability to provide volunteer services may be adversely affected if their name is placed on the Child Maltreatment Central Registry. If one's name is placed on the Child Maltreatment Central Registry, under certain circumstances, one's name may be automatically removed or one may be able to petition to have their name removed after one year.

The alleged offender's name will not be placed on the Child Maltreatment Central Registry until the receipt of the waiver of the automatic hearing or the day the administrative law judge upholds the true investigative determination.

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 and 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, contact Legal Services.

-
- 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 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 INVESTIGATOR PRINTED NAME

INVESTIGATOR SIGNATURE

Date

PRINTED NAME OF ALLEGED OFFENDER

SIGNATURE OF ALLEGED OFFENDER

Date



Arkansas Department of Human Services
Division of Children & Family Services

Child Maltreatment True Investigative Determination Notice to
Legal Parents and Legal Guardians
of Alleged Juvenile Offender 13 through 15 Years of Age

To:
Address:
From:
Address:
Phone:
County Office:
Date:

CHRIS Referral #

Re: Name of Juvenile Offender:
Name of Victim:

The Division of Children and Family Services or Crimes Against Children Division received an allegation of suspected child maltreatment identifying your child as an alleged offender. The allegation stated that the incident was reported on. The type of maltreatment was.

Please review the information below that is next to the box(es) that is/are checked. Only the information next to the checked box(es) pertain(s) to your child.

Pursuant to A.C.A. § 12-18-705, this letter is to inform you that based on the preponderance of the evidence, the investigative agency determined the allegation to be true. Because your child has been named as a juvenile offender and has also been adjudicated delinquent or has pleaded guilty, nolo contendere, or been found guilty of an offense on the same set of facts contained in the report, your child will automatically have an administrative hearing.

The alleged 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 30 days of this notice and mailed to the Office of Appeals & Hearing (see address listed above).

If the hearing is waived, the offender's name will be placed on the Arkansas Child Maltreatment Central Registry. Under Arkansas law, persons listed on the Child Maltreatment Central Registry as an offender in a true report are identified upon request to certain classes of public and private persons, including employers and volunteer agencies. As a result, one's employment or ability to provide volunteer services may be adversely affected if their name is placed on the Child Maltreatment Central Registry. If one's name is placed on the Child Maltreatment Central Registry, under certain circumstances, one's name may be automatically removed or one may be able to petition to have their name removed after one year.

The alleged offender's name will not be placed on the Child Maltreatment Central Registry until the receipt of the waiver of the automatic hearing or the day the administrative law judge upholds the true investigative determination.

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.

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

-
- Pursuant to A.C.A. § 12-18-704, this letter is to inform you that based on the preponderance of the evidence, the investigative agency determined the allegation for sexual abuse to be true. Although your child has been named as a juvenile offender, at this point in time your child's name will not be placed in the Arkansas Child Maltreatment Central Registry due to his or her age (13-15 years of age) at the time of the allegation and the fact that your child has not been adjudicated delinquent or has not pleaded guilty, nolo contendere, or been found guilty of an offense on the same set of facts as contained in the report.

Since your child's name will not be placed on the registry at this point in time, there will not be an automatic administrative hearing. You may ask for an administrative hearing by submitting a signed request to: Office of Appeals & Hearing, SLOT N401, P.O. Box 1437, Little Rock, AR 72203; however, the request will be placed on hold until the conclusion of the investigation and prosecution.

If there is a criminal conviction or juvenile adjudication based on the same set of facts in the report at the conclusion of the criminal investigation, then DHS will refer your child for an automatic 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 30 days of this notice and mailed to the Office of Appeals & Hearing (see address listed above).

If the hearing is waived, the offender's name will be placed on the Arkansas Child Maltreatment Central Registry. Under Arkansas law, persons listed on the Child Maltreatment Central Registry as an offender in a true report are identified upon request to certain classes of public and private persons, including employers and volunteer agencies. As a result, one's employment or ability to provide volunteer services may be adversely affected if their name is placed on the Child Maltreatment Central Registry. If one's name is placed on the Child Maltreatment Central Registry, under certain circumstances, one's name may be automatically removed or one may be able to petition to have their name removed after one year.

The alleged offender's name will not be placed on the Child Maltreatment Central Registry until the receipt of the waiver of the automatic hearing or the day the administrative law judge upholds the true investigative determination.

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

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

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- Pursuant to A.C.A. §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.

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- Pursuant to A.C.A. §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

INVESTIGATOR SIGNATURE