

**NOTICE OF RULE MAKING**

Pursuant to A.C.A. § 9-28-103, the Director, Division of Children and Family Services, issues proposed changes to the Division's Child Near Fatalities and Fatalities Policy and Procedures to:

- Make changes to the Division's Policy IX-B regarding child near-fatality and fatality reviews to update the policy per Act 1245 of the 90th General Assembly, Regular Session, which creates the Child Death and Near Fatality Multidisciplinary Review Committee.

The proposed changes are available for review at the Division of Children and Family Services, Policy Unit, 5<sup>th</sup> floor Donaghey Plaza South, 7<sup>th</sup> and Main Streets, Little Rock, AR. 72203-1437. All comments must be submitted in writing to the Policy Unit no later than October 26, 2015. All the proposed changes may be viewed in their entirety at

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

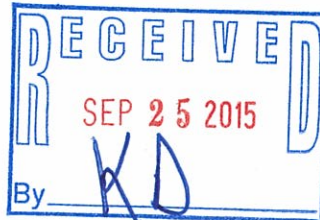
If you need this material in a different format, such as large print, contact our Americans with Disabilities Act Coordinator at 501- 682-8830 (Voice) or 501- 682-1442 (TDD). The Arkansas Department of Human Services is in compliance with Titles VI and VII of the Civil Rights Act and operates, manages and delivers services without regard to age, religion, disability, political affiliation, veteran status, sex, race, color or national origin.

*Cecile Blucker by B.D.*

\_\_\_\_\_  
Cecile Blucker  
Director, Division of Children and Family Services

*9-25-15*

\_\_\_\_\_  
Date



# BUREAU OF LEGISLATIVE RESEARCH

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

TITLE: Revised Rule  
• **POLICY IX-B: Child Near Fatalities and Fatalities**

PROPOSED EFFECTIVE DATE: January 4, 2016

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

NECESSITY AND FUNCTION: Revised Rule  
• **POLICY IX-B: Child Near Fatalities and Fatalities**  
○ To update policy with information regarding the Child Death and Near Fatality Multidisciplinary Review Committee established by Act 1245 of the 90<sup>th</sup> General Assembly, Regular Session including, but not limited to, committee membership, committee responsibilities, committee meeting logistics, and annual reporting requirements.

PAGES FILED:



Signature

Name: Cecile Blucker Title: Director

Section: Division of Children and Family Services

Department of Human Services

PROMULGATION DATES: September 26, 2015 – October 26, 2015

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



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

700 Main Street, Donaghey Plaza South, 5<sup>th</sup> Floor

P.O. Box 1437, Slot S560

Little Rock, Arkansas 72203-1437

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

September 25, 2015

Donna K. Davis  
Subcommittee on Administrative Rules and Regulations  
Arkansas Legislative Council  
One Capitol Mall, 5th Floor  
Little Rock, AR 72201

RE: Initial Filing - Regular Promulgation

Dear Ms. Davis:

Please place the Division of Children & Family Services on the Legislative Administrative Rules & Regulations Subcommittee agenda for review of the Rules as listed on the Questionnaire. The public comment period is from September 26, 2015 to October 26, 2015, with an effective date of January 4, 2016.

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@dhs.arkansas.gov](mailto:christin.harper@dhs.arkansas.gov) or fax 683-4854.

Sincerely,

A handwritten signature in cursive script that reads "Cecile Blucker" with a small "dy B.D" written to the right.

Cecile Blucker  
Director, Division of Children and Family Services



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

700 Main Street, Donaghey Plaza South, 5<sup>th</sup> Floor

P.O. Box 1437, Slot S560

Little Rock, Arkansas 72203-1437

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

September 25, 2015

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, 5<sup>th</sup> 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 September 26, 2015 to October 26, 2015, with an effective date of January 4, 2016.

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@dhs.arkansas.gov](mailto:christin.harper@dhs.arkansas.gov) or fax 682-6968.

Sincerely,

A handwritten signature in cursive that reads "Cecile Blucker" with the initials "C.B.D." written to the right.

Cecile Blucker

Director, Division of Children and Family Services

**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@dhs.arkansas.g  
NAME OF PRESENTER AT COMMITTEE MEETING Christin Harper  
PRESENTER E-MAIL christin.harper@dhs.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**  
**One Capitol Mall, 5<sup>th</sup> Floor**  
**Little Rock, AR 72201**

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1. What is the short title of this rule? Revisions to Child Near Fatalities and Fatalities Policy and Procedures

To update policy with information regarding the Child Death and Near Fatality Multidisciplinary Review Committee established by Act 1245 of the 90th General Assembly, Regular Session including but not limited to, committee membership, committee responsibilities, committee meeting logistics, and annual reporting requirements.

2. What is the subject of the proposed rule? \_\_\_\_\_

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

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

When does the emergency rule expire? \_\_\_\_\_

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

5. Is this a new rule? Yes  No   
If yes, please provide a brief summary explaining the regulation. \_\_\_\_\_

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

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

6. Cite the state law that grants the authority for this proposed rule? If codified, please give the Arkansas Code citation. A.C.A. § 9-28-103

7. What is the purpose of this proposed rule? Why is it necessary?  
• POLICY IX-B: Child Near Fatalities and Fatalities  
o To update policy with information regarding the Child Death and Near Fatality Multidisciplinary Review Committee established by Act 1245 of the 90th General Assembly, Regular Session including, but not limited to, committee membership, committee responsibilities, committee meeting logistics, and annual reporting requirements.

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.)  
October 26, 2015

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

January 4, 2016

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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.

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**FINANCIAL IMPACT STATEMENT**

**PLEASE ANSWER ALL QUESTIONS COMPLETELY**

**DEPARTMENT** Department of Human Services  
**DIVISION** Division of Children and Family Services  
**PERSON COMPLETING THIS STATEMENT** Cecile Blucker  
**TELEPHONE NO.** (501)682-6248 **FAX NO.** (501) 682-6968 **EMAIL:** cecile.blucker@dhs.arkansas.gov

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

**SHORT TITLE OF THIS RULE** Revisions to Child Near Fatalities and Fatalities Policy and Procedures

1. Does this proposed, amended, or repealed rule have a financial impact? Yes  No
2. Is the rule based on the best reasonably obtainable scientific, technical, economic, or other evidence and information available concerning the need for, consequences of, and alternatives to the rule? Yes  No
3. In consideration of the alternatives to this rule, was this rule determined by the agency to be the least costly rule considered? Yes  No

If an agency is proposing a more costly rule, please state the following:

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

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

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

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

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

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

**Current Fiscal Year**

General Revenue \_\_\_\_\_  
Federal Funds \_\_\_\_\_  
Cash Funds \_\_\_\_\_  
Special \_\_\_\_\_

**Next Fiscal Year**

General Revenue \_\_\_\_\_  
Federal Funds \_\_\_\_\_  
Cash Funds \_\_\_\_\_  
Special Revenue \_\_\_\_\_



Revenue \_\_\_\_\_  
Other (Identify) \_\_\_\_\_

Other (Identify) \_\_\_\_\_  
\_\_\_\_\_

Total 0.00

Total 0.00

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

**Current Fiscal Year**

**Next Fiscal Year**

General Revenue \_\_\_\_\_

General Revenue \_\_\_\_\_

Federal Funds \_\_\_\_\_

Federal Funds \_\_\_\_\_

Cash Funds \_\_\_\_\_

Cash Funds \_\_\_\_\_

Special Revenue \_\_\_\_\_

Special Revenue \_\_\_\_\_

Other (Identify) \_\_\_\_\_

Other (Identify) \_\_\_\_\_

Total 0.00

Total 0.00

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

**Current Fiscal Year**

**Next Fiscal Year**

\$ 0.00

\$ 0.00

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

**Current Fiscal Year**

**Next Fiscal Year**

\$ 0.00

\$ 0.00

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

Yes  No

If YES, the agency is required by Ark. Code Ann. § 25-15-204(e)(4) to file written findings at the time of filing the financial impact statement. The written findings shall be filed simultaneously with the financial impact statement and shall include, without limitation, the following:

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

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

(3) a description of the factual evidence that:

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

- (b) describes how the benefits of the rule meet the relevant statutory objectives and justify the rule's costs;
- (4) a list of less costly alternatives to the proposed rule and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;
- (5) a list of alternatives to the proposed rule that were suggested as a result of public comment and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;
- (6) a statement of whether existing rules have created or contributed to the problem the agency seeks to address with the proposed rule and, if existing rules have created or contributed to the problem, an explanation of why amendment or repeal of the rule creating or contributing to the problem is not a sufficient response; and
- (7) an agency plan for review of the rule no less than every ten (10) years to determine whether, based upon the evidence, there remains a need for the rule including, without limitation, whether:
  - (a) the rule is achieving the statutory objectives;
  - (b) the benefits of the rule continue to justify its costs; and
  - (c) the rule can be amended or repealed to reduce costs while continuing to achieve the statutory objectives.

# DCFS SUMMARY OF CHANGES FOR SEPTEMBER 2015 PROMULGATION

## **SUMMARY OF DCFS REGULAR PROMULGATION**

The purpose of this regular promulgation is to make revisions to the Division's Child Death and Near Fatality Policy and Procedures to:

- Update policy with information regarding the Child Death and Near Fatality Multidisciplinary Review Committee established by Act 1245 of the 90th General Assembly, Regular Session including, but not limited to, committee membership, committee responsibilities, committee meeting logistics, and annual reporting requirements.

## **POLICY IX-B: CHILD NEAR FATALITIES AND FATALITIES**

01/2016

Although an infrequent occurrence, near fatalities and fatalities of children who are receiving services or who have recently received services from the Division do occur. Fatalities may occur due to an illness or other medical condition, as a result of child neglect or abuse, or because of a non-child maltreatment related accident. Regardless of the cause of a near fatality or fatality, these events are extremely traumatic for the family of the child, the foster family (if applicable), Division staff, and service providers. Division staff will be supportive and helpful to those who have had a meaningful and/or legal relationship with the child including relatives and foster parents. Division leadership and management will recognize the importance of appropriately supporting staff who worked directly with the child and encourage those staff members to seek appropriate, individualized services as needed.

Pursuant to A.C.A. §12-18-103 a near fatality (also referred to in DHS Policy 1090 as a serious injury) means an act that, as certified by a physician, places a child in serious or critical condition. As such, the Division will rely on the involved medical facility's designation of the child's condition in determining if a particular incident meets the criteria of near fatality as defined by law.

The Division of Children and Family Services County Office will immediately (within one hour) notify the appropriate Area Director or designee and the Assistant Director of Community Services or designee and initiate action to ensure the safety of other children in the home when DCFS becomes aware of a child near fatality or fatality that may be the result of maltreatment and:

- A. The child or sibling of the child was a subject of a pending child maltreatment investigation or a child maltreatment investigation within the preceding 12 months.
- B. The child or sibling of the child is a client in any open supportive or protective services or out-of-home case.
- C. The child or sibling of the child was a client in a supportive, protective services, or out-of-home case during the previous 12 months.

The Assistant Director of Community Services will immediately (within one hour) notify the Division Director who will notify the DHS Deputy Director and the DHS Director of Communications. As such, the Division will not automatically issue press releases on cases of child near fatality or fatality related to maltreatment but will respond to requests for information as they are received in consultation with the DHS Director of Communications.

The Division will ensure that DHS Policy 1090 adhered to regarding all near fatalities and fatalities.

The Division will respectfully assist and support the parents in making funeral arrangements or take other actions deemed necessary by the Area Director.

Because quality improvement and accountability guides the work of DCFS, an internal team of DCFS staff will meet following a child fatality related to child maltreatment to review the case and identify systemic issues, public health concerns, and where practice could have been improved in that particular case in an effort to prevent future child fatalities and near fatalities.

Following a DCFS internal near fatality or fatality review, the Division will also be responsible for holding an external review meeting of any near fatality or fatality with which the Division has had involvement with the family during the previous twelve months. The DCFS Director will appoint members to the DCFS External Child Near Fatality and Fatality Review Team.

Information regarding child fatalities will also be entered into the National Child Death Review Case Reporting System (NCDRCRS). Any child fatality meeting the criteria for an external review based on the information entered into the NCDRCRS will be reviewed by the Arkansas Child Death Review Panel.

Finally, the Child Death and Near Fatality Multidisciplinary Review Committee will also conduct a comprehensive review of the circumstances leading to the near fatalities and fatalities of children who have been reported through the Arkansas Child Abuse Hotline. Based on the findings of the reviews, the Child Death and Near Fatality Multidisciplinary Review Committee will develop recommendations and actions, as appropriate, to be implemented to prevent future child near fatalities and fatalities.

Per A.C.A. § 9-25-105(b)(1-15), the Child Death and Near Fatality Multidisciplinary Review Committee will be comprised of the following members:

- A. DCFS Director or designee;
- B. DCFS Family Service Worker (FSW) Supervisor designated by the DCFS Director;
- C. DCFS FSW Investigative Supervisor designated by the DCFS Director;
- D. Crimes Against Children Division Commander or designee;
- E. Arkansas Commission on Child Abuse, Rape, and Domestic Violence Executive Director or designee;
- F. Children's Advocacy Centers of Arkansas Director or designee;
- G. Arkansas CASA Association Director or designee;
- H. Arkansas Children's Hospital's Team for Children at Risk and Arkansas Children's House Director or designee;
- I. Dependency-Neglect Attorney Ad Litem Director or designee;
- J. Office of Policy and Legal Services Director or designee;
- K. Office of the Prosecutor Coordinator Director or designee;
- L. A member appointed by the chair of the House Subcommittee on Children and Youth of the House Committee on Aging, Children and Youth, and Legislative and Military Affairs;
- M. A member appointed by the Chief Justice of the Arkansas Supreme Court;
- N. A member appointed by the Governor;
- O. A member to be designated by the Arkansas Child Abuse, Rape, and Domestic Violence Commission.

Per A.C.A. § 9-25-105(n) a committee member will not be reimbursed for expenses to travel to or participate on the committee.

The Child Death and Near Fatality Multidisciplinary Review Committee will review all child deaths of children under the age of eighteen who had contact with the Division within twenty-four months before the fatality as determined by comparing records of death from the Arkansas Department of Health, Division of Vital Records with information in CHRIS. The sharing of information between the Division of Vital Records and Division of Children and Family Services will be governed by a Memorandum of Understanding between the two agencies.

The Child Death and Near Fatality Multidisciplinary Review Committee will also review all deaths and near fatalities of children reported through the Arkansas Child Abuse Hotline.

This Child Death and Near Fatality Multidisciplinary Review Committee will meet at least quarterly each calendar year. The committee meetings will be closed and information discussed at the meeting will be confidential. Individuals who are not members of the Child Death and Near Fatality Multidisciplinary Review Committee will not be allowed to attend or otherwise participate in a committee meeting unless a majority of the members vote to request the attendance or participation of a non-committee member.

The Child Death and Near Fatality Multidisciplinary Review Committee will produce an annual report that will contain a summary of findings, actions taken by the Department of Human Services or other entities, and recommendations to each branch of the state government to improve practices and prevent future child near fatalities and fatalities. This annual report will be presented to the House Committee on Aging, Children and

Youth, Legislative and Military Affairs and will be made available on the Department of Human Services' public disclosure of child deaths and near fatalities website.

These external reviews will provide the Division and other stakeholders involved with child serving systems with an additional opportunity to collaboratively review the facts surrounding the fatality and accurately assess child deaths, work to improve systemic issues, address public health concerns, and determine recommendations to improve practice and work together as a system to prevent future child fatalities and near fatalities.

## **PROCEDURE IX-B1: Near Fatality of Child**

01/2016

In the case of a child near-fatality the county office will:

- A. Report maltreatment or any suspected maltreatment to the Child Abuse Hotline immediately.
- B. Immediately (within 24 hours or as required by the Director) prepare CFS-305: Near Fatality Disclosure Case Briefing Summary on the situation that caused the near fatality and fax or email it to the CPS Manager who will forward it to the following entities:
  - 1) Appropriate Area Director
  - 2) Office of Community Services
  - 3) Quality Assurance Unit
- C. Ensure the completion of CFS-306: Documentation of Child's Medical Episode Related to Near Fatality by the child's attending physician or other attending medical personnel who treated the child during the child's medical episode.
- D. Fax or email the completed CFS-306: Documentation of Child's Medical Episode Related to Near Fatality to the CPS Manager within 72 hours of the near fatality.
- E. Place a copy of the CFS-306 in the child's record.

The CPS Manager will:

- A. Request updated information from the counties as needed.
- B. Schedule a meeting with DCFS staff to ascertain information involving facts surrounding the near fatality if needed. The meeting will include the following:
  - 1) FSW
  - 2) County Supervisor/Investigative Supervisor
  - 3) Area Director
  - 4) Assistant Director of Community Services or designee
  - 5) DCFS Director
  - 6) Appropriate staff as needed
- C. Review the CFS-306: Documentation of Child's Medical Episode Related to Near Fatality.
- D. Complete and transmit the DHS Incident Reporting Screen data fields in IRIS within 72 hours of the occurrence of the incident (completion of DHS-1910 is only required in the absence of computer transmission capability).
- E. Work with the chair of the Child Death and Near Fatality Multidisciplinary Review Committee as appropriate in coordinating logistics and necessary reports for the quarterly Child Death and Near Fatality Multidisciplinary Review Committee.
- F. Prepare the list of all child deaths and near fatalities as well as all records related to the child and send the information to the members of the Child Death and Near Fatality Multidisciplinary Review Committee at least fourteen calendar days prior to a scheduled committee meeting.
  - 1) This information may be sent as hard copies or electronically.
- G. Prepare a summary of any near fatality to include any DHS actions and recommendations for the Child Death and Near Fatality Multidisciplinary Review Committee prior to each quarterly meeting.

The Quality Assurance Unit will:

- A. Enter information regarding near fatalities related to maltreatment on the Child Fatality /Near Fatality Disclosure Log.

## **PROCEDURE IX-B2: Disclosure of Information on Near Fatalities**

08/2013

### **PENDING**

Upon request, the Division shall release the following information via the DHS Director of Communications to the general public when an investigation is pending on a report of a near fatality of a child to the Child Abuse Hotline:

- A. Age, race, and gender of the child
- B. Date of the child's near fatality
- C. Allegations or preliminary cause of the near fatality
- D. County and type of placement of the child at the time of incident leading to the near-fatality
- E. Generic relationship of the alleged offender to child
- F. Agency conducting the investigation
- G. Legal action taken by the department
- H. Services offered or provided by the department presently and in the past

### **TRUE REPORTS**

Upon request, the Department of Human Services shall release the following information via the DHS Director of Communications to the general public when the investigative determination is true on a report of a near fatality of a child:

- A. A non-identifying summary of any previous child maltreatment investigations;
- B. A non-identifying summary of the current child maltreatment investigation, including:
  - 1) The nature and extent of the child's present and past injuries; and,
  - 2) Medical information pertaining to the incident;
- C. Information about criminal charges, if known; and,
- D. Any action taken by the department or the Crimes Against Children Division of the Department of Arkansas State Police, including personnel action and licensing action.

### **UNSUBSTANTIATED REPORTS**

Upon request the Department of Human Services shall release the following information via the DHS Director of Communications to the general public when the investigative determination is unsubstantiated on a report of a near fatality of a child:

- A. A non-identifying summary of any previous child maltreatment investigations;
- B. A non-identifying summary of the current child maltreatment investigation;
- C. Information about criminal charges, if known; and,
- D. Any action taken by the department or the Crimes Against Children Division of the Department of Arkansas State Police, including personnel action and licensing action.

### **INFORMATION NOT TO BE RELEASED**

Concerning the near fatality of a child, the Department of Human Services shall not release:

- A. Information on siblings of the child;
- B. Attorney-client communications; or,
- C. Any information if release of such information would jeopardize a criminal investigation.

## **PROCEDURE IX-B3: Child Fatality Notification**

01/2016



In the case of a fatality of a child the county office will:

- A. Immediately notify the Area Director by phone.
- B. Report maltreatment or any suspected maltreatment to the Child Abuse Hotline immediately.
- C. Immediately (within 24 hours or as required by the DCFS Director) complete CFS-307: Child Fatality Disclosure Case Briefing Summary and CFS-308: Child Fatality Review Packet Checklist and forward the CFS-307 and CFS-308 and all required documents listed on CFS-308 to the CPS Manager.
- D. Place copies of CFS-307 and CFS-308 in the child's record.
- E. If the child fatality is a result of a prior near fatality event, ensure the completion of CFS-305-A: Documentation of Near Fatality Subsequently Resulting in Fatality by the child's attending physician or other attending medical personnel who treated the child during the child's medical episode.
- F. Fax or email the completed CFS-305-A: Documentation of Original Near Fatality Subsequently Resulting in Fatality to the CPS Manager within 72 hours of the fatality, if applicable.
- G. Place a copy of the CFS-305-A in the child's record, if applicable.

The Area Director or designee will:

- A. Notify the Assistant Director of Community Services or designee immediately by phone.
- B. Ensure employee immediately (within 24 hours or as required by DCFS Director) completes and forwards completed CFS-307: Child Fatality Disclosure Case Briefing Summary and forward the CFS-307 to the CPS Manager.
- C. Complete the CFS-308: Child Fatality Review Packet Checklist and CFS-309: Child Fatality Internal Review Staffing within 72 hours (or the next business day if on a weekend or holiday) of the fatality and fax or email both forms along with all required documents listed on the CFS-308 to the CPS Manager.
- D. Exeditiously provide all other information requested by CPS Manager.

The Assistant Director of Community Services or designee will:

- A. Notify the DHS Director of Communications by phone within one hour of occurrence if the incident is expected to receive media attention.
- B. Discuss relevant details of the case with the DHS Director of Communications to determine the type of information that will be released to the media. Pertinent information that can be released will include disclosable information as provided by the DHS Disclosure Policy (DHS Policy Group 4009).
  - 1) Any information concerning siblings or attorney-client communications will not be released.
- C. Remain in direct contact with appropriate field personnel in order to develop a clear understanding of the circumstances surrounding the incident.

The CPS Manager will:

- A. Review CFS-307: Child Fatality Disclosure Case Briefing Summary.
- B. Forward the CFS-307: Child Fatality Disclosure Case Briefing Summary to:
  - 1) Assistant Director of Community Services or designee
  - 2) DCFS Director
  - 3) DHS Director of Communications
  - 4) DHS Deputy Director over DCFS
- C. Schedule an Internal Fatality Review meeting with DCFS staff within 72 hours of the fatality in order to ascertain to the facts surrounding the child's death. The meeting will include:
  - 1) FSW
  - 2) CACD Investigator
  - 3) County Supervisor/Investigative Supervisor
  - 4) CACD Supervisor
  - 5) Area Director
  - 6) Any other needed staff as appropriate
- D. Review the CFS-308: Child Fatality Review Packet Checklist and all required documents listed on CFS-308 and the CFS-309: Child Fatality Internal Review Staffing in preparation for the Internal Fatality Review.
- E. Enter information regarding the fatality on the Child Death Log.
- F. Enter information into the online National Child Death Review Case Reporting System.

- G. Complete and transmit the DHS Incident Reporting Screen data fields in IRIS within 72 hours of the occurrence of the incident (completion of DHS-1910 is only required in the absence of computer transmission capability).
- H. Serve as the point of contact for follow-up and subsequent briefings of the Assistant Director, Division Director, and DHS Deputy Director.
- I. Work with the chair of the Child Death and Near Fatality Multidisciplinary Review Committee as appropriate in coordinating logistics and necessary reports for the quarterly Child Death and Near Fatality Multidisciplinary Review Committee.
- J. Prepare the list of all child deaths and near fatalities as well as all records related to the child and send the information to the members of the Child Death and Near Fatality Multidisciplinary Review Committee at least fourteen calendar days prior to a scheduled committee meeting.
  - 1) This information may be sent as hard copies or electronically.
- K. Prepare a summary of any near fatality to include any DHS actions and recommendations for the Child Death and Near Fatality Multidisciplinary Review Committee prior to each quarterly meeting.

The Quality Assurance Unit will:

- A. Enter information regarding fatalities related to maltreatment on the Child Fatality /Near Fatality Disclosure Log.

The Crimes Against Children Division will:

- A. Investigate child maltreatment allegations according to established procedures.
- B. If safety factors are identified, immediately contact DCFS to conduct the remaining components of the Health and Safety Assessment (Safety Planning and Investigation Risk Assessment) as appropriate.
  - 1) DCFS will then be assigned as the secondary investigator on that particular investigation.
- C. Coordinate with law enforcement and relinquish their case to them if the possibility of criminal charges is involved and law enforcement prefers to assume responsibility.
- D. Initiate needed affidavits for legal action.
- E. Keep the county office advised of the status of the investigation, including initial notification when appropriate.
- F. Share all information with the parents, offender and victim.

The Family Service Worker will:

- A. If CACD contacted DCFS to conduct the remaining components of the Health and Safety Assessment (Safety Planning and Investigation Risk Assessment), immediately ascertain the safety of other children remaining under the care of the alleged offender and develop a protection plan or pursue protective custody as appropriate.
- B. Provide any services to the family as needed.
- C. Enter all contacts with the family into the CHRIS.
- D. Share all information about prior contacts with the family with agency staff and law enforcement who are investigating the case.

## **PROCEDURE IX-B4: Disclosure of Information on Fatalities**

08/2013

PENDING

Upon request, the Division shall release the following information via the DHS Director of Communications to the general public when an investigation is pending on a report of a fatality of a child to the Child Abuse Hotline:

- A. Age, race, and gender of the child
- B. Date of the child's death
- C. Allegations or preliminary cause of death
- D. County and type of placement of the child at the time of incident leading to the child's death

- E. Generic relationship of the alleged offender to child
- F. Agency conducting the investigation
- G. Legal action taken by the department
- H. Services offered or provided by the department presently and in the past
- I. Name of the child

#### TRUE REPORTS

Upon request, the Department of Human Services shall release the following information via the DHS Director of Communications to the general public when the investigative determination is true on a report of a fatality of a child:

- A. A summary of previous child maltreatment investigations, but the disclosure shall not include the name of the offender(s);
- B. A summary of the current child maltreatment investigation including:
  - 1) The nature and extent of the child's present and past injuries;
  - 2) Medical information pertaining to the death; and,
  - 3) The name of the offender if due process has been satisfied or the offender has been arrested.
- C. All relevant risk and safety assessments completed on the child;
- D. Information about criminal charges, if known; and,
- E. Any action taken by the Department of Human Services or the Crimes Against Children Division of the Department of Arkansas State Police, including personnel action and licensing action.

#### UNSUBSTANTIATED REPORTS

Upon request, the Department of Human Services shall release the following information via the DHS Director of Communications to the general public when the investigative determination is an unsubstantiated report of a fatality of a child:

- A. A summary of previous child maltreatment investigations, but the disclosure shall not include the name of the alleged offender(s);
- B. A summary of the current child maltreatment investigation including medical information pertaining to the death, however, the name of the alleged offender shall not be disclosed;
- C. All relevant risk and safety assessments completed on the child;
- D. Information about criminal charges, if known; and,
- E. Any action taken by the Department of Human Services or the Crimes Against Children Division of the Department of Arkansas State Police, including personnel action and licensing action.

#### INFORMATION NOT TO BE RELEASED

Concerning the fatality of a child, the Department of Human Services shall not release:

- A. Information on siblings of the child
- B. Attorney-client communications
- C. Any information if release of such information would jeopardize a criminal investigation

## **POLICY IX-B: CHILD NEAR FATALITIES AND FATALITIES**

0108/20163

Although an infrequent occurrence, near fatalities and fatalities of children who are receiving services or who have recently received services from the Division do occur. Fatalities may occur due to an illness or other medical condition, as a result of child neglect or abuse, or because of a non-child maltreatment related accident. Regardless of the cause of a near fatality or fatality, these events are extremely traumatic for the family of the child, the foster family (if applicable), Division staff, and service providers. Division staff will be supportive and helpful to those who have had a meaningful and/or legal relationship with the child including relatives and foster parents. Division leadership and management will recognize the importance of appropriately supporting staff who worked directly with the child and encourage those staff members to seek appropriate, individualized services as needed.

Pursuant to A.C.A. §12-18-103 a near fatality (also referred to in DHS Policy 1090 as a serious injury) means an act that, as certified by a physician, places a child in serious or critical condition. As such, the Division will rely on the involved medical facility's designation of the child's condition in determining if a particular incident meets the criteria of near fatality as defined by law.

The Division of Children and Family Services County Office will immediately (within one hour) notify the appropriate Area Director or designee and the Assistant Director of Community Services or designee and initiate action to ensure the safety of other children in the home when DCFS becomes aware of a child near fatality or fatality that may be the result of maltreatment and:

- A. The child or sibling of the child was a subject of a pending child maltreatment investigation or a child maltreatment investigation within the preceding 12 months.
- B. The child or sibling of the child is a client in any open supportive or protective services or out-of-home case.
- C. The child or sibling of the child was a client in a supportive, protective services, or out-of-home case during the previous 12 months.

The Assistant Director of Community Services will immediately (within one hour) notify the Division Director who will notify the DHS Deputy Director and the DHS Director of Communications. As such, the Division will not automatically issue press releases on cases of child near fatality or fatality related to maltreatment but will respond to requests for information as they are received in consultation with the DHS Director of Communications.

The Division will ensure that DHS Policy 1090 adhered to regarding all near fatalities and fatalities.

The Division will respectfully assist and support the parents in making funeral arrangements or take other actions deemed necessary by the Area Director.

Because quality improvement and accountability guides the work of DCFS, an internal team of DCFS staff will meet following a child fatality related to child maltreatment to review the case and identify systemic issues, public health concerns, and where practice could have been improved in that particular case in an effort to prevent future child fatalities and near fatalities.

Following a DCFS internal near fatality or fatality review, the Division will also be responsible for holding an external review meeting of any near fatality or fatality with which the Division has had involvement with the family during the previous twelve months. The DCFS Director will appoint members to the DCFS External Child Near Fatality and Fatality Review Team.

Information regarding child fatalities will also be entered into the National Child Death Review Case Reporting System (NCDRCRS). Any child fatality meeting the criteria for an external review based on the information entered into the NCDRCRS will be reviewed by the Arkansas Child Death Review Panel.

Finally, the Child Death and Near Fatality Multidisciplinary Review Committee will also conduct a comprehensive review of the circumstances leading to the near fatalities and fatalities of children who have been reported through the Arkansas Child Abuse Hotline. Based on the findings of the reviews, the Child Death and Near Fatality Multidisciplinary Review Committee will develop recommendations and actions, as appropriate, to be implemented to prevent future child near fatalities and fatalities.

Per A.C.A. § 9-25-105(b)(1-15), the Child Death and Near Fatality Multidisciplinary Review Committee will be comprised of the following members:

- A. DCFS Director or designee;
- B. DCFS Family Service Worker (FSW) Supervisor designated by the DCFS Director;
- C. DCFS FSW Investigative Supervisor designated by the DCFS Director;
- D. Crimes Against Children Division Commander or designee;
- E. Arkansas Commission on Child Abuse, Rape, and Domestic Violence Executive Director or designee;
- F. Children's Advocacy Centers of Arkansas Director or designee;
- G. Arkansas CASA Association Director or designee;
- H. Arkansas Children's Hospital's Team for Children at Risk and Arkansas Children's House Director or designee;
- I. Dependency-Neglect Attorney Ad Litem Director or designee;
- J. Office of Policy and Legal Services Director or designee;
- K. Office of the Prosecutor Coordinator Director or designee;
- L. A member appointed by the chair of the House Subcommittee on Children and Youth of the House Committee on Aging, Children and Youth, and Legislative and Military Affairs;
- M. A member appointed by the Chief Justice of the Arkansas Supreme Court;
- N. A member appointed by the Governor;
- O. A member to be designated by the Arkansas Child Abuse, Rape, and Domestic Violence Commission.

Per A.C.A. § 9-25-105(n) a committee member will not be reimbursed for expenses to travel to or participate on the committee.

The Child Death and Near Fatality Multidisciplinary Review Committee will review all child deaths of children under the age of eighteen who had contact with the Division within twenty-four months before the fatality as determined by comparing records of death from the Arkansas Department of Health, Division of Vital Records with information in CHRIS. The sharing of information between the Division of Vital Records and Division of Children and Family Services will be governed by a Memorandum of Understanding between the two agencies.

The Child Death and Near Fatality Multidisciplinary Review Committee will also review all deaths and near fatalities of children reported through the Arkansas Child Abuse Hotline.

This Child Death and Near Fatality Multidisciplinary Review Committee will meet at least quarterly each calendar year. The committee meetings will be closed and information discussed at the meeting will be confidential. Individuals who are not members of the Child Death and Near Fatality Multidisciplinary Review Committee will not be allowed to attend or otherwise participate in a committee meeting unless a majority of the members vote to request the attendance or participation of a non-committee member.

The Child Death and Near Fatality Multidisciplinary Review Committee will produce an annual report that will contain a summary of findings, actions taken by the Department of Human Services or other entities, and recommendations to each branch of the state government to improve practices and prevent future child near fatalities and fatalities. This annual report will be presented to the House Committee on Aging, Children and

Youth, Legislative and Military Affairs and will be made available on the Department of Human Services' public disclosure of child deaths and near fatalities website.

These external reviews will provide the Division and other stakeholders involved with child serving systems with an additional opportunity to collaboratively review the facts surrounding the fatality and accurately assess child deaths, work to improve systemic issues, address public health concerns, and determine recommendations to improve practice and work together as a system to prevent future child fatalities and near fatalities.

## **PROCEDURE IX-B1: Near Fatality of Child**

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In the case of a child near-fatality the county office will:

- A. Report maltreatment or any suspected maltreatment to the Child Abuse Hotline immediately.
- B. Immediately (within 24 hours or as required by the Director) prepare CFS-305: Near Fatality Disclosure Case Briefing Summary on the situation that caused the near fatality and fax or email it to the CPS Manager who will forward it to the following entities:
  - 1) Appropriate Area Director
  - 2) Office of Community Services
  - 3) Quality Assurance Unit
- C. Ensure the completion of CFS-306: Documentation of Child's Medical Episode Related to Near Fatality by the child's attending physician or other attending medical personnel who treated the child during the child's medical episode.
- D. Fax or email the completed CFS-306: Documentation of Child's Medical Episode Related to Near Fatality to the CPS Manager within 72 hours of the near fatality.
- E. Place a copy of the CFS-306 in the child's record.

The CPS Manager will:

- A. Request updated information from the counties as needed.
- B. Schedule a meeting with DCFS staff to ascertain information involving facts surrounding the near fatality if needed. The meeting will include the following:
  - 1) FSW
  - 2) County Supervisor/Investigative Supervisor
  - 3) Area Director
  - 4) Assistant Director of Community Services or designee
  - 5) DCFS Director
  - 6) Appropriate staff as needed
- C. Review the CFS-306: Documentation of Child's Medical Episode Related to Near Fatality.
- D. Complete and transmit the DHS Incident Reporting Screen data fields in IRIS within 72 hours of the occurrence of the incident (completion of DHS-1910 is only required in the absence of computer transmission capability).
- E. Work with the chair of the Child Death and Near Fatality Multidisciplinary Review Committee as appropriate in coordinating logistics and necessary reports for the quarterly Child Death and Near Fatality Multidisciplinary Review Committee.
- F. Prepare the list of all child deaths and near fatalities as well as all records related to the child and send the information to the members of the Child Death and Near Fatality Multidisciplinary Review Committee at least fourteen calendar days prior to a scheduled committee meeting.
  - 1) This information may be sent as hard copies or electronically.
- G. Prepare a summary of any near fatality to include any DHS actions and recommendations for the Child Death and Near Fatality Multidisciplinary Review Committee prior to each quarterly meeting.
- D.—

The Quality Assurance Unit will:

- A. Enter information regarding near fatalities related to maltreatment on the Child Fatality /Near Fatality Disclosure Log.

## **PROCEDURE IX-B2: Disclosure of Information on Near Fatalities**

08/2013

### **PENDING**

Upon request, the Division shall release the following information via the DHS Director of Communications to the general public when an investigation is pending on a report of a near fatality of a child to the Child Abuse Hotline:

- A. Age, race, and gender of the child
- B. Date of the child's near fatality
- C. Allegations or preliminary cause of the near fatality
- D. County and type of placement of the child at the time of incident leading to the near-fatality
- E. Generic relationship of the alleged offender to child
- F. Agency conducting the investigation
- G. Legal action taken by the department
- H. Services offered or provided by the department presently and in the past

### **TRUE REPORTS**

Upon request, the Department of Human Services shall release the following information via the DHS Director of Communications to the general public when the investigative determination is true on a report of a near fatality of a child:

- A. A non-identifying summary of any previous child maltreatment investigations;
- B. A non-identifying summary of the current child maltreatment investigation, including:
  - 1) The nature and extent of the child's present and past injuries; and,
  - 2) Medical information pertaining to the incident;
- C. Information about criminal charges, if known; and,
- D. Any action taken by the department or the Crimes Against Children Division of the Department of Arkansas State Police, including personnel action and licensing action.

### **UNSUBSTANTIATED REPORTS**

Upon request the Department of Human Services shall release the following information via the DHS Director of Communications to the general public when the investigative determination is unsubstantiated on a report of a near fatality of a child:

- A. A non-identifying summary of any previous child maltreatment investigations;
- B. A non-identifying summary of the current child maltreatment investigation;
- C. Information about criminal charges, if known; and,
- D. Any action taken by the department or the Crimes Against Children Division of the Department of Arkansas State Police, including personnel action and licensing action.

### **INFORMATION NOT TO BE RELEASED**

Concerning the near fatality of a child, the Department of Human Services shall not release:

- A. Information on siblings of the child;
- B. Attorney-client communications; or,
- C. Any information if release of such information would jeopardize a criminal investigation.

## **PROCEDURE IX-B3: Child Fatality Notification**

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In the case of a fatality of a child the county office will:

- A. Immediately notify the Area Director by phone.
- B. Report maltreatment or any suspected maltreatment to the Child Abuse Hotline immediately.
- C. Immediately (within 24 hours or as required by the DCFS Director) complete CFS-307: Child Fatality Disclosure Case Briefing Summary and CFS-308: Child Fatality Review Packet Checklist and forward the CFS-307 and CFS-308 and all required documents listed on CFS-308 to the CPS Manager.
- D. Place copies of CFS-307 and CFS-308 in the child's record.
- E. If the child fatality is a result of a prior near fatality event, ensure the completion of CFS-305-A: Documentation of Near Fatality Subsequently Resulting in Fatality by the child's attending physician or other attending medical personnel who treated the child during the child's medical episode.
- F. Fax or email the completed CFS-305-A: Documentation of Original Near Fatality Subsequently Resulting in Fatality to the CPS Manager within 72 hours of the fatality, if applicable.
- G. Place a copy of the CFS-305-A in the child's record, if applicable.

The Area Director or designee will:

- A. Notify the Assistant Director of Community Services or designee immediately by phone.
- B. Ensure employee immediately (within 24 hours or as required by DCFS Director) completes and forwards completed CFS-307: Child Fatality Disclosure Case Briefing Summary and forward the CFS-307 to the CPS Manager.
- C. Complete the CFS-308: Child Fatality Review Packet Checklist and CFS-309: Child Fatality Internal Review Staffing within 72 hours (or the next business day if on a weekend or holiday) of the fatality and fax or email both forms along with all required documents listed on the CFS-308 to the CPS Manager.
- D. Expeditiously provide all other information requested by CPS Manager.

The Assistant Director of Community Services or designee will:

- A. Notify the DHS Director of Communications by phone within one hour of occurrence if the incident is expected to receive media attention.
- B. Discuss relevant details of the case with the DHS Director of Communications to determine the type of information that will be released to the media. Pertinent information that can be released will include disclosable information as provided by the DHS Disclosure Policy (DHS Policy Group 4009).
  - 1) Any information concerning siblings or attorney-client communications will not be released.
- C. Remain in direct contact with appropriate field personnel in order to develop a clear understanding of the circumstances surrounding the incident.

The CPS Manager will:

- A. Review CFS-307: Child Fatality Disclosure Case Briefing Summary.
- B. Forward the CFS-307: Child Fatality Disclosure Case Briefing Summary to:
  - 1) Assistant Director of Community Services or designee
  - 2) DCFS Director
  - 3) DHS Director of Communications
  - 4) DHS Deputy Director over DCFS
- C. Schedule an Internal Fatality Review meeting with DCFS staff within 72 hours of the fatality in order to ascertain to the facts surrounding the child's death. The meeting will include:
  - 1) FSW
  - 2) CACD Investigator
  - 3) County Supervisor/Investigative Supervisor
  - 4) CACD Supervisor
  - 5) Area Director
  - 6) Any other needed staff as appropriate
- D. Review the CFS-308: Child Fatality Review Packet Checklist and all required documents listed on CFS-308 and the CFS-309: Child Fatality Internal Review Staffing in preparation for the Internal Fatality Review.
- E. Enter information regarding the fatality on the Child Death Log.



- F. Enter information into the online National Child Death Review Case Reporting System.
- G. Complete and transmit the DHS Incident Reporting Screen data fields in IRIS within 72 hours of the occurrence of the incident (completion of DHS-1910 is only required in the absence of computer transmission capability).
- H. Serve as the point of contact for follow-up and subsequent briefings of the Assistant Director, Division Director, and DHS Deputy Director.
- I. Work with the chair of the Child Death and Near Fatality Multidisciplinary Review Committee as appropriate in coordinating logistics and necessary reports for the quarterly Child Death and Near Fatality Multidisciplinary Review Committee.
- J. Prepare the list of all child deaths and near fatalities as well as all records related to the child and send the information to the members of the Child Death and Near Fatality Multidisciplinary Review Committee at least fourteen calendar days prior to a scheduled committee meeting.
  - 1) This information may be sent as hard copies or electronically.
- H.K. Prepare a summary of any near fatality to include any DHS actions and recommendations for the Child Death and Near Fatality Multidisciplinary Review Committee prior to each quarterly meeting.

The Quality Assurance Unit will:

- A. Enter information regarding fatalities related to maltreatment on the Child Fatality /Near Fatality Disclosure Log.

The Crimes Against Children Division will:

- A. Investigate child maltreatment allegations according to established procedures.
- B. If safety factors are identified, immediately contact DCFS to conduct the remaining components of the Health and Safety Assessment (Safety Planning and Investigation Risk Assessment) as appropriate.
  - 1) DCFS will then be assigned as the secondary investigator on that particular investigation.
- C. Coordinate with law enforcement and relinquish their case to them if the possibility of criminal charges is involved and law enforcement prefers to assume responsibility.
- D. Initiate needed affidavits for legal action.
- E. Keep the county office advised of the status of the investigation, including initial notification when appropriate.
- F. Share all information with the parents, offender and victim.

The Family Service Worker will:

- A. If CACD contacted DCFS to conduct the remaining components of the Health and Safety Assessment (Safety Planning and Investigation Risk Assessment), immediately ascertain the safety of other children remaining under the care of the alleged offender and develop a protection plan or pursue protective custody as appropriate.
- B. Provide any services to the family as needed.
- C. Enter all contacts with the family into the CHRIS.
- D. Share all information about prior contacts with the family with agency staff and law enforcement who are investigating the case.

## **PROCEDURE IX-B4: Disclosure of Information on Fatalities**

08/2013

PENDING

Upon request, the Division shall release the following information via the DHS Director of Communications to the general public when an investigation is pending on a report of a fatality of a child to the Child Abuse Hotline:

- A. Age, race, and gender of the child
- B. Date of the child's death
- C. Allegations or preliminary cause of death

- D. County and type of placement of the child at the time of incident leading to the child's death
- E. Generic relationship of the alleged offender to child
- F. Agency conducting the investigation
- G. Legal action taken by the department
- H. Services offered or provided by the department presently and in the past
- I. Name of the child

#### TRUE REPORTS

Upon request, the Department of Human Services shall release the following information via the DHS Director of Communications to the general public when the investigative determination is true on a report of a fatality of a child:

- A. A summary of previous child maltreatment investigations, but the disclosure shall not include the name of the offender(s);
- B. A summary of the current child maltreatment investigation including:
  - 1) The nature and extent of the child's present and past injuries;
  - 2) Medical information pertaining to the death; and,
  - 3) The name of the offender if due process has been satisfied or the offender has been arrested.
- C. All relevant risk and safety assessments completed on the child;
- D. Information about criminal charges, if known; and,
- E. Any action taken by the Department of Human Services or the Crimes Against Children Division of the Department of Arkansas State Police, including personnel action and licensing action.

#### UNSUBSTANTIATED REPORTS

Upon request, the Department of Human Services shall release the following information via the DHS Director of Communications to the general public when the investigative determination is an unsubstantiated report of a fatality of a child:

- A. A summary of previous child maltreatment investigations, but the disclosure shall not include the name of the alleged offender(s);
- B. A summary of the current child maltreatment investigation including medical information pertaining to the death, however, the name of the alleged offender shall not be disclosed;
- C. All relevant risk and safety assessments completed on the child;
- D. Information about criminal charges, if known; and,
- E. Any action taken by the Department of Human Services or the Crimes Against Children Division of the Department of Arkansas State Police, including personnel action and licensing action.

#### INFORMATION NOT TO BE RELEASED

Concerning the fatality of a child, the Department of Human Services shall not release:

- A. Information on siblings of the child
- B. Attorney-client communications
- C. Any information if release of such information would jeopardize a criminal investigation