

# EXHIBIT H



## 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

**RECEIVED**

April 16, 2012

APR 16 2012

BUREAU OF  
LEGISLATIVE RESEARCH

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 April 16, 2012 to May 15, 2012, with an effective date of June 18, 2012.

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

Sincerely,

  
Cecile Blucker

Director, Division of Children and Family Services

# DCFS SUMMARY OF CHANGES FOR APRIL 2012 PROMULGATION

## **SUMMARY OF DCFS REGULAR PROMULGATION**

The purpose of this regular promulgation is to make revisions to policy and publications in order to clarify that decisions made by the Arkansas Central Registry Name Removal Committee will be sent in written form by the Central Registry Manager or designee (as opposed to a member of the Name Removal Committee).

### **Revised**

- **PROCEDURE XIII-A8: Child Maltreatment Central Registry Review Team**
  - Clarifies that AR Child Abuse Central Registry Name Removal Committee decisions will be sent in writing by the Central Registry manager or designee.

**NOTICE OF RULE MAKING**

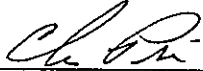
Pursuant to A.C.A. § 9-28-103, the Director, Division of Children and Family Services issues proposed changes to Policy and Publications. These include:

- Clarifying that AR Child Abuse Central Registry Name Removal Committee decisions will be sent in writing by the Central Registry manager or designee.

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 **May 15, 2012**. 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.



*FC*

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

*4/16/12*

\_\_\_\_\_  
Date

**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 5570, Little Rock, AR 72203-1437  
**PHONE NUMBER:** (501) 682-8541 / **FAX** (501) 683-4854  
**E-MAIL:** christin.harper@arkansas.gov  
**NAME OF PRESENTER AT COMMITTEE MEETING:** Christin Harper  
**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 2 copies of this questionnaire and financial impact statement attached to the front of 2 copies of the proposed rule and required documents. Mail or deliver to:

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

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- 1. What is the short title of this rule?  
*Child Maltreatment Central Registry Review Team Clarification*
- 2. What is the subject of the proposed rule?  
*Clarifies that AR Child Abuse Central Registry Name Removal Committee decisions will be sent in writing by the Central Registry manager or designee.*
- 3. Is this rule required to comply with federal statute or regulations? Yes  No  If yes, please provide the federal 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, 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 should be clearly labeled "mark-up."** *A mark-up and summary of substantive changes are attached. See #7*

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?

*Clarifies that AR Child Abuse Central Registry Name Removal Committee decisions will be sent in writing by the Central Registry manager or designee (as opposed to a member of the Name Removal Committee).*

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.sharepoint.com/CW/Notice%20of%20Rule%20Making/Forms/AllItems.aspx>

8. Will a public hearing be held on this proposed rule? Yes  No

9. When does the public comment period expire for permanent promulgation? May 15, 2012

10. What is the proposed effective date of this proposed rule? June 18, 2012

11. Do you expect this rule to be controversial? Yes  No  If yes, please explain.

12. 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.*

# BUREAU OF LEGISLATIVE RESEARCH

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

TITLE: Revised Rule

- **PROCEDURE XIII-A8: Child Maltreatment Central Registry Review Team**

PROPOSED EFFECTIVE DATE: **June 18, 2012**

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

NECESSITY AND FUNCTION: Revised Rule

- **PROCEDURE XIII-A8: Child Maltreatment Central Registry Review Team**
  - Clarifies that AR Child Abuse Central Registry Name Removal Committee decisions will be sent in writing by the Central Registry manager or designee.

PAGES FILED:



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Signature

Name: *For* Cecile Blucker

Title: Director

Section: Division of Children and Family Services

Department of Human Services

PROMULGATION DATES: **April 16, 2012 through May 15, 2012**

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

**FINANCIAL IMPACT STATEMENT**  
**PLEASE ANSWER ALL QUESTIONS COMPLETELY**

**DEPARTMENT:** Department of Human Services  
**DIVISION:** Division of Children and Family Services  
**PERSON COMPLETING THIS STATEMENT:** Greg Crawford  
**PHONE NO.:** (501) 682-6248 / **FAX NO.:** (501) 682-6968 / **E-MAIL:** greg.crawford@arkansas.gov

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

**SHORT TITLE OF THIS RULE:**

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

**Current Fiscal Year**

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

**Next Fiscal Year**

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

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

**Current Fiscal Year**

\$ 0.00

**Next Fiscal Year**

\$ 0.00

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

**Current Fiscal Year**

\$ 0.00

**Next Fiscal Year**

\$ 0.00

## **PROCEDURE XIII-A8: Child Maltreatment Central Registry Review Team**

06/2012

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If the offender's name is not eligible to be automatically removed from the Child Maltreatment Central as described in Procedure XIII-A7 above, the Child Maltreatment Central Registry Review Team shall review removal requests. The Child Maltreatment Central Registry Review Team shall operate as follows:

- A. The Director of DCFS will appoint the members of the Child Maltreatment Central Registry Review Team. The Review Team will be made up of DCFS central office and field staff, CACD, and a representative from OCC. There should be five members with alternates in case of scheduling conflicts.
- B. The Review Team will select an alternating chairperson for each quarter.
- C. The Review Team will determine a regular meeting schedule for the review any requests that meet all criteria, but shall meet no less-frequently than on a quarterly basis.
- D. Review requests must be received 60 days in advance of the review meeting, and all Review Team members will be provided with the case information 15 days prior to the review team meeting. All decisions will be by a majority vote of the team members.
- E. All team decisions will be sent in writing by the Central Registry Manager or designee.
  - 1) Denials will be sent to the applicants by certified mail within 15 days of the review team meeting.
  - 2) Approvals will be sent to the applicants by regular mail within 15 days of the review team meeting.

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