

**Agreement Between
The Arkansas Department of Health and Human Services (ADHS)
The Arkansas State Police (ASP)**

Purpose

In accordance with Arkansas Code Annotated §12-8-501, the state has a responsibility to provide competent and thorough child abuse investigations which are sensitive to the needs of children and families; that it is difficult for caseworkers with the Division of Children and Family Services of the Department of Health and Human Services, which is currently charged with the responsibilities of investigating child abuse and providing services to children and families, to separate their dual roles as investigators and service providers. Child abuse is a crime and suspected child abuse should be investigated with due diligence by trained law enforcement investigators.

Duration

This agreement along with the Arkansas State Police, Crimes Against Children Division, Operational Protocols and Attachment A shall take effect July 1, 2006 and shall end June 30, 2007. This agreement shall be binding upon any successors to the Director of ADHS and the Director of the ASP. This agreement and protocol shall be subject to the continuing review of the Arkansas Legislature and the U.S. Department of Health and Human Services, Administration for Children and Families.

Statutory Requirements

The ASP agrees to comply with all applicable state and federal laws and regulations, which include the Juvenile Code, the Child Maltreatment Act, The Child Abuse Prevention and Treatment Act (CAPTA), and the Adoptions and Safe Families Act (ASFA), and the Crimes Against Children Division, Arkansas Code Annotated §12-8-501.

Confidentiality

The ASP agrees to follow the confidentiality requirements as outlined in the Child Abuse Prevention and Treatment Act and the Child Maltreatment Act and make the following assurance:

No disclosures of information concerning child maltreatment allegations shall be made except as authorized under state or federal law or regulations and shall be made consistent with Crimes Against Children Division Protocol.

In connection with this Agreement, each party hereto will receive certain confidential information relating to the other party. For purposes of this Agreement, any information furnished or made available to one party relating to the operation, business, customers, properties, assets, liabilities or information relating to recipients and providers, including but not limited to protected health information as defined by the Privacy Rule promulgated pursuant to the Health Insurance Portability and Accountability Act (HIPAA) of 1996, is collectively referred to as "Confidential Information".

The ASP shall safeguard the use and disclosure of information concerning applicants for or recipients of Title XIX services in accordance with 42 CFR Part 431, Subpart F, and shall comply with 45 CFR Parts 160 and 164 and shall restrict access to and disclosure of such information in compliance with federal and state laws and regulations.

The ASP shall treat all Confidential Information which is obtained by it through its performance under the contract as Confidential Information to the extent that confidential treatment is provided under State and Federal law, and shall not use any information so obtained in any manner except as necessary for the proper discharge of its obligations and securing of its rights hereunder. The

parties acknowledge that the disclosure of Confidential Information in contravention of the provisions hereof would damage the party to whom the information disclosed relates and such party has the right to seek all remedies at law or equity to minimize such damage and to obtain compensation therefore.

Finances

Upon the approval of the ADHHS, DCFS the transfer of funds shall be made in the following manner:

The ADHHS will transfer federal funds and other revenues to the ASP via state treasury fund transfers upon receipt of billing information provided by the ASP. The amount transferred will not exceed the amount designated in Attachment A.

While the ADHHS agrees to transfer the funds designated in Attachment A, the ASP agrees that any additional funding required by the ASP to comply with this agreement will be the responsibility of the ASP. The ASP agrees to request any additional funding from the Arkansas State Legislature as part of its budgeting process.

The transfer of funds shall be made in a manner that is acceptable under the laws of the State of Arkansas and the rules, regulations, and procedures of the DF&A; and in compliance with any federal guidelines that may affect any portion of those monies transferred.

The Department of Health and Human Services agrees to continue to provide office space to include utilities, telephone service, and CHRIS stations to those positions transferred and others upon mutual agreement.

Severability

The parties agree to be bound by any change in federal laws or regulations, or state laws or state plans pertaining to the operation of the various programs affected by this agreement and, in the event this agreement is irreconcilably inconsistent with such laws, regulations or plans, this agreement shall be subordinate thereto. The provisions of this agreement are severable such that invalidity of one (1) provision shall not affect the validity of any other provision.

Program Responsibilities

The ASP, upon acceptance of this agreement, assumes responsibility for criminal child abuse investigations in accordance with Act 1466 of 2005 and those allegations of child maltreatment deemed the responsibility of the ASP by this Agreement in conjunction with the Governor's Executive Order. The ASP shall not be responsible for any child welfare matters other than those set out in this agreement unless additional responsibility is incorporated into this agreement in the form of an amendment by mutual agreement of the ASP and the ADHHS. ASP agrees to use the Child Reporting Information System (CHRIS) for all documentation of activities associated with the investigation of suspected child maltreatment. DCFS staff will act as secondary on all CACD investigations, but will not enter any information into the CHRIS file on the investigation. ADHHS agrees to update CHRIS, at its expense, to include all applicable ASP forms.

The parties agree that the cost of any disallowance, deferral, sanction, or other liability shall be borne by the program or agency whose conduct or performance is the basis of the disallowance, deferral, sanction, or other liability.

Monitoring and Dispute Resolution

The parties, the Director of the ADHHS, the Director of the ASP, the Director of the DCI'S, or their designee, and the Chief Administrator of the CACD shall meet as needed to discuss specific cases, operations, protocol compliance, and other pending issues. The parties agree to work

together in good faith and in the spirit of cooperation. If this fails, the parties agree to submit to non-binding dispute resolution led by a representative of the Governor's Office.

The ADHHS shall have final authority on all decisions regarding removal, protection, reasonable efforts, and reunification. The ADHHS is the designated agency for administration and oversight of the federal programs under Titles IVB and E of the Social Security Act for the State of Arkansas.

Amendment of Agreement

The Agreement shall not be approved, amended or assigned without the consent of the Arkansas Department of Health and Human Services Division of Children and Family Services and the Arkansas State Police Crimes Against Children Division.

Oversight

Pursuant to Arkansas Code Annotated §12-8-506, the oversight committee shall meet to review the administration of the child abuse hotline, child abuse investigations, and service delivery to children and families.

The ASP shall submit reports with a copy to the Director, Division of Children and Family Services, regarding the administration of the Child Abuse Hotline and child abuse investigations at least quarterly to the Legislative Oversight Committee, House Subcommittee on Children and Youth of the House Committee on Aging, Children and Youth, Legislative and Military Affairs and the Senate Committee on Children and Youth.

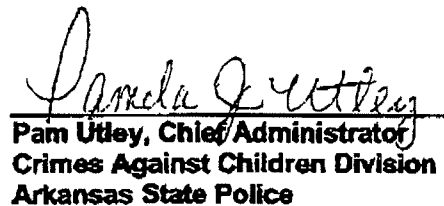
This agreement was signed by the following:

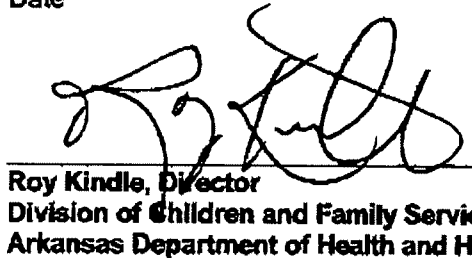

Col. Steve Dozier, Director
Arkansas State Police


John Selig, Director
Arkansas Department of Health and Human Services

05/23/06
Date

5/18/06
Date


Pam Utley, Chief Administrator
Crimes Against Children Division
Arkansas State Police


Roy Kindle, Director
Division of Children and Family Services
Arkansas Department of Health and Human Services

5/23/06
Date

5/15/06
Date

**ARKANSAS STATE POLICE
CRIMES AGAINST CHILDREN DIVISION
OPERATIONAL PROTOCOLS**

SECTION I. Responsibilities

Arkansas Code Annotated §12-8-501 et.seq. established the Arkansas State Police Family Protection Unit, currently known as the Crimes Against Children Division (CACD). The assumed responsibilities of the sections of that unit are delineated below.

Nothing in this protocol should be interpreted as replacing existing efforts of local law enforcement or mandating joint investigations.

A. Child Abuse Hotline Section

The Child Abuse Hotline Section will:

- Receive, document and forward all materially complete and valid reports.
- Not automatically conduct a history check when calls show to be waiting for 15 minutes or longer
- Attempt to secure all information requested on the CHRIS screen and elicit the following:
 - Reason the reporter suspects child maltreatment and how the reporter acquired the information
 - Current risk of harm to the child
 - Mental and physical condition of the alleged offender
 - Potential danger to staff assessing the report
 - Identity and location of possible witnesses or persons knowledgeable about the alleged child maltreatment
 - Relevant addresses and directions
 - Licensing authority and facility involved
- Prioritize and assign the report according to the terms of the Agreement between the ADHHS and the ASP.
- Inform the caller if the report does not constitute a report of child maltreatment.
- Transmit to DCFS or CACD for investigation and/or assessment.
- Telephone notification of Priority I calls to County Office and the CACD supervisor. After-hours notification is to be made to the appropriate on-call member of either the Division of Children and Family Services (DCFS) or the CACD.

The Child Abuse Hotline Section Administrator will maintain a hard copy listing of DCFS on-call staff including supervisors and CACD as provided by those respective entities.

The DCFS will maintain in the CHRIS System a current list of on-call DCFS staff, supervisors, and Area Managers including home and pager numbers.

At any time should the system be inoperable or the respective entities do not have access to the computerized entry, the maltreatment reports shall be forwarded by telephone.

Child maltreatment allegations will be assigned for child maltreatment investigation pursuant to A.C.A. §12-12-509 as follows:

Type of Maltreatment	Priority	Agency
Abandonment	I	DCFS
Abuse with a Deadly Weapon	I	ASP
Bone Fractures	I	ASP

Brain Damage/Skull Fracture	I	ASP
Burns, Scalding	I	ASP
Cuts, Bruises and Welts/Age 4 and over ▶	VII	DCFS
Cuts, Bruises and Welts/Age three and under ▶	VII	ASP/DCFS
Death	I	ASP
Educational Neglect	II	DCFS
Environmental Neglect	II	DCFS
Extreme or Repeated Cruelty	II	DCFS
Failure to Protect	II	DCFS
Failure to Thrive	I or II	ASP/DCFS
Human Bites	I	DCFS
Immersion	II	DCFS
Inadequate Clothing	I	ASP
Inadequate Food	II	DCFS
Inadequate Shelter	II	DCFS
Inadequate Supervision	II	DCFS
Indecent Exposure	II	DCFS
Internal Injuries	I	ASP
Kicking	I	ASP
Lock-out	II	DCFS
Malnutrition	II	DCFS
Medical Neglect	I	DCFS
Medical Neglect of Disabled Infants	II	DCFS
Mental Injury	I	DCFS
Munchausen Syndrome by Proxy or Factitious Illness by Proxy	II	DCFS
Newborn Child Born with an Illegal Substance in its System or Born with a Health Problem as a Result of the Pregnant Mother's Use Before Birth of an Illegal Substance	II	DCFS
Poison/Noxious Substances	I	ASP
Pornography/Exposure to Live Sex Act	I	ASP
Sex (Oral)	I	ASP
Sexual Contact	I	ASP
Sexual Exploitation	I	ASP
Sexual Penetration	I	ASP
Shaking a Child Age Four or Older	II	DCFS
Shaking a Child Age Three or Younger	II	DCFS
Sprains/Dislocations	II	DCFS
Striking a Child Age Seven or Older on the Face	II	DCFS
Striking a Child Age Six or Younger on the Face	II	DCFS
Striking, Pinching or Biting a Child in the Genital Area	II	DCFS
Striking a Child with a Closed Fist	II	DCFS
Subdural Hematoma	I	ASP
Substance Misuse	II	DCFS
Suffocation or Interfering with Breathing	I	ASP
Threat of Harm	I	DCFS
Throwing a Child	II	DCFS
Tying/Close Confinement	II	DCFS
Underaged Juvenile Aggressors (Under Age Ten)	I	DCFS

▶ Depending upon the location (head/torso, excluding buttocks), severity and multiplicity of the injuries, cuts, bruises and welts may be a Priority I.

► The investigation of bruises, cuts, or welts in or on any portion of the head, face, neck, or torso, excluding buttocks, that are the result of a direct act against the child by a parent or caretaker, when reported by a medical facility or medical personnel or law enforcement, will be the responsibility of the CACD. This does not include an injury that is the result of a failure on the part of the parent or caretaker to safeguard the child from environmental situations that resulted in those injuries.

Reports containing information that young children are behaving in a developmentally inappropriate sexual manner, but do not contain allegations of sexual abuse or name an offender will not be registered as child maltreatment, but will be referred to DCFS for an assessment of the family's need for services. If the assessment results in an allegation of child sexual abuse as defined by statute and Protocol, the DCFS worker will make a report to the Child Abuse Hotline, and, if accepted, be investigated by CACD.

The Arkansas State Police, being specially trained and organizationally placed outside the Arkansas Department of Health and Human Services, shall investigate all allegations that name a foster parent or foster child as an alleged offender or underaged juvenile aggressor or that occur in any Human Development Center, or in a facility administered or under contract to the Division of Youth Services (excluding the community based providers). Those DYS facilities include: Alexander Juvenile Correctional Facility, Harrisburg Juvenile Treatment Center, Colt Juvenile Treatment Center, Lewisville Juvenile Treatment Center, Mansfield Juvenile Treatment Center, Mansfield Juvenile Treatment Center – Females, Dermott Juvenile Treatment Center, and Dermott Juvenile correctional Facility (18-21 program) or any report which lists a DHHS employee as an alleged offender.

B. Judicial and Other Appearances

Employees of the CACD will prepare affidavits, appear and respond to queries in the Administrative Hearings conducted by the Department of Health and Human Services and court proceedings. Each employee will appear in response to a subpoena or other notification in any proceeding in Juvenile Court or Circuit Court.

To ensure the DHHS and the CACD are adequately prepared for court appearances and administrative hearings, the CACD will send the Central Registry its investigative file within ten business days of the request for the file by the Central Registry manager.

SECTION II. Working Relationships between the Arkansas State Police and the Division of Children and Family Services

Members of the ASP and DCFS will cooperate fully to assess, evaluate, or determine the need to provide services to the children and families of the State of Arkansas. This will include the notification to the appropriate DCFS County Office of observations, findings, or other information by members of the CACD that will aid the DCFS in providing those services.

No member of the ASP shall attempt to inhibit the reunification efforts of the DCFS in dealing with families. Should CACD have unresolved concerns regarding the safety of a child, they should express these concerns through the DCFS chain of supervision, beginning with the Area Manager.

SECTION III. Investigative Requirements

The Arkansas State Police shall begin a child maltreatment investigation within twenty-four (24) hours of receiving an allegation of severe maltreatment. Upon initiation, the CACD will immediately notify DCFS if there are concerns about the safety of the children in the home. If a report is received after hours regarding the hospitalization of a victim child and other children

remain in the home, the CACD will immediately notify the DCFS on-call worker. An investigation is initiated when the victim is interviewed or examined outside the presence of the alleged offender. An assessment for safety does not constitute an initiation of a child maltreatment investigation. DCFS may provide transportation assistance for medical examinations to the nearest appropriate provider.

The ASP will have an initial response by an investigator from the CACD within twenty-four (24) hours for Priority I cases and within seventy-two (72) hours for Priority II cases. To prevent multiple interviews of the child victim, the CACD will enter into a Child Maltreatment Investigation Agreement with the Multi-Disciplinary Teams. This agreement shall identify the agencies, including agency head signatures, entering into such agreement on behalf of the team. No such agreement shall contain language that may cause the local law enforcement agency, the CACD, or any other agency member of such team to breach that agency's existing policies or cause an unsound working relationship between the agencies concerned. As the Arkansas State Police are acting under agreement with the Department of Health and Human Services to conduct investigations, the Department of Health and Human Services will have the right to approve or amend such agreements.

Arkansas Code Annotated §12-12-509 (d) requires determinations on all allegations of child maltreatment be made within thirty (30) days of the receipt of the initial report. The CACD will meet this requirement unless the investigation relates to an out of home offender of sexual abuse and can be extended as allowed by statute and insure the appropriate finding and all supporting documentation for each allegation is indicated in CHRIS. The determination of child maltreatment may be based on information developed during a criminal investigation conducted in conjunction with the child maltreatment investigation.

Required notifications as set out in Arkansas Code Annotated §12-12-512 and §12-12-515 and PUB 52 shall be made by the agency of primary responsibility with the exception of reports involving foster children, in which case notifications to legal parent/guardian, public defender or counsel, juvenile division or circuit court, Attorneys Ad Litem and CASA will be made by DHHS/DCFS.

Any receipt of an allegation that a client or resident of any facility licensed or registered by the State of Arkansas or meeting licensing requirements has been subjected to child maltreatment while at such facility shall cause the agency assigned as having primary responsibility for the investigation to notify the licensing or registering authority of the receipt of that report (Arkansas Code Annotated §12-12-507(d)). Each such notification will be documented in CHRIS.

SECTION IV. Disclosure of Information

Pursuant to Arkansas Code Annotated §12-12-508, any information concerning the identity of an alleged victim, suspect, witness, or reporting person shall not be disclosed by any member of the CACD, except as allowed by federal or state law or regulation. This is to include verification that any individual or allegation exists in the Central Registry. All notifications, disclosures and release of investigative material concerning criminal proceedings will be made by the CACD. All other notifications and disclosures surrounding and concerning the Central Registry will be made by the DCFS.

Pursuant to Arkansas Code Annotated §9-27-352, the name of any subject of arrest that is a juvenile will not be released unless authorized by written order of the juvenile court; or the subject is formally charged with a felony in circuit court and the approval of the Prosecuting Attorney who caused the charges to be filed has been obtained. The arrest or detention of a juvenile may be released to a select group when the exchange of information is for the purpose of obtaining services for the juvenile or to ensure public safety. The release of information for this limited purpose must be authorized by a written order of the juvenile court.

No investigative file shall be released while the investigation is actively being pursued, except as allowed in Arkansas Code Annotated 12-12-506. An investigative file may be released by DCFS upon completion, or when a determination has been made by the appropriate Prosecuting Attorney that charges are to be filed and those charges are formally filed.

At no time will the identity of the victim of a "sex offense," as enumerated in Arkansas Code Annotated §16-90-1101(6), be disclosed. This includes information that may directly or indirectly identify the victim.

Nothing in the preceding paragraphs will preclude timely disclosure to the appropriate Prosecuting Attorney's Office in the furtherance of the prosecution of the offender in such crimes; or other law enforcement agencies in the furtherance of the investigation; or as required by the Division of Children and Family Services; or the U.S. Department of Health and Human Services, or any assistance through the Arkansas Crime Victims Reparations Act. CACD may verbally disclose information to the Prosecuting Attorney or law enforcement upon request or as necessary to facilitate investigation/prosecution.

Cases of malicious reporting shall be made to the Prosecuting Attorney's Office in accordance with A.C.A. § 12-12-512 and 12-12-506.

SECTION V. Multi-disciplinary Teams and Citizen Review Panels

Recognizing that multi-disciplinary teams and citizen review panels are a viable and valuable asset in the approach to child maltreatment, each member and supervisor of the CACD assigned to investigative duties will be active in supporting those teams. This will include attending meetings, joint training sessions, and encouragement of team members in this joint effort.

Amendment of Protocols

The Arkansas Department of Health and Human Services Division of Children and Family Services Child Maltreatment Assessment Protocol shall not be amended without the consent of the Division of Children and Family Services and the Arkansas State Police CACD. ADHHS agrees to update this document as soon as possible after any statutory or other agreed upon amendments.