

## POLICY (II-E): COUNTY OFFICE ASSESSMENT OF CHILD MALTREATMENT REPORTS

The Arkansas State Police Crimes Against Children Division (CACD) has the responsibility to assess most Priority I allegations of child maltreatment. DCFS is responsible for ensuring the health and safety of the children even if the primary responsibility for the investigation belongs to CACD. DCFS will assess all situations of voluntary delivery of a child, as well as many Priority II and the following Priority I cases:

- Abandonment
- Failure to protect
- Medical neglect of disabled infants
- Failure to thrive
- Malnutrition
- Underaged Juvenile Aggressor
- Threat of Harm

During the investigation of an allegation of child maltreatment, and if the alleged offender is a family member, or lives in the home of the alleged victim, DCFS staff in the county office shall seek to ascertain the existence, cause, nature and extent of child maltreatment, the existence and extent of previous injuries, and the names and conditions of other children in the home. The assessment also seeks to ascertain the identity of the person responsible for the maltreatment, the relationship of the children with the parents or caretakers and their circumstances, the child's environment and all other pertinent data. The assessment shall begin within the time frame prescribed by law.

If the alleged offender is not a family member nor lives in the home of the alleged victim, the investigation shall seek to ascertain the existence, cause, nature and extent of child maltreatment, the identity of the person responsible for the maltreatment, and the existence and extent of previous maltreatment perpetrated by the alleged offender. If the report is determined to be true, the names and conditions of any minor children of the alleged offender, and whether these children have been maltreated, or are at risk of maltreatment, will be determined. If the report is determined to be true, and is a report of sexual intercourse, deviate sexual activity, or sexual contact, an assessment of any other children previously or currently under care of the alleged offender, to the extent practical, and whether these children have been maltreated, or are at risk of maltreatment, will be determined. The investigation shall also seek to ascertain all other pertinent and relevant data.

The Division will ensure reasonable efforts are made to preserve the family and to prevent the need to remove the child from the home; with the health and safety of the child being of paramount concern. Reasonable efforts to reunify the family shall not be required in all cases. See Policy VI-A for exceptions.

The Family Service Worker conducting the child maltreatment investigation shall have the right to enter into the home, school, or other place for the purpose of conducting an interview or completing the assessment. No publicly supported school, facility, or institution may deny access to any person conducting a child maltreatment investigation. The Department, CACD and law enforcement shall be allowed access to the child's public and private school records during the course of the child maltreatment investigation. The worker will have the discretion, in the child's best interest, to limit the persons allowed to be present when a child is being interviewed concerning an allegation of child maltreatment. The worker will determine when a child or any other children residing in the home should be referred to a physician, psychologist, or psychiatrist for a medical or psychological examination.

## FSPP II. SERVICES TO ASSESS FAMILY STRENGTHS AND NEEDS 06/18/2004

This fact-finding phase of the child maltreatment investigation allows the Family Service Worker to determine:

- If services are necessary to assist the family and allow the child to remain safely at home,
- If separation of the child from the family is necessary to protect the health and safety of the child, and
- Whether there is a preponderance of the evidence (see glossary) to support the report.

In cases where domestic abuse is involved (see glossary for definition of domestic abuse) any adult family/household member may file a petition for an order of protection on behalf of another family or household member, including a married minor. An employee or volunteer of a domestic violence shelter or program may file a petition on behalf of a minor, including a married minor. If a minor child's safety is a concern and the parent does not file an order of protection, the Family Service Worker should contact OCC to determine appropriate legal action. (One legal option is to petition the court for an order of less than custody.) The worker should thoroughly review the Health and Safety Assessment and the Risk Assessment and ensure that a safety plan is in place for a child before leaving a child in a home when an order for protection is filed.

An order of protection issued by a court of competent jurisdiction in any county of this state is enforceable in every county of this state by any court or law enforcement officer. An order of protection issued by a court of another state, federally recognized Indian tribe, or a territory shall be afforded full faith and credit by the courts of Arkansas and shall be enforced by law enforcement as if it were issued in Arkansas. DCFS will fully cooperate and participate in multi-disciplinary child maltreatment response teams. All information except the name of the reporter may be disclosed to the teams.

**PROCEDURE (II-E1): County Office Response to the Child Abuse Hotline For Those Assessments That Remain The Responsibility Of The Department**

The County Supervisor or designee will:

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

The Family Service Worker will:

- Begin Child Maltreatment Assessment immediately but no later than 24 hours after receipt of report by the Hotline, if severe maltreatment (**Priority I**) is indicated.
- Begin all other Child Maltreatment Assessments within 72 hours of the report (**Priority II reports**).
- Make immediate telephone notification to the Prosecuting Attorney and law enforcement on Priority I reports, unless the prosecuting attorney has provided written notice to the Department, that the Department need not send notification of the initial maltreatment report to the prosecuting attorney's office.
- Consider the assessment initiated by interviewing or observing, when appropriate, the victim child outside the presence of the alleged offender. If the worker is unable to interview or examine the child, the assessment will be considered initiated after the Family Service Worker has made and documented all reasonable diligence to obtain an interview or examination.

Examples of reasonable diligence should include all of the following actions:

- Making an unannounced visit to the child's home at least three times at different times of the day or on different days in an attempt to interview the child.
- Contacting the reporter again if the reporter is known, if attempts to locate the child have failed.
- Visiting the child's school or day care or all other places where the child is said to be located.
- Sending a certified letter to the location given by the reporter, if attempts to locate the child have failed.
- Contacting appropriate local Division of County Operations staff and requesting research of the ACES and ANSWER systems and other files to ascertain another address, if attempts to locate the child have failed.

After all these efforts have been made, the worker shall submit the record to the supervisor for approval of reasonable diligence to locate and interview the child.

## FSPF II. SERVICES TO ASSESS FAMILY STRENGTHS AND NEEDS 06/18/2004

- Complete, print, and route the "Notice of Child Maltreatment Allegation" (CFS-310) to the Prosecuting Attorney and law enforcement, as appropriate, and the Attorney Ad-litem, parents and the alleged offender on Priority I and Priority II reports then document this action on the "Document Tracking" screen of CHRIS. If the alleged maltreatment concerns a foster child see Procedure VII-C1.
- Begin keying "Child Maltreatment Assessment" into the "Investigation" section of CHRIS.
- Send a confirmation letter, "Referral for Investigation" (CFS-321), to law enforcement when law enforcement accepts responsibility for investigating the report. Key "Document Tracking" screen in CHRIS.

### PROCEDURE (II-E2): Child Maltreatment Report Assessment Interviews

The Family Service Worker will:

- Observe, if not age appropriate for interview, or interview all children outside the presence of the alleged offender or the offender's attorney. (Exceptions must be approved by a supervisor. See NOTE below.)

**NOTE:** In conducting investigations where the offender is out of the home, it is not necessary to interview siblings of victims in these cases, unless they may have collateral information or have been within the access of the offender. Children residing in the home of the offender must be interviewed.

- Physically inspect children as appropriate.
- Complete "Physical Documentation—Body Diagram" (CFS-327a) when applicable.
- Photograph visible injuries; label and date photos.
- Interview the custodial and non-custodial parent of the victim child, and inform them of DCFS responsibility to assess.
- Exercise reasonable diligence in locating the non-custodial parent of the victim child. Examples of reasonable diligence include, but are not limited to, seeking information from relatives or using information from the victim child's birth certificate to identify and locate the non-custodial parent.
- Document all efforts at reasonable diligence, if unable to locate the non-custodial parent to ensure completion of the investigation within 30 days.
- Conduct a separate interview with the victim.
- Give the family "Child Protective Services: A Caretaker's Guide" (PUB-052) during the first contact and explain, as appropriate, to help the family understand its contents.
- Interview alleged offender. Give PUB-052 and discuss contents then document on the "Document Tracking" screen in CHRIS.
- Make a home visit to assess the environment where the child resides and determine the names and conditions of other children in the home.

**FSPF II. SERVICES TO ASSESS FAMILY STRENGTHS AND NEEDS 06/18/2004**

---

- Check with collateral sources, as appropriate, including teachers, neighbors, witnesses and the person making the report.
- Contact the DHS attorney to petition the court for an ex parte order of investigation to allow access if the parents, caretakers, or others deny access to any place where the child may be.
- Coordinate the conducting of interviews when primary (where the child resides) and secondary counties are involved.
- Reinitiate the investigation in the second county within 24-72 hours, according to the Child Maltreatment Assessment Protocol (PUB-357) when an investigation is transferred from one county to another and the victim or any other children believed to reside in the home where the report originated have not been seen.

If any parties required to be interviewed (parents, children, victim child, or alleged perpetrator) cannot be located or is unable to communicate, the FSW will, after exercising reasonable diligence, document efforts to locate or communicate with required parties and proceed with the child maltreatment assessment.

**The Primary County Supervisor will:**

- Take the lead in coordinating the interview process when multiple counties are involved, and
- Ensure that counties communicate and complete the investigation within 30 days.

### **PROCEDURE (II-E3): Health and Safety Assessment**

The Health and Safety Assessment (CFS-6025) will be completed in conjunction with the child maltreatment assessment, and is designed:

- To identify factors in the home which affect the child's immediate safety.
- To guide the Family Service Worker in determining whether or not to leave the child in the home.
- For use as a structured decision-making tool. For example, information collected on the Health and Safety Assessment can be used to document reasonable efforts or aggravated circumstances. It can also be used to assist in completing the court report, and at important case decision points, or when there are major changes in case circumstances.
- To assess the child's health and safety at placement changes.

Information to complete the Health and Safety Assessment Checklist (CFS-6025) will be gathered during the child maltreatment interviews.

**The Family Service Worker will:**

- Complete the "Health and Safety Checklist" screen in CHRIS.
- Complete the Health and Safety Assessment for each child in the family. Children ages 0-6, developmentally disabled or those repeatedly victimized shall be considered especially vulnerable.
- Identify the presence or absence of any safety factors by checking "yes" or "no", respectively, on the "Health and Safety Checklist" screen (CFS-6025).
- Provide narrative documentation on the "Health and Safety Checklist" for each safety factor identified.

## FSPP II. SERVICES TO ASSESS FAMILY STRENGTHS AND NEEDS 06/18/2004

---

- Complete the "Safety Response" screen (CFS-6027) if any safety factors have been identified. Documentation of the safety response should match the safety issue.
- Protecting interventions may be necessary before completion of the assessment.
- Document protecting interventions considered or acted upon, for all safety factors with a "yes" response, in the "Safety Response" screen. A protecting intervention service is any action taken by the FSW to ensure a child's health and safety. Documentation describing the actual use or consideration of using protecting interventions establishes reasonable efforts to prevent removal of the child from the home.
- Make a Safety Decision based on the presence or absence of factors, and the protecting interventions used, if a safety factor was identified. The Safety Decision on the "Safety Response" screen will be:
  - "Safe"- There are no children likely to be in immediate danger of serious harm. (Note - This is the default decision on the Safety Response screen when all statements on the Health and Safety Checklist screen are selected "No", therefore, the FSW will not have to complete the Safety Response screen).
  - "Conditionally Safe" - Protecting Safety Interventions have been received, and those interventions have resolved the unsafe situation for the present time. (Note - After completing the Safety Response, this selection will be available).
    - Documentation of follow-up services must be provided.
    - The Supervisor must approve if no follow-up services are needed.
  - "Unsafe" - Removal is the only protecting intervention for the child(ren). Without it, the child(ren) is likely to be in danger of immediate or serious harm. (Note - After completing the Safety Response, this selection will be available).
- Seek supervisory approval if the report is unsubstantiated, but there is a "yes" on one of the Safety Assessment factors; and offer supportive services if appropriate. Supervisory approval will be obtained before completing all assessments.
- Make the appropriate child protecting decisions if the child's immediate safety is in danger.
- Identify the injury suffered by any child in the case, and check and document the appropriate section of the "Health and Safety Checklist" screen.
- Complete the Health and Safety Assessment within 30 days of the receipt of the child maltreatment report. The child maltreatment assessment cannot be closed until the Health and Safety Assessment is completed.
- The Family Service Worker will complete the "Safety Response" screen if the Crimes Against Children Division (CACD) is conducting the investigation.

### The Crimes Against Children Division (CACD) will:

- Identify any safety factors that may contribute to immediate or threatened harm or re-injury to the child.
- Contact the Family Service Worker immediately if the child's immediate safety is in question.
- Coordinate case management with the FSW for completion of the "Safety Response" screen.
- Complete the "Health and Safety Assessment Checklist" screen in CHRIS within 30 days of the receipt of the child maltreatment report. The child maltreatment assessment cannot be closed until the Health and Safety Assessment is completed.

## **PROCEDURE (II-E4): Medical/Psychological Evaluation Required During Assessment**

The Family Service Worker will:

- Confer with the County Supervisor/Assessment Team Coordinator concerning a complete examination/evaluation by a mental health professional if a child has one of the following:
  - Impairment of the intellectual, emotional or psychological development as evidenced by observable and substantial reduction in the child's ability to function within a normal range of performance and behavior.
  - Suffered a substantial impairment in the ability to function as a result of a specific, non-accidental action or interaction committed by a parent or caretaker.
- Refer for a medical examination or consultation with a physician in the following cases unless the Area Manager allows an exception:
  - burns, fractures or dislocations in children under three years of age;
  - burns, fractures or dislocations in children of any age if unexplained or implausibly explained;
  - burns, bruises, or fractures in non-ambulatory children;
  - reasonable suspicion that vaginal or oral penetration has occurred;
  - cases involving sexually transmitted diseases in prepubescent children;
  - cases of malnutrition and failure to thrive;
  - cases of serious medical neglect;
  - cases of alleged head and abdominal injuries;
  - reports in which the child has an observable injury, the caretaker admits responsibility for the injury and there is reason to believe that there are internal injuries or other injuries which have occurred in the past.
- Conduct a cursory physical examination of a child. If the child is under the age of five, conduct the exam with the assistance of the parent/caretaker.

**NOTE:** A cursory physical examination is the observation of a child's external, physical condition which may require that the child's clothing be removed or rearranged.

- Involve the parent, legal guardian or legal custodian of the child whenever possible, if during the protective assessment, a medical examination is needed to determine the existence of abuse or neglect.
- Verify that the parent, legal guardian or legal custodian has exhausted all other resources before requesting DHS funds for payment.
- Consider the following in all cases in which a medical examination is required:
  - The first choice is to have the child examined by the child's Primary Care Physician (PCP).
  - The second choice is a pediatrician if the PCP is unavailable. The protective services worker must advise the pediatrician whether the PCP, although not physically available, is available by telephone for consultation.
  - The third choice is to take the child to the emergency room of the nearest hospital.

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

## PROCEDURE (II-E5): Other Child Maltreatment Assessment Actions

The Family Service Worker will:

- Obtain X-rays, photographs, radiology procedures, medical records, other pertinent records, e.g., school records, or videos from mandated reporters.
- Ensure that all the information gathered during the investigation is contained within the DCFS file; whether or not the information supports the investigative determination.
- Make a child maltreatment investigative determination (true, unsubstantiated, exempted from finding or inactive) within thirty (30) days in conference with the supervisor. (See Procedure II-E6.)
- Key all screens in the "Investigate" section of CHRIS including screens listed under the "Interview" and "Client" sections. Skip screens only when the information for that screen is unavailable.
- Document the investigative determination on the "Investigation Findings" screen in CHRIS. Individual findings for each victim are also documented on the "Investigation Finding" screen. CHRIS will automatically populate the Overall Finding (true, unsubstantiated, exempted from finding due to religious exemption or exempted from finding underaged juvenile aggressor) based on the individual findings.
- Document any additional information deemed necessary pertaining to the investigation on the "Investigation Closure" screen, and request supervisory approval of the determination. The request for approval will automatically go to the worker's supervisor's box for approval.
- Complete and print "Report to Prosecuting Attorney" (CFS-6003) within thirty (30) days of the initial report of severe maltreatment (Priority I reports) and send to Prosecuting Attorney and law enforcement.
- Open a Protective Services case on all true reports of sexual abuse or exploitation unless a written exception is approved by the Area Manager.
- Open an appropriate service case or make referrals for all other true reports and for unsubstantiated reports if the family needs and agrees to services.
- Release all information as requested on true reports, except the name of the reporter, to multi-disciplinary teams.
- When the subject of a report appeals the determination, refer to Policy IX-A for procedures to follow.

The Family Service Worker Supervisor will:

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



**FSPP II. SERVICES TO ASSESS FAMILY STRENGTHS AND NEEDS 06/18/2004**

---

**PROCEDURE (II-E6): Child Maltreatment Investigative Determination**

A Child Maltreatment Investigation will be determined to be true, unsubstantiated, exempted from finding due to religious exemption, exempted from finding underaged juvenile aggressor, or inactive based on the criteria in the "Child Maltreatment Assessment Protocol" (PUB-357).

A Child Maltreatment Investigation will be determined **TRUE** in the event of:

- An admission of the fact of maltreatment by persons responsible;
- An adjudication of dependency-neglect;
- A determination of the existence of maltreatment by Division staff, based on a preponderance of the evidence;
- A medical diagnosis of failure to thrive. The Family Service Worker should, however, complete the Child Maltreatment Investigation in accordance with the procedures included to determine the identity of the caretaker and to conduct an assessment of the family for the purposes of determining appropriate service delivery;
- Any other medical or legal form of confirmation deemed valid by the Division.

A Child Maltreatment Investigation will be determined **UNSUBSTANTIATED** in the event that:

- The allegation of child maltreatment is not supported by a preponderance of the evidence following an assessment by Division staff.
- The assessment concludes the injuries were the result of reasonable and moderate physical discipline inflicted by a parent or guardian for the purpose of restraining or correcting the child.

A Child Maltreatment Investigation will be determined to be **EXEMPTED FROM FINDING DUE TO RELIGIOUS EXEMPTION** in the event that:

- The Family Service Worker determines that the parent's decision to withhold medical treatment was based solely upon a religious belief, choosing instead to furnish the child with prayer and spiritual treatment in accordance with a recognized religious method of healing by an accredited practitioner.

**NOTE:** A Family Service Worker will take a child, who is in immediate danger of severe maltreatment, into DHS custody regardless of the beliefs of the parent(s). The religious exemption does not preclude the Family Service Worker's right and responsibility to take appropriate action, including petitions to the court, to obtain necessary medical services.

A Child Maltreatment Investigation will have an individual finding of **EXEMPTED FROM FINDING (UNDERAGED JUVENILE AGGRESSOR)** if there is an overall true finding of sexual abuse by a child under the age of ten (10) to another child.

- Select the "Alleged Juvenile Aggressor-Under Age Ten" in the Role in Referral Select box on the Abuse/Neglect Screen in Referral or Investigation in CHRIS.
- Select "Exempted From Finding (Underaged Juvenile Aggressor)" as the individual finding in the Investigation Findings screen in CHRIS.
- When "Exempted From Finding (Underaged Juvenile Aggressor)" appears in the individual finding, the overall finding for the investigation will be True.

## FSPF II. SERVICES TO ASSESS FAMILY STRENGTHS AND NEEDS 06/18/2004

---

Regardless of whether the child maltreatment investigation is conducted by DCFS, CACD or local law enforcement, the investigative determination shall be made within thirty (30) days.

A Child Maltreatment Investigation will be determined **INACTIVE** in the event that the investigation cannot be completed. A case may go into an inactive status if a family was located initially but later moved and may be located later; or, the investigation was started but enough information was not gathered to finish it, etc. Failure to complete the investigation within the required 30 days is NOT a reason to place a case on inactive status. The report **MUST** document why the investigation could not be completed. A case will remain on inactive status for one (1) year, at which time it will be expunged

### PROCEDURE (II-E7): Risk Assessment

The Risk Assessment (CFS-6026) is designed:

- To identify the factors and circumstances that indicate the child may be at risk of future abuse or neglect.
- To indicate the necessary level of involvement to assure the child's well being.
- As a structured decision-making tool in case planning. For example, the Risk Assessment may be used to assist the Family Service Worker in determining whether or not to open a case.

The Risk Assessment (CFS-6026) will be completed on all cases with a child maltreatment determination of "True", unless it is an out-of-home abuse case, in which case, a waiver may be granted at the supervisor's discretion. For example, if a child is abused in a day care center and is removed by the parents. The Risk Assessment may be used with the non-custodial parent, if services will be recommended or provided by the agency. (Note – The Risk Assessment can not be completed, if the Health and Safety Assessment has not been completed in CHRIS)

Overrides to Risk Levels have been established to assist the Family Service Worker in ensuring that the level of risk for a case accurately reflects the risk level for the children. A supervisor is allowed to make discretionary policy overrides when unique circumstances warrant a higher risk level than assigned by the risk level chart.

The discretionary policy override options are listed below and require the supervisor to upgrade the risk level to Intensive at the initial assessment, regardless of the risk scale score.

- Sexual abuse cases where the perpetrator is likely to have access to the victim child.
- Cases with non-accidental physical injury to an infant.
- Serious non-accidental physical injury requiring hospital or medical treatment.
- Death (previous or current) of a sibling as a result of abuse or neglect.

Policy overrides must be reassessed when the Case Plan is updated.

The Family Service Worker will:

- Complete both the abuse and neglect scale of the "Risk Assessment" screen in CHRIS for all "True" child maltreatment findings; regardless of whether a case is subsequently opened or not.
- Consult with supervisor for an out-of-home abuse case with a "true" finding, (The supervisor will determine if the Risk Assessment must be completed or if a waiver is warranted. If the waiver is granted, it must be documented in the "Case Review" screen in CHRIS.)
- Establish the level of risk. Levels of risk are classified as intensive, high, moderate, and low. The higher the score, the higher the risk of future harm.

**FSPP II. SERVICES TO ASSESS FAMILY STRENGTHS AND NEEDS 06/18/2004**

---

- Complete the Family Needs Assessment, according to Procedure V-AI, and provide necessary services.
- Make face-to-face contact with the family based on the established risk level.

**Low family risk level:**

- Visits to the child and family shall be no less than weekly.
- At a minimum, one face-to-face contact by the FSW per month, if a contact waiver is granted (see Policy V-B), and
- Open Protective Services case, if appropriate.
- Use Risk Assessment results to help develop case plan objectives and tasks.
- Conduct a staffing at 60 days of Protective Services case opening to assess if case should be closed. All staffings shall be held to comply with Procedure IV-B1.

**Moderate family risk level:**

- Visits to the child and family shall be no less than weekly.
- At a minimum, two face-to-face contacts by the FSW per month, if a contact waiver is granted (see Policy V-B), and
- Use Risk Assessment results to help develop case plan objectives and tasks.
- Conduct a staffing at 60 days of Protective Services case opening to assess if case should be closed. All staffings shall be held to comply with Procedure IV-B1.

**High family risk level:**

- Visits to the child and family shall be no less than weekly.
- Four face-to-face contacts by the FSW per month. (No contact waiver granted), and
- Use Risk Assessment results to help develop case plan objectives and tasks.
- Use results of the Risk Assessment to develop resources to address the family's needs if the child is placed out-of-home,
- Staff case with OCC and the Area Manager if there is no court involvement
- Re-assess family for risk at a minimum of every six months.

**Intensive family risk level:**

- Visits to the child and family shall be no less than weekly.
- Four face-to-face contacts by the FSW per month. ( No contact waiver granted), and
- Staff case with OCC and the Area Manager if there is no court involvement
- Use Risk Assessment results to help develop case plan objectives and tasks.
- Use the results of the Risk Assessment to develop resources to address the family's needs if the child is placed out-of-home.
- Re-assess family for risk at a minimum of every six months.

**FSPF II. SERVICES TO ASSESS FAMILY STRENGTHS AND NEEDS 06/18/2004**

---

- Complete the Risk Assessment (CFS-6026) in CHRIS within 30 days of case opening and prior to case closure.
- Complete the Risk Assessment before there is a major change in the case plan, placement or any change in case circumstances.
- Complete the Risk Assessment in conjunction with the "Strengths and Needs Assessment" (CFS-6009) to provide necessary services to the family and child.

## **PROCEDURE (II-E8): Follow-up with Mandated and Other Reporters**

The Family Service Worker will:

- Complete, print and route "Follow-up with Child Maltreatment Reporter" (CFS-307) within ten (10) working days of determination.
- Complete, print and route "Child Maltreatment Determination Notification" (CFS-312A or B) within ten (10) working days after supervisor signs off on the "Report to Prosecuting Attorney" (CFS-6003). Send separate copies to the following people:
  - The alleged offender.
  - The victim child's custodial/non-custodial parent(s).
  - The victim child if age ten (10) years or older.
  - If the offender is a juvenile, the juvenile offender's parent(s).
  - If the juvenile offender is in foster care, the juvenile offender's Attorney Ad Litem.
  - The Public Defender, if one is appointed.
  - The Juvenile Division of the Circuit Court if there is a true finding of sexual abuse perpetrated by a child under the jurisdiction of the court.
  - Any appropriate licensing or registering authority.
  - If the allegation is true, ensure the CFS-312A or B is delivered by either a process server or certified mail with restricted delivery. This applies to each separate recipient.
- Provide information to the following individuals regarding the investigative determination and the services that were offered or provided via the (CFS-307):
  - The mandated reporter who provided the initial report of suspected child abuse.
  - The school counselor where the maltreated child attends school.
  - The people and agencies that provide services, upon their request.
- Complete, print and route "Notice to Local Education Agency (LEA) of Child Maltreatment" (CFS-311) if the determination is true on a school-aged child. Do not send the CFS-311 to the LEA on underaged juvenile aggressors exempted from a true finding. The notice to the school on all true reports of child maltreatment shall identify the name and relationship of the offender to the victim. DHS shall also provide the local school counselor a report indicating all true reports on juveniles aged ten (10) or older named as offenders, and the services offered or provided by the Department to the juvenile. Information provided to LEA, on a true report, shall be treated as confidential and included as part of the child's permanent educational record. The information shall be treated in the same manner as educational records are treated under the Family Educational Rights and Privacy Act, 20 U.S.C. §1232g.

- If the investigative determination is true and the victim or offender is in foster care, notification (via the CFS-312 A or B) of the determination shall be provided to:
  - The Juvenile Division of the Circuit Court judge;
  - The Juvenile Division court-appointed attorneys ad litem of the victim and offender;
  - Court Appointed Special Advocates if appointed in an open dependency-neglect case; and
  - The custodial/non-custodial parent(s) of the victim or offender who is in foster care.

### **PROCEDURE (II-E9): Situations Involving Non-Caretaker, Domestic Violence, Family Moving, Multi-County Assessments, and Unlicensed Baby-sitters**

The County Supervisor will:

- Inform the non-offending caretaker of the right to file a petition in accordance with the "Domestic Abuse Act," Ark. Code Ann. § 9-15-101 et seq. in Circuit Court to have the offender removed from the home.
- Notify other state or county Child Protective Services if the family moves before the assessment is complete.
- Notify Division of Child Care and Early Childhood Education if the alleged offender is an unlicensed baby-sitter who is keeping more than five children, including the baby-sitter's own pre-school children.

When more than one county assesses a report:

- The Family Service Worker of the primary county (where the child resides) will interview and complete the "Investigation" portion of CHRIS.

### **PROCEDURE (II-E10): Protective Custody of Child in Immediate Danger**

The Family Service Worker will:

- Take the child into Protective Custody for up to 72 hours if the circumstances of the child present an immediate danger of severe maltreatment. The child's health and safety will be of paramount concern.

A 72 hour hold can be exercised on any child who is dependent as defined by the Arkansas Juvenile Code of 1989, § 9-27-301 et. Seq. (See Glossary for definition of "Dependent".)

In cases where domestic abuse is involved (see glossary for definition of Domestic Abuse) any adult family/household member may file a petition for an order of protection on behalf of another family or household member, including a married minor. If a minor child's safety is a concern and the parent does not file an order of protection, the Family Service Worker should contact OCC to determine appropriate legal action. (One legal option is to petition the court for an order of less than custody.) The worker should thoroughly review the Health and Safety Assessment and Risk Assessment and ensure that a safety plan is in place for a child before leaving a child in a home when an order for protection is filed.

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

- Notify the OCC attorney immediately that Protective Custody was exercised and request an ex parte emergency order from the court.
- Make a determination whether to recommend to the court that reunification services should not be provided to reunite the child with his family (see Policy VI-A). If the court determines that reunification services shall not be provided, a permanency planning hearing will be held within thirty (30) days after the determination. It is not required that a permanency planning hearing be held as a prerequisite to the filing of a petition to terminate parental rights, or as a prerequisite to the court considering a petition to terminate parental rights.
- Determine whether the grandparents have the right to notice and an opportunity to be heard. In a child custody or dependency-neglect case, grandparents have this right if all the following conditions are present:
  - The grandchild resided with the grandparent for at least 6 consecutive months prior to the child's first birthday or lived with the grandparent for at least one continuous year regardless of age;
  - The grandparent was the primary financial caregiver during the time the child resided with the grandparent; and
  - The continuous custody occurred within one year of the initiation of the custody proceeding.

Note: "Grandparent" does not mean a parent of a putative father of a child for the purpose of this determination.

- Provide the OCC attorney with the name and address of any grandparent who is entitled to notice based on the above conditions.
- Prepare an affidavit immediately and give it to the OCC attorney.
- Have the child thoroughly examined by a physician within 24 hours of removal. The Family Service Worker may consent for medical and dental services during Protective Custody.
- Place the child in an appropriate licensed or approved placement. Place a child in a Provisional Relative Foster Home if a relative is identified and it is in the best interest of the child. A child may be placed in the home of a relative on a provisional basis for up to six (6) months pending the relative's home being opened as a regular foster home. If the relative opts to have his or her home opened as a Provisional Foster Home, the relative shall not be paid a board payment until the relative meets all of the foster home requirements and is opened as a regular foster home. See Policy VI-A, Procedure VI-A1 "Out-Of-Home Placement Criteria", VI-J and VI-J1 Out-Of-Home Placement Non-Custody Relative Placement.

NOTE: The child is in the custody of the department, therefore, the child shall remain in an approved foster home or licensed shelter or facility, until the relative's home is opened as a provisional home. It is permissible for a child to be placed on a 72 hour hold in an approved Provisional Relative Foster Home.

- Conduct a review of the home that will include a visual inspection of the home, an expedited Central Registry Check, and expedited criminal and local background check and a vehicle safety check. All criminal background checks for Provisional Relative Foster Homes must be submitted to the DCFS Foster Care Unit by completing the CFS 342A (Foster Care Criminal Record Check). To receive expedited results the CFS-342A can be faxed to the Foster Care Unit, however, the fax must be accompanied by an email to the Foster Care Unit verifying that there is an original notarized copy of the CFS-342A in the possession of the Division. There is no fee for criminal background

checks for Provisional Relative Foster Homes. The CFS-474 "Provisional Foster Home Orientation Checklist" must be completed and signed when a child is placed in a Provisional: Relative Foster Family Home. When a child is placed in a provisional relative foster home for a 72 hour hold the family must acknowledge that they will not allow the alleged perpetrator access not supervised by the Division until the investigation is completed and will not allow any contact with the alleged offender that is not approved or authorized by the Division or the court after the investigation is completed (if found true).

The child(ren), if age appropriate, should also be interviewed about the placement with the relative to determine how the child feels about the placement.

- Non-relative placements, other than approved foster homes or residential care facilities, are not permissible until opened as a regular approved foster home or unless the court gives custody after a written home evaluation is completed. (See Procedure VI-A1 "Out-of-Home Placement Criteria" and Policy VII-A "Foster Parent Training, Approval and Re-evaluation.")
- Notify the Intake Officer of the Juvenile Division of Circuit Court.
- Complete and route "Protective Custody/Parental Notification" (CFS-323).
- Open an Out-of-Home Placement case.
- Return the child to the legal custodian if the emergency necessitating Protective Custody passes or if the judge does not grant custody to the Department. Protective Custody cannot be extended. Complete the "Expiration of Protective Custody/Parental Notification" (CFS-336) and provide to the parent. If the parent refuses to accept custody of the child, an emergency petition should be filed.
- Notify the OCC attorney immediately if the child returns home.
- Close the Out-of-Home Placement case.
- Determine whether to open a non-court involved Protective Services case or initiate a petition for dependency/neglect.

All hearings involving allegations and reports of child maltreatment, and all hearings involving cases of children in Out-of-Home placements shall be closed.

### **PROCEDURE (II-E11): Crimes Against Children Division (CACD) Investigations of Child Maltreatment Reports**

The Arkansas State Police Crimes Against Children Division will conduct Child Maltreatment Investigations for the following:

- Any placement managed, approved or licensed by DHHS for the care of children including:
  - Day care homes,
  - DHHS foster homes,
  - Residential facilities, and
  - Pre-Adoptive homes.
- Allegations of maltreatment involving DHHS employees
- Allegations of child maltreatment in school settings
- Allegations of child maltreatment in placement resources

NOTE: In accordance with Act 758 of 2003, on request by the investigating agency, any school, day care center, child care facility, residential facility, residential treatment facility, or similar institution shall provide the investigator with the name, date of birth, social security number, and last known address and phone number of any alleged offender if the alleged maltreatment occurred at that school, center, or facility.

NOTE: In conducting investigations where the offender is out of the home, it is not necessary to interview siblings of victims in these cases, unless they may have collateral information or have been within the access of the offender. Children residing in the home of the offender must be interviewed.

- Child maltreatment allegations on the following Priority I reports:
  - Abuse with a deadly weapon,
  - Bone fractures,
  - Brain damage/skull fracture,
  - Burns, scalding,
  - Cuts/bruises/welts if the victim is under age three (3) and the report comes from the medical community or law enforcement,
  - Death,
  - Failure to protect, only if it is the initial investigation of a new allegation that the offender failed to protect the child from sexual abuse,
  - Immersion/suffocation,
  - Indecent exposure,
  - Permitting, encouraging, or forcing a child to watch pornography or live sexual performances,
  - Internal injuries,
  - Oral sex,
  - Poison/ noxious substances,
  - Sexual contact,
  - Sexual exploitation,
  - Sexual penetration, and
  - Subdural Hematoma.

The Crimes Against Children Division will complete the Health and Safety Assessment (CFS-6025) in accordance with Procedure II-E3. The agreement between DHHS and the Arkansas State Police requires that the Crimes Against Children Division (CACD) must comply with all applicable state and federal laws.