



Division of Medical Services
Legislative & Intergovernmental Affairs
Policy Coordination & Promulgation

P.O. Box 1437, Slot S295 · Little Rock, AR 72203-1437
501-320-6428 · Fax: 501-404-4619



December 10, 2018

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
Bureau of Legislative Research
One Capital Mall, 5th Floor, Room R-516
Little Rock, AR 72201

Re: POLICY II-D: Investigation of Child Maltreatment Reports
POLICY II-F: Team Decision Making
POLICY VII-K: Maltreatment Allegations Made in Out-of-Home Placements

Dear Ms. Vickers-Smith:

Please place the Division of Child and 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 14 – October 13, 2018.

Enclosed are copies of the Questionnaire, Summary of Changes, Financial Impact Statement and Rule.

If you have any questions or comments please do not hesitate to contact Becky Murphy, Program Administrator, Division of Medical Services, Office of Rules Promulgation at 501-320-6429 or emailing becky.murphy@dhs.arkansas.gov.

Sincerely,

A handwritten signature in cursive script that reads "Mischa Martin".

Mischa Martin
Director

Attachments

**QUESTIONNAIRE FOR FILING PROPOSED RULES AND REGULATIONS
WITH THE ARKANSAS LEGISLATIVE COUNCIL**

DEPARTMENT/AGENCY Department of Human Services
DIVISION Division of Children and Family Services
DIVISION DIRECTOR Mischa Martin
CONTACT PERSON Christin Harper
ADDRESS P.O. Box 1437, Slot S-568, Little Rock, AR 72203
PHONE NO. 501-682-8541 FAX NO. 501-683-4854 E-MAIL Christin.harper@dhs.arkansas.gov
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, 5th Floor
Little Rock, AR 72201**

1. What is the short title of this rule? Child Maltreatment Investigative Actions and Programs

To provide additional guidance to staff regarding actions to occur during child maltreatment investigations, including referrals of families to Team Decision Making meetings, when applicable, & policy regarding reports of maltreatment in foster homes.

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 II-D: Investigation of Child Maltreatment Reports

- o Remove obsolete form references and make edits to the policy for general organizational improvement purposes;
- o More clearly outline child maltreatment investigation interview requirements per A.C.A. § 12-18-605;
- o Provide clarification to existing practices regarding actions included in protection plans and information to accompany the request for DHS to file a dependency-neglect petition in relation to a protection plan;
- o Specify requirements for protection plans in place for more than 30 days per A.C.A. § 12-18-1001 and case plan requirements for any dependency-neglect petition filed with the court per A.C.A. § 9-27-402
- o Clarify responsible parties within DCFS for sending various investigative notices.

POLICY II-F: Team Decision Making

- o Standardize the timeframe in which a Team Decision Making must be held regardless of the reason for which a family is referred for a Team Decision Making Meeting;
- o Add references to the requirement to formally reassess protection plans within 30 days per A.C.A. § 12-18-1001; and,
- o Clarify existing referral criteria and meeting logistics.

POLICY VII-K: Maltreatment Allegations Made in Out-of-Home Placements

- o Provide more guidance regarding implementing corrective action plans for foster homes, as appropriate;
- o Formalize the role of the Resource Family Review Committee regarding consideration of open foster homes that have had a child maltreatment report; and,
- o Specify actions and considerations for foster homes involved in a child maltreatment investigation at various points throughout a child maltreatment investigation and depending on the outcome of a child maltreatment allegation.

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).

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 13, 2019

11. What is the proposed effective date of this proposed rule? (Must provide a date.)
January 1, 2019

12. Please provide a copy of the notice required under Ark. Code Ann. § 25-15-204(a), and proof of the publication of said notice. Contingent upon Governor's Office approval

13. Please provide proof of filing the rule with the Secretary of State and the Arkansas State Library as required pursuant to Ark. Code Ann. § 25-15-204(e). Contingent upon Governor's Office approval

14. 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 or persons who may comment.

FINANCIAL IMPACT STATEMENT

PLEASE ANSWER ALL QUESTIONS COMPLETELY

DEPARTMENT Department of Human Services

DIVISION Division of Children and Family Services

PERSON COMPLETING THIS STATEMENT Christin Harper

TELEPHONE 501-682-8541 FAX 501-683-4854 EMAIL: Christin.harper@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 Child Maltreatment Investigative Actions and Programs

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;

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

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

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

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	0
Federal Funds	0
Cash Funds	0
Special Revenue	0
Other (Identify)	0
Total	0

Next Fiscal Year

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

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

Current Fiscal Year

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

Next Fiscal Year

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

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

\$ 0

Next Fiscal Year

\$ 0

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

\$ 0

Next Fiscal Year

\$ 0

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.

Lakeya Gipson

From: Jami Triplett <jami.triplett@sos.arkansas.gov>
Sent: Tuesday, September 11, 2018 1:16 PM
To: Lakeya Gipson; Arkansas Register
Cc: Thomas Herndon; Becky Murphy; Isaac Linam; Dave Mills
Subject: RE: DHS/DCFS/Purposed filing- Child Maltreatment Investigative Actions and Programs

[EXTERNAL]

Thank you Lakeya,
We will get these entered today.

Jami Triplett

Arkansas Secretary of State
Elections Division
501-682-3476

From: Lakeya Gipson <Lakeya.Gipson@dhs.arkansas.gov>
Sent: Tuesday, September 11, 2018 1:09 PM
To: Arkansas Register <ArkansasRegister@sos.arkansas.gov>
Cc: Thomas Herndon <Thomas.Herndon@dhs.arkansas.gov>; Becky Murphy <Becky.Murphy@dhs.arkansas.gov>; Isaac Linam <Isaac.Linam@dhs.arkansas.gov>; Dave Mills <Dave.Mills@dhs.arkansas.gov>
Subject: DHS/DCFS/Purposed filing- Child Maltreatment Investigative Actions and Programs

The public notice will run September 14th 15th and 16th the comment period will end October 13th.

Let me know if you need anything else.

Thank you,

Lakeya Gipson

Office of Policy Coordination & Promulgation
Office of Legislative & Intergovernmental Affairs
P.O. Box 1437 Slot S295
Little Rock, AR 72203-1437
Phone: 501-320-6428
Fax: 501-404-4619
Email: Lakeya.Gipson@DHS.arkansas.gov

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Lakeya Gipson

From: legalads@arkansasonline.com
Sent: Tuesday, September 11, 2018 12:55 PM
To: Lakeya Gipson
Subject: Re: Full Run Ad

[EXTERNAL]
Thanks. Will run Fri 9/14, Sat 9/15, and Sun 9/16.

Gregg Sterne, Legal Advertising
Arkansas Democrat-Gazette

From: "Lakeya Gipson" <Lakeya.Gipson@dhs.arkansas.gov>
To: "legalads@arkansasonline.com" <legalads@arkansasonline.com>
Sent: Tuesday, September 11, 2018 12:51:14 PM
Subject: Full Run Ad

Please run this notice for three consecutive days – September 14, 15 and 16.

Thank you,

Invoice to: AR Dept. of Human Services
Accounts Payable, Slot W406
PO Box 8068
Little Rock, AR. 72203-8068
682-6565

Lakeya Gipson
Office of Policy Coordination & Promulgation
Office of Legislative & Intergovernmental Affairs
P.O. Box 1437 Slot S295
Little Rock, AR 72203-1437
Phone: 501-320-6428
Fax: 501-404-4619
Email: Lakeya.Gipson@DHS.arkansas.gov

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PROTECTED HEALTH INFORMATION NOTICE PRIVACY WARNING "Confidentiality Notice: The information contained in this e-mail message and any attachments is the property of the State of Arkansas and may be protected by state and federal laws governing disclosure of private information. It is intended solely for the use of the entity to whom this e-mail is addressed. If you are not the intended recipient, you are hereby notified that reading, copying, or distributing this transmission is STRICTLY PROHIBITED. The sender has not waived any applicable privileges by sending the accompanying transmission. If you have received this transmission in error, please notify the sender by return email and delete the message and attachments from your system."

Summary of Child Maltreatment Investigative Actions and Programs

To provide additional guidance to staff regarding actions to occur during child maltreatment investigations, including referrals of families to Team Decision Making meetings, when applicable, and policy regarding reports of maltreatment in foster homes.

POLICY II-D: Investigation of Child Maltreatment Reports

- Remove obsolete form references and make edits to the policy for general organizational improvement purposes;
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POLICY II-D: Investigation of Child Maltreatment Reports

102/20159

OVERVIEW

All reports of known or suspected child maltreatment are promptly investigated and immediate steps are taken to protect a maltreated child and any other child under the care of the same alleged offender who may also be in danger of maltreatment. The health and safety of the child are always of paramount concern.

While the Division of Children and Family Services (DCFS) is responsible for ensuring the health and safety of children in Arkansas, the Arkansas State Police Crimes Against Children Division (CACD) collaborates with DCFS to conduct investigations of child maltreatment allegations. DCFS and CACD will assess Priority I and Priority II referrals as outlined in the "Agreement Between the Department of Human Services and the Arkansas State Police," which is posted on CHRIS Net and is subject to renewal annually. To determine the individual responsibilities and operational protocol of the two agencies, see the specifics of the agreement. The agreement is written in accordance with Act 586 of 2007, the Governor's Executive Order, and all applicable federal and state laws.

DCFS and CACD, as appropriate, will issue notices regarding child maltreatment allegations to all persons pursuant to § A.C.A. 12-18-501 et seq. The Division will issue notices in such a way as to ensure the rights to due process of the alleged offender and to protect others who may be at risk of harm from the alleged offender. For more information on child maltreatment notices, see Policy XIV-A: Notices Regarding Child Maltreatment and related procedures.

INVESTIGATION INITIATION TIMEFRAMES

All Priority I investigations will begin no later than 24 hours after receipt of a report by the Hotline, excluding:

- A. An allegation of sexual abuse if the most recent allegation of sexual abuse was more than one year ago; or,
- B. An allegation of sexual abuse if alleged victim does not currently have contact with the alleged offender.

While an allegation that a child has been subjected to neglect as defined by Garrett's Law § 12-18-103(14)(B) is defined as a Priority II investigation, all Garrett's Law investigations must also be initiated within 24 hours after receipt of a report by the Hotline per A.C.A. § 12-18-602(b)(2)(B).

All other child maltreatment investigations reports will begin within 72 hours after receipt of a report by the Hotline. Investigations are considered initiated when, as age appropriate, the investigator conducts a face-to-face interview with the alleged victim outside the presence of the alleged offender or observes the alleged victim outside the presence of the alleged offender, or the investigator has otherwise met due diligence (see Procedure II-D3 for more information). Once the investigation has begun, the primary focus will be to determine whether or not the alleged offender has access to the child and whether the child or any other children as well as any elderly persons or individuals with a disability or mental illness with whom the alleged offender works are at risk such that they need to be protected.

NOTICE OF ALLEGATION

The investigative agency at the local level is responsible for providing the notice of allegation to all applicable parties as outlined in Procedure XIV-A1: Notices of Allegations of Child Maltreatment.

AT RISK DETERMINATIONS

Upon initiation the investigative agency must determine:

- A. Alleged offender's employer, including the physical address;

- B. Alleged offender's job duties at his employment; and,
- C. Alleged offender's supervisor.

In addition to gathering the information above, the investigative agency must also gather any other necessary information to determine if the alleged offender:

- A. Works with children or is otherwise engaged in paid or volunteer child-related activities;
- B. Works with the elderly;
- C. Works with an individual with a disability or mental illness; or,
- D. Is a juvenile (and therefore has access to other juveniles in a school or similar setting).

If so, the investigative agency must immediately ascertain the name and address of the person in charge of those activities. The investigative agency must then immediately determine whether or not children, the elderly, or individuals with disabilities or mental illness under the care of the alleged offender appear to be at risk of maltreatment by the alleged offender.

The investigative agency supervisor and Area Director (as applicable) may consult with the Office of Chief Counsel (OCC)PLS as necessary, prior to making a determination as to whether children, the elderly, or individuals with disabilities or mental illness appear to be at risk. If the investigative agency determines children, the elderly, or individuals with disabilities or mental illness under the care of the alleged offender are at risk of maltreatment by the alleged offender, then the investigative agency may notify the people and/or entities listed below of the hotline report if the DCFS Director or designee approves the at risk determination and gives written approval to the investigative agency to provide notifications of the at risk determination to:

- A. The alleged offender's employer;
- B. The school superintendent, principal, or a person in an equivalent position where the alleged offender is employed;
- C. The person in charge of a paid or volunteer activity; and,
- D. The appropriate licensing or registering authority to the extent necessary to carry out its official responsibilities.

See Procedure XIV-A2 for number of notification form and other specific instructions regarding providing at risk notifications to the persons and/or entities listed above.

The "at risk" determination will be changed immediately if, upon further investigation, it is determined the children under the care of the alleged offender are not at risk. See Procedure XIV-A3 for more information.

OVERALL INVESTIGATION GOALS

During the investigation of an allegation of child maltreatment, and if the alleged offender is a family member, or lives in the home of the alleged victim, the assigned investigative agency will conduct an investigation to determine:

- A. The existence, cause, nature and extent of child maltreatment with particular attention to any of the Arkansas Health and Safety factors that may be present. The Arkansas Health and Safety Factors are:
 - 1) Caretaker's behavior toward child is violent or out of control.
 - 2) Caretaker describes or acts towards the child in predominantly negative terms or has extremely unrealistic expectations.
 - 3) Caretaker caused serious physical injury to child or made plausible threat to cause severe physical injury.
 - 4) Caretaker's explanation for injury is unconvincing.
 - 5) Family refuses access to child there is reason to believe that family is about to flee, or child's whereabouts cannot be ascertained.
 - 6) Caretaker has not, cannot, or will not provide supervision necessary to protect child from potentially dangerous harm.
 - 7) Caretaker is unwilling or unable to meet child's needs for food, clothing, shelter, and/or medical or mental health care.

- 8) Child is fearful of caretaker, other family members, or other people living in or having access to the home.
 - 9) Child's physical living conditions are hazardous and immediately threatening, based on child's age and developmental status.
 - 10) Child sexual abuse is suspected and circumstances suggest that child safety may be an immediate concern.
 - 11) Caretaker's current substance use seriously affects his/her ability to supervise, protect, or care for the child.
 - 12) Caretaker fails to protect child from serious physical or threatened harm.
 - 13) Caretaker's emotional stability seriously affects current ability to supervise, protect, or care for child.
 - 14) Caretaker has previously maltreated a child and severity of maltreatment or caretaker's response to previous incidents suggest child safety may be an immediate concern.
- B. The existence and extent of previous injuries; and,
 - C. The names and conditions of other children in the home.

If the alleged offender is not a family member or does not live in the home of the alleged victim, the assigned investigative agency will conduct an investigation to determine:

- A. The existence, cause, nature, and extent of child maltreatment with particular attention to any of the Arkansas Health and Safety Factors that may be present (see above for list of the fourteen Arkansas Health and Safety Factors);
- B. The identity of the person responsible for the maltreatment; and,
- C. The existence and extent of previous maltreatment perpetrated by the alleged offender.

In addition to the other information described in this section (i.e., Overall Investigation Goals), the assigned investigative agency will also attempt to determine:

- A. The identity of the person responsible for the maltreatment;
- B. The relationship of the children with the parents or caretakers and their circumstances;
- C. The child's environment in terms of risk and protective factors; and,
- D. All other pertinent information.

Ultimately, the information described above that is collected during the fact-finding phase of the child maltreatment investigation allows the Division to determine:

- A. If services are necessary to assist the family and allow the child to remain safely at home (per A.C.A. §12-18-604, the Department has the authority to make referrals or provide services during the course of the child maltreatment investigation);
- B. If separation of the child from the family is necessary to protect the health and safety of the child; and,
- C. Whether there is a preponderance of the evidence (see Appendix I: Glossary) to support the report.

If at any time before or during an investigation it is determined that the alleged offender is not a caretaker of a child and the alleged victim has reached 18 years of age prior to notification the child maltreatment investigation shall be closed, notwithstanding any criminal investigation.

REASONABLE EFFORTS TO PREVENT REMOVAL

Throughout the investigation the Division will ensure reasonable efforts are made to preserve the family and to prevent the need to remove the child from the home unless the health and safety of the child warrant immediate removal for the protection of the child. When the investigative agency's first contact with the family has occurred during an emergency in which the child could not safely remain at home, even with reasonable services being provided, the Division will be deemed to have made reasonable efforts to prevent or eliminate the need for removal.

INVESTIGATION COMPONENTS

The child maltreatment investigation will consist of, but is not limited to, completion of a Health and Safety Assessment and interviews with:

- A. Alleged victim;
- B. Parents, both custodial and non-custodial;
- C. If neither parent is the alleged offender, the alleged offender;
- D. Current or past healthcare providers when the allegation of child maltreatment was reported by a healthcare provider; and,
- E. Any other relevant collaterals.
~~appropriate parties (i.e., alleged victim, any siblings of the victim or other children under the care of the alleged offender, the non-offending parent, the alleged offender, and collaterals as appropriate) and completion of the Health and Safety Assessment.~~

DCFS staff are encouraged to bring child victims of Priority I reports involving sexual abuse, physical abuse, neglect, and witness to violence to the nearest Child Safety Center for the interview whenever available and appropriate. In some cases, it may also be appropriate to bring child victims of certain Priority II maltreatment reports to the nearest Child Safety Center for the interview..

The Health and Safety Assessment is designed to:

- A. Identify Arkansas Health and Safety Factors in the home which affect the child's immediate health and physical well-being.
- B. Guide the Family Service Worker (FSW) in determining whether or not the child can remain safely in the home.
- C. Serve as a structured decision-making tool. For example, information collected on the Health and Safety Assessment can be used to document reasonable efforts or aggravated circumstances. It can also be used to assist in completing the court report, and at important case decision points, or when there are major changes in case circumstances.
- D. Assess the child's health and safety at placement changes if the child is removed from the home.

If the alleged offender is identified as a parent or primary caregiver, the ~~CFS-6025~~ Health and Safety Assessment in the Children's Reporting Information System (CHRIS) will~~should~~ be completed based on the conditions present when the child and the parent or primary caregiver are together in the home. Children ages 0-6, children with developmental disabilities or children who have been repeatedly victimized shall be considered especially vulnerable.

Information to complete the Health and Safety Assessment will be gathered during the child maltreatment interviews. All interviews and the entirety of the Health and Safety Assessment must be completed by the investigator within 30 calendar days of the receipt of the child maltreatment report. The Health and Safety Assessment must be approved by the FSW Supervisor within 45 calendar days of the receipt of the child maltreatment report.

The Health and Safety Assessment is comprised of three components~~sections~~:

- A. Health and Safety Checklist
- B. Safety Planning
- C. Investigation Risk Assessment

The Health and Safety Assessment cannot be closed until both the Health and Safety Checklist and Safety Planning screens are completed.

A description of each of the Health and Safety Assessment sections and their associated actions during an investigation follows:

Health and Safety Checklist

The Health and Safety Checklist is the first component of the Health and Safety Assessment. It contains the fourteen Arkansas Health and Safety Factors (hereinafter referred to as "safety factors"). Upon the investigation initiation, the primary investigative agency will assess whether or not any of the fourteen safety factors are present. The presence or absence of safety factors must be documented by the primary investigative agency in the Health and Safety Checklist screen in CHRIS within ~~two~~⁴⁸ business day~~s~~ hours of the investigation initiation, ~~excluding weekends and holidays~~. Every subsequent contact with the family should also include an assessment for any safety factors; however, the Health and Safety Checklist is only completed again in the event that additional safety factors are identified and/or facts change.

If CACD is assigned primary on an investigation and, after interviewing the alleged victim, identifies the need for DCFS to complete a safety assessment~~identifies one or more of the safety factors~~, the CACD investigator will immediately contact DCFS to ~~conduct the~~^{conduct the remaining components of} the Health and Safety Assessment (Safety Planning and Investigation Risk Assessment) as appropriate. DCFS will then be assigned as the secondary investigator on that particular investigation.

If CACD is assigned primary on an investigation and does not identify the need for DCFS to conduct a safety assessment~~any safety factors~~, the CACD investigator is responsible for completing the Investigation Risk Assessment if the allegation is found true and an in-home or out-of-home case will be opened.

If DCFS is assigned primary on an investigation, DCFS will complete all components of the Health and Safety Assessment as appropriate regardless of whether safety factors are identified. The identification of the presence or absence of safety factors is critical to safety planning.

Safety Planning

Safety Planning is the second component of the Health and Safety Assessment. Safety planning requires specific actions to be taken to ensure a child's safety during the course of an investigation. If a safety factor is identified, there are only two ~~options~~^{basic alternatives} to implement during the safety planning process:

- A. Develop a protection plan to mitigate the identified safety factors to allow the child remain safely in the home; or,
 - B. ~~Remove the child from the home and take protective custody.~~
- B. ~~The Safety Planning screen in CHRIS documents the actions taken to ensure a child's safety during the course of an investigation.~~

These two options are described below:

1) Protection Plans

Protection Plan Development and Content

When any safety factors are present, a protection plan must be developed to address each identified safety factor if the child will remain in the home. A protection plan is a written plan developed by DCFS staff in conjunction with the family to address identified safety factors. The actions and any services needed to address safety factors contained in a protection plan will depend on the dynamics of a particular investigation (and/or case) and the family involved. This documentation describing the actual use or consideration of using protecting interventions establishes reasonable efforts to prevent removal of the child from the home.

Regardless of the actions included in a protection plan, protection planning is a process that occurs with the family and may include the family's selected support network. Protection planning and oversight on the part of the Division continues throughout involvement with the family as long as safety factors are present. The plan must be sufficient to manage and control safety factors based on a high degree of confidence that it can be implemented, sustained, and closely monitored by DCFS (see below for more information). The Division will assure that the roles and responsibilities of the protection plan are clearly described to and discussed with the person providing those services.

A protection plan must be developed and receive DCFS supervisory approval prior to DCFS staff leaving the home. The protection plan serves as a written agreement between the Division and the family. As such, a copy of the plan will be provided to the caregiver and to other members participating in the plan prior to the investigator leaving the home.

However, protection plans may not:

- a) Make a change to the current physical and/or legal custody arrangement of the child; or,
- b) Otherwise limit the right of a parent or legal custodian to visit/have access to his or her child, including supervised visits,

unless a dependency-neglect petition is first filed with the court to address identified safety factors and a corresponding court order is obtained to make a change to the current custody arrangements or otherwise limit the right of a parent or legal custodian to have access to his or her child. An alternate method of ensuring child safety must be implemented until the required court order is issued to alter custody or visitation arrangements.

To file a dependency-neglect petition to ensure a child's safety in the home, the FSW will contact OCC immediately (or at the start of the next business day if the safety assessment occurred after hours or on the weekend) to request OCC to file the appropriate petition. It is crucial that the FSW Investigator, with support from his or her supervisor, determines exactly what the Division is requesting the court to order, if applicable, to address the identified dependency-neglect issues (i.e., safety factors).

If the requested court order is issued, the FSW Investigator will then craft a corresponding protection plan that reflects the orders of the court as well as any other actions or information that need to be included in the protection plan to ensure child safety. The FSW Investigator will then thoroughly explain the contents of the protection plan to the caregivers and other individuals who may be a part of the protection plan.

~~The protection plan must be developed and receive DCFS supervisory approval prior to DCFS staff leaving the home. The protection plan serves as a written agreement between the Division and the family. As such, a copy of the plan will be provided to the caregiver and to other members participating in the plan prior to the investigator leaving the home.~~ Order of Less Than Custody

An order of less than custody is one action that could potentially be included in a protection plan (once the order is issued), if appropriate. An order of less than custody legally restricts the alleged offender from contact with the child while allowing the child to remain in the home with the non-offending custodian (if the non-offending custodian is already a legal custodian of the child) as part of the protection plan.

In addition to the situation above in which the non-offending custodian is the legal custodian of the child and wants to restrict the alleged offender's access to the child, orders of less than custody may also be applicable to situations in which:

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

The Division will thoroughly assess for safety factors (to be documented in the Health and Safety Checklist) to ensure that a protection plan is in place for a child before leaving that child in a home where DCFS has petitioned the court for an order of less than custody.

To file a dependency-neglect petition to obtain an order of less than custody, the FSW will contact OCC immediately to request OCC to file the appropriate petition.

Protection Plan Documentation

The Safety Planning screen in CHRIS documents the actions taken to ensure a child's safety during the course of an investigation. If a protection plan is developed, it must be documented in the Safety Planning screen in CHRIS within two business days of the investigation initiation.

If any other actions were taken or services put in place to ensure safety of the child victim or other children in the home, then these activities must also be documented in the Safety Planning screen in CHRIS within two business days.

Protection Plan Monitoring and Assessment

All protection plans will be monitored via an initial face-to-face contact with the family (to include alleged victim(s), alleged offender(s), and any other children in the home) within at least 72 hours and then via a minimum of weekly, at a minimum, face-to-face contact for the remaining life of the protection plan.

While the health and safety of the child is always assessed each time the Division comes into contact with the child, per A.C.A. 12-18-1001(d)(2)(A)-(B), ~~and formally reassessed for safety concerns within 30 days of the initial implementation date.~~ the health and safety of the child and any corresponding protection plan will be formally reassessed within 30 days of the date on which the protection plan was implemented. If after this formal reassessment is performed, the Division determines that a substantial risk of harm to the health and safety of the child remains and that the protection plan must stay in place to ensure the health and safety of the child, then the Division will file a petition for dependency-neglect (however, note that the Division may file a petition for dependency-neglect at any point to if needed to ensure the health and safety of the child) ~~Protection plans which remain in place to address safety concerns 30 days after initial implementation will require the FSW to provide an affidavit to the local OCC for ing as a petition for dependency neglect unless the parent, guardian or custodian is not:~~

- The alleged offender; or,
- A. _____
- B. Alleged to have failed to protect the juvenile.

If a case connect has already occurred, then the assigned FSW Caseworker and FSW Investigator who implemented the protection plan will collaborate to reassess the protection plan and provide the affidavit and a copy of the CFS-200: Protection Plan to OCC to file any necessary petitions for dependency-neglect at 30 days.

~~Protection plans may not be used in circumstances which: Make a Affidavits related to a protection plan for which a 30 day petition will be filed must be submitted to the local OCC attorney within three business days of the implementation of the protection plan. The only exception is for those counties in which Team Decision Making (TDM) is implemented. For TDM counties, the affidavit will be completed after the TDM meeting is held. The affidavit must be submitted within two business days of the conclusion of the Team Decision Making meeting.~~

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

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

Possible Protection Plan Actions:

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

Order of Less Than Custody

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

~~In addition to the situation above in which the non-offending custodian is the legal custodian of the child and wants to restrict the alleged offender's access to the child, orders of less than custody may also be applicable to situations in which:~~

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

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

~~The Division shall thoroughly assess for safety factors (to be documented in the Health and Safety Checklist) to ensure that a protection plan is in place for a child before leaving that child in a home where DCFS has petitioned the court for an order of less than custody.~~

Case Opening, Assessment, and Case Plan as a Result of a Protection Plan Filed with the Court

~~In accordance with A.C.A. , all petitions filed with the court must have a corresponding case plan filed with the court within 30 days. For a petition filed as the result of a protection plan, a protective services case will be opened in order to fully assess the family and provide needed services via the case plan. a corresponding case plan will be filed with the court within 30 days per A.C.A. § 9-27-402.~~

~~The assigned FSW investigator will continue to monitor the protection plan until it is no longer needed. The assigned FSW caseworker will complete the Family Advocacy and Support Tool (FAST) in collaboration with the family, FSW investigator, and other appropriate stakeholders (see Policy IV-A: Family Assessments for more information regarding the FAST). The FSW Caseworker will also have the primary responsibility of developing the case plan with the family and ensuring the implementation of the case plan (see Policy IV-B: Services Case Plans for more information).~~

Order of Protection

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

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

~~Regardless of the actions included in a protection plan, protection planning is a process that occurs with the family and may include the family's selected support network. However, protection planning is ultimately the responsibility of DCFS and cannot be delegated to the family, supports, or treatment providers. Protection planning and oversight on the part of the Division continues throughout involvement with the family as long as safety factors are present. The plan must be sufficient to manage and control safety factors based on a high degree of confidence that it can be implemented, sustained, and closely monitored by DCFS. The Division will assure that the roles and responsibilities of the protection plan are clearly described to and discussed with the person providing those services.~~

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

~~If a reasonable protection plan cannot be developed, then the child must be removed and placed in an approved placement (see below for more information regarding protective custody). Removal must also be documented in the Safety Planning screen in CHRIS within two~~48~~ business days~~hours~~, excluding weekends and holidays, of the act of removal of the child.~~

~~If any other actions were taken or services put in place to ensure safety of the child victim or other children in the home, then these activities must also be documented in the Safety Planning screen in CHRIS within 48 hours of the investigation initiation, excluding weekends and holidays.~~

~~If there are risk factors and/or evidence that maltreatment has occurred, but no safety factors are present, then neither a protection plan nor removal of the child is necessary at that point in time. When no safety factors are present, per A.C.A. § 12-18-1009, the parents retain the right to keep the child at home or to place the child outside the home. However, as appropriate, the FSW investigator may make referrals or provide services during the course of the child maltreatment investigation to address any risk factors. All referrals made and/or services provided during the course of the child maltreatment investigation shall be documented in the Service Log and Investigation Finding~~contact~~ screen in CHRIS.~~

2) Protective Custody

If a safety factor is identified in the home and it cannot be mitigated with the implementation of a protection plan, the Division must remove the child from the home and take protective custody. This requirement applies to any point during a child maltreatment investigation or open case when the health and physical well-being of a child are in immediate danger. When a child is taken into protective custody, the child shall be placed in an appropriate licensed or approved placement. This may include an identified relative or fictive kin (fictive kin means a person selected by the Division of Children and Family Services who is not related to the child by blood or marriage, and has a strong, positive, and emotional tie or role in the child's life or the child's parent's life if the child is an infant) home if it is in the best interest of the child and all criteria for opening a provisional foster home and placing the specific child for whom the provisional foster home was opened have been met (see Policy VI-B:

Consideration of Relatives and Fictive Kin for Children in Foster Care and Policy VII: Development of Foster Homes for more information).

The Division may file a motion to transfer any other prior or subsequent legal proceeding concerning the juvenile (e.g., if a relative of the child taken into custody attempts to obtain guardianship or custody of the juvenile) to the court that is hearing the dependency-neglect petition if the Division:

- A. Takes a 72-hour hold; or,
- B. Files a petition for ex parte emergency order; or,
- C. Files a petition for dependency-neglect.

Investigation Risk Assessment

The Investigation Risk Assessment is the third component of the Health and Safety Assessment. It (CFS-6026: Investigation Risk Assessment in CHRIS) is designed to:

- A. Assess the family's level of risk during the child maltreatment investigation.
- B. Establish a baseline level of risk for a family.
- C. Identify the factors and circumstances that indicate the child may be at risk of future abuse or neglect.
- D. Indicate the necessary level of involvement to assure the child's well-being.
- E. Provide a structured decision-making tool in case planning (the investigation risk assessment informs the case plan if a case is opened after the completion of the investigation).

The ~~CFS-6026: Investigation Risk Assessment in CHRIS~~ will be completed on all cases with a child maltreatment determination of "True." As such, the Investigation Risk Assessment must be completed by the investigator within 30 calendar days of receipt of the hotline report and must receive supervisory approval within 45 calendar days of receipt of the hotline report.

Levels of risk are classified as intensive, high, moderate, and low. The higher the score, the higher the risk of future harm. The level of risk determined during the Investigation Risk Assessment will be considered the baseline level of risk for any subsequent case that is opened, if applicable.

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

The discretionary Risk Level Override options are listed below and require the supervisor to upgrade the risk level to Intensive at the initial investigation, regardless of the risk scale score.

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

Risk Level Overrides must be reassessed when the case plan is updated.

PROTECTIVE CUSTODY

~~If at any point in time during the investigation the health and physical well-being of a child are in immediate danger and the Division must take custody of the child to ensure his or her health and safety, the child shall be placed in an appropriate licensed or approved placement. This may include an identified relative or fictive kin home if it is in the best interest of the child and all criteria for opening a provisional foster home and placing the specific child for whom the provisional foster home was opened have been met (see Policy VI-B: Consideration of Relatives and Fictive Kin for Children in Foster Care and Policy VII: Development of Foster Homes for more information).~~

~~The Division may file a motion to transfer any other prior or subsequent legal proceeding concerning the juvenile (e.g., if a relative of the child taken into custody attempts to obtain guardianship or custody of the juvenile) to the court that is hearing the dependency neglect petition if the Division:~~

- ~~A. Takes a 72-hour hold; or,~~
- ~~B. Files a petition for ex parte emergency order; or,~~
- ~~C. Files a petition for dependency neglect.~~

RIGHTS OF INVESTIGATOR

The investigator has the right to obtain a criminal background check, including a fingerprint-based check in any national crime database, on any subject of the report. The results of the criminal background check will not be disclosed outside of the Department except as permitted under A.C.A. §12-18-612.

In accordance with A.C.A. § 12-18-613, on request by the investigating agency, any school, child care center, child care facility, residential facility, residential treatment facility, or similar institution shall provide the investigator with the name, date of birth, Social Security number, and last known address and phone number of any alleged offender if the alleged maltreatment occurred at that school, center, or facility. Any school, child care facility, residential facility, or similar institution shall also provide the person conducting the investigation with the name and address of any witness to the alleged child maltreatment if the alleged child maltreatment occurred at that school, center, or facility.

The FSW or CACD investigator conducting the child maltreatment investigation also has the right to enter into the home, school, or other place for the purpose of conducting an interview or completing the investigation. The investigator also has the right to request accompaniment by a law enforcement agent while conducting the investigation. If the investigator is denied access into the home, school, or other place for investigative purposes, then the investigator must prepare an affidavit to submit to OCCPLS in order to request an Order of Investigation. If the investigator is denied access into the home, school, or other place and has reason to believe a child's health or safety are in immediate danger, the investigator will call local law enforcement immediately (if not already accompanied by LLE) in order to help gain access into the home.

No publicly supported school, facility, or institution may deny access to any person conducting a child maltreatment investigation. DCFS, CACD, and law enforcement shall be allowed access to the child's public and private school records during the course of the child maltreatment investigation. School district staff shall not provide notification if a request is made to interview a student during the course of an investigation of suspected child maltreatment and a parent, guardian, custodian, or person standing in place of a child's parent is named as an alleged offender and the interviewer requests that the school personnel does not make said notification.

Per A.C.A. § 12-18-604, DHS may petition a circuit court to allow an investigator to access the controlled substance database if the investigator demonstrates probable cause that the alleged offender has one or more prescription drugs, and the baby or the alleged offender tested positive for prescription drugs at the time of the birth of the baby.

The investigator will have the discretion, in the child's best interest, to limit the persons allowed to be present when a child is being interviewed concerning an allegation of child maltreatment. The investigator will determine when a child or any other children residing in the home should be referred to a physician, psychologist, or psychiatrist for a medical or psychological examination. While DCFS staff may conduct drug screens on teenagers when necessary, all children younger than 13 should be referred to a physician or medical facility for drug screening if needed.

DCFS will fully cooperate and participate in multidisciplinary child maltreatment response teams. All information except the name of the reporter may be disclosed to the teams.

INTERPRETER SERVICES

At any point during the course of a child maltreatment investigation, when the person being interviewed cannot clearly communicate in English, the investigator shall arrange for an interpreter before continuing the interview. The interpreter must be trained and appropriately certified to translate the specific language needed.

If at any point during the course of a child maltreatment investigation, the investigator cannot determine whether the person being interviewed can clearly and effectively communicate in English, the interviewer shall end the interview. The interview shall recommence when a determination is made that the person can or cannot clearly communicate in English, and when necessary, a translator certified to translate the specific language has been obtained to facilitate clear communication. Family members should never serve as interpreters for an investigator conducting an interview.

If any delay in obtaining investigation or investigative information from having to make a determination about language and clear communication results in or creates a situation in which the alleged victim child's health or physical well-being will be put in immediate danger, the child will be placed in 72-hour protective custody.

INVESTIGATION COMPLETION TIMEFRAMES AND EXTENSIONS

Regardless of whether the child maltreatment investigation is conducted by DCFS, CACD, or local law enforcement, the supervisor approved investigative determination shall be made within 45 calendar days.

The Area Director or designee may request an extension of an additional 15 calendar days (for a total investigative timeframe of 60 calendar days) to complete the investigation and make a determination if good cause for the requested extension is shown. Circumstances that meet the definition of good cause, as it pertains to requesting and granting a 15 day extension to make an investigative determination, include but are not limited to:

- A. The Prosecuting Attorney or law enforcement officials have requested that DCFS postpone the determination due to a pending criminal investigation;
- B. Medical, crime lab, or autopsy reports needed to make a determination have not been received;
- C. The report involves some out-of-state subjects and interview write-ups have not been received;
- D. Conflicting medical opinions have been received, requiring further analysis; or,
- E. Multiple alleged offenders or victims are involved, requiring additional time to conduct interviews and gather evidence.

Documentation supporting the request for the extension must be submitted with the request.

All extension requests must be submitted to and approved by the Assistant Director of Community Services or designee.

INVESTIGATIVE DETERMINATIONS AND RESULTING REFERRALS AND CASE OPENINGS

Within the appropriate timeframes outlined above, and utilizing PUB-357: Child Maltreatment Assessment Protocol, a child maltreatment investigation will be determined to be:

- A. Unsubstantiated
- B. True
- C. True but exempt for:
 - 1) Garrett's Law (as defined by A.C.A. § 12-18-103(143)(B))
 - 2) Religious beliefs
 - 3) Underaged juvenile offenders
- D. Inactive, based on the criteria in PUB-357: Child Maltreatment Investigation Protocol.

The criteria for each of these determinations are as follows:

Unsubstantiated Determination

A child maltreatment investigation will be determined unsubstantiated in the event that:

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

True Determination

A child maltreatment investigation will be determined true in the event of:

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

If a report is determined to be true, the names and conditions of any minor children of the alleged offender, and whether these children have been maltreated, or are at risk of maltreatment, will be determined. If the report is determined to be true, and is a report of sexual intercourse, deviate sexual activity, or sexual contact, an investigation of any other children previously or currently under care of the alleged offender, to the extent practical, and whether these children have been maltreated, or are at risk of maltreatment, will be determined. The worker conducting the investigation shall also seek to ascertain all other relevant data.

If a report is determined to be true and involves any children under the age of three, those children must be referred to the Division of Developmental Disabilities Children's Services for an early intervention screening per the Child Abuse and Prevention Treatment Act (CAPTA) if the children were not already referred during the course of the investigation (see Policy II-I: Early Intervention Referrals and Services and related procedures for more information).

If a report of sexual abuse is determined to be true and the alleged offender is under the age of 18 at the time the act or omission occurred, the parents or legal guardians of the alleged juvenile or underaged juvenile offender and victim shall be provided with a list of mental health professionals or agencies available to evaluate and treat the alleged juvenile offender or underaged juvenile offender and victim, if necessary. Providing this information does not necessarily require the Division to pay for the mental health evaluation and/or any subsequent mental health treatment or services.

True but Exempt Determination

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

Garrett's Law Exemptions

A child maltreatment investigation that documents the presence of an illegal substance in either the bodily fluids or bodily substances in the mother or child at the time of birth resulting from the mother knowingly using any illegal substance (i.e., Garrett's Law case) will be found true but exempt and will not be placed on the child maltreatment registry. A protective services case shall be opened to establish a plan of safe care.

If the FSW determines on an individual basis the child's health or physical well-being is in immediate danger, he or she should take the newborn into protective custody. The FSW must also assess any siblings of the newborn or other children under the care of the alleged offender. If it is determined that there is an immediate danger to the siblings' (or any other children under the care of the alleged offender) health or physical well-being, then they must also be brought into emergency 72 hour protective custody.

“Acceptable” reporters include any one of the following mandated reporters, who have reasonable cause to suspect that a newborn has been subjected to an illegal substance before birth or the mother had an illegal substance in her bodily fluids or bodily substances at the time of the birth:

- licensed nurse;
- osteopath;
- physician;
- medical resident or intern;
- surgeon;
- hospital social worker;
- or, any medical personnel who may be engaged in the admission, examination, care or

___ treatment of persons in hospitals or similar medical settings.

During the course of an investigation, or when DCFS has custody, if the mother or newborn has tested positive for the presence of an illegal substance in the bodily fluids or bodily substances, and the mother indicates that she wants to place the newborn for adoption through a private agency or private entity, the Family Service Worker must contact OCCPLS immediately. If the infant is placed with a private adoption agency, then do not open a Protective Services case.

Religious Belief Exemptions

A child maltreatment investigation will be determined to be true but exempt due to religious beliefs exemption in the event that the Family Service Worker determines that the parent’s decision to withhold medical treatment was based solely upon a religious belief, choosing instead to furnish the child with prayer and spiritual treatment in accordance with a recognized religious method of healing by an accredited practitioner.

A Family Service Worker will place a child whose health or physical well-being is in immediate danger in a safe environment in DHS custody regardless of the beliefs of the parents. The religious exemption does not preclude the FSW’s right and responsibility to take appropriate action, including petitions to the court, to obtain necessary medical services.

Underaged Juvenile Offender Exemptions

A child maltreatment investigation will have an individual finding of true but exempt for underaged juvenile offenders if there is an overall true finding of sexual abuse by a child under the age of 14 to another child.

Inactive Determination

Per A.C.A. § 12-18-619, a Child Maltreatment Investigation will be determined inactive if at any time before or during the investigation the Department is unable to locate or identify the alleged offender because the alleged child maltreatment occurred:

- A. More than 5 years ago; or,
- B. In another state.

Failure to complete the investigation within the required 45 days is NOT a reason to place a case on inactive status. The report MUST document why the investigation could not be completed. A case will remain on inactive status for one year, at which time it will be expunged.

INVESTIGATIVE DETERMINATION NOTICES

The ~~Division Children and Family Services Central Office Notifications Unit~~ ~~Division of Children and Family Services~~ will issue notices regarding the child maltreatment investigative determination whether true or unsubstantiated to all persons pursuant to A.C.A. § 12-18-703 et seq. The Division will issue notices in such a way as to ensure the rights to due process of the alleged offender and to protect others who may be at risk of harm from the alleged offender (See Policy XIV-A: Notices Regarding Child Maltreatment and related

procedures for more information and specific instructions). The Central Office Notifications Unit will also handle all notices related to administrative hearing decisions and placement on the Child Maltreatment Central Registry.

DRAFT

PROCEDURE II-D8: Health & Safety Checklist

108/20193

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

- A. Identify any safety factors that may contribute to the immediate danger of the child's health or physical well-being.
 - 1) If CACD is assigned primary and after interviewing the alleged victim identifies one or more safety factors, contact the DCFS supervisor or designee immediately to ~~complete the remaining components of the~~conduct a Health and Safety Assessment (i.e., Safety Planning and Investigative Risk Assessment).
 - a) If after completing the Health and Safety Assessment as requested by CACD, the FSW Investigator assesses that there is not a safety factor involved, the FSW Investigator will:
 - i. Document in an investigations contact why the FSW Investigator determined there was not a safety factor and, as such, why the FSW Investigator did not select to implement a protection plan or remove the child.
 - ii. Communicate with the CACD Investigator regarding both the CACD initiation and the DCFS safety assessment including why the FSW Investigator determined there was not a safety factor present.
 - iii. Document the communication between CACD and DCFS in an investigations contact.
- B. Complete the Health and Safety Checklist for each child in the family by identifying the presence or absence of any safety factors by checking "yes" or "no", respectively within ~~48 hours~~two business days excluding weekends and holidays.
- C. Provide narrative documentation on the Health and Safety Checklist for each safety factor identified.
- D. In cases involving CACD as primary and DCFS as secondary, both agencies will collaborate to ensure that DCFS has all relevant information needed to ~~complete the remaining components of~~conduct the Health and Safety Assessment (i.e., Safety Planning and Investigation Risk Assessment; see Procedures II-D9 and II-D10, respectively, for more information).

PROCEDURE II-D9: Safety Planning

108/20193

The FSW investigator will:

- A. Make the appropriate child protecting decisions if the child's health or physical well-being are in immediate danger.
- B. If a safety factor is not identified on the Health and Safety Checklist, but it is determined that services or other actions can be put in place to address risk factors or otherwise strengthen the family during the course of the investigation:
 - 1) Implement the services or other actions accordingly.
 - 2) Document services provided or other actions taken in the Service Log and investigation contact screen in CHRIS.
 - a) If all of the statements on the Health and Safety Checklist screen are selected "no," then the default decision on the Safety Planning screen will be "safe" indicating that there are no children whose health or physical well-being are likely to be in immediate danger. As such, the FSW will not have to enter any information in the Safety Planning screen.
- C. If a safety factor(s) is/are identified, establish the appropriate protecting intervention for each identified safety factor.
 - 1) If a protection plan can be put into place to mitigate the identified safety factor(s):
 - a) Determine the suitability of the person or persons responsible for carrying out the protection actions by assuring that those persons:
 - i. Are present and participate in the development of the protection plan;
 - ii. Are fully informed about the safety factors and concerns;
 - iii. Understand and accept their responsibility to protect the child;
 - iv. Accept and believe that the safety factors and potential dangers exist;
 - v. Are available in terms of time and accessibility;
 - vi. Are aligned with and responsive to DCFS;
 - vii. Are trustworthy, dependable and have no substance use, mental health issues, or other major life issues that may prevent them from meeting their responsibilities in the plan; and,
 - viii. Provide a home that is suitable and safe if the child will be staying there.
 - b) Assure that the protection plan is sufficient to manage and control identified safety factors and prevent subsequent dangers to the child by meeting the following criteria:
 - i. Does not rely on promises from caregivers or court orders prohibiting behaviors;
 - ii. Focuses on enhancing caregiver protective capacities as the highest priority for change;
 - iii. Includes immediate supports and/or services that have an impact on controlling identified safety factors;
 - iv. Is individualized to the needs and dynamics of the family and the specific safety factor(s) identified;
 - v. Has a mechanism for ongoing oversight and monitoring by the FSW that allows FSW to provide feedback to the family and problem solve with the family as needed; and,
 - vi. Is time limited noting when each activity must be completed or in place and when the plan should expire.
 - c) If applicable, inform the non-offending caretaker of the right to file a petition in accordance with the "Domestic Abuse Act," Ark. Code Ann. § 9-15-101 et seq. in Circuit Court to have the offender removed from the home as part of the protection plan.
 - d) ~~If the protection plan must include an intervention that will make a change to the child(ren)'s residency, the options are:~~

- i. ~~The child(ren) may remain in residence with a non-offending custodian if the alleged offender is legally restricted from contact with the child(ren) by:
 - (1) An "order of less than custody" obtained by DCFS; and,
 - (2) There is no reason to suspect that the non-offending custodian will allow the offender access to the child(ren).~~
- e) ~~d) Before leaving the home, obtain supervisory approval of the protection plan developed with the family.~~
- e) Provide a copy of the protection plan with the family via CFS-200: Protection Plan before leaving the home.
- f) Refer the family to the local TDM Facilitator for a Team Decision Making (TDM) meeting within two hours of putting a protection plan in place, if applicable (i.e., if working in a county in which TDM has been implemented; see Policy II-F: Team Decision Making for more information).
 - i. If a TDM Meeting will be held regarding the protection plan, and it is determined a petition for dependency-neglect is needed in association with the protection plan, then the affidavit (to include information from the TDM Meeting Summary Report) must be submitted to the local OCC attorney in order to file the petition with the court within two business days following the TDM Meeting.
- f) ~~Document the protection plan in CHRIS on the Safety Planning screen and otherwise complete the Safety Planning screen in CHRIS for any safety factors that have been identified within 48 hourstwo business days of investigation initiation, excluding weekends and holidays.~~
- g) Document the protection plan in CHRIS on the Safety Planning screen and otherwise complete the Safety Planning screen in CHRIS for any safety factors that have been identified within 48 hourstwo business days of investigation initiation, excluding weekends and holidays.
- h) For investigations remaining open longer than 30 days, formally reassess the health and safety of the child within thirty (30) days of the date on which the protection plan was implemented;
 - i. If the formal reassessment determines that a substantial risk of harm to the health and safety of the child remains, then submit the affidavit and a copy of the CFS-200: Protection Plan to OCC to file a petition for dependency-neglect.
- a) i) If at any point a petition for dependency-neglect is filed in relation to a protection plan, then within five days of the petition being filed, accompany the assigned FSW caseworker to the family's home to begin the Family Advocacy Support Tool (FAST) assessment.
- 2) If a protection plan cannot be put into place to mitigate the identified safety factor(s), then the children must be removed from the home and placed in an approved placement.
- 3) For all safety factors with a "yes" response, there should be corresponding documentation in the Safety Planning screen indicating if:
 - a) A written, supervisor-approved protection plan was developed with and provided to the family via CFS-200: Protection Plan thereby allowing the child to remain safely in the home (select the appropriate radio button on the first question in the Safety Planning screen);
 - i. The safety decision on the Safety Planning screen will then be "Conditionally Safe," meaning a protection plan has been implemented and interventions outlined in the protection plan have resolved the unsafe situation for the present time.
 - b) The child was removed from the home.
 - i. The safety decision on the Safety Planning screen will then be "Unsafe" meaning a protection plan could not be established so removal is the only protecting intervention for the children (i.e., without it, the children's health or physical well-being are likely to be in immediate danger).
- F. Document in CHRIS all other FSW activities, services, and/or contacts associated with the investigation.
- G. Monitor family's implementation of Protection Plan, if one has been put in place, via face-to-face contact with family within at least 72 hours and a minimum of weekly face-to-face contact while the plan continues to be necessary to protect the health and safety of the juvenile.

- H. If during the course of an investigation a protection plan is put into place by DCFS, but the investigation is ultimately unsubstantiated and/or the court dismisses the petition associated with the protection plan, the FSW investigator will ensure the protection plan is reassessed with the family and communicates with other involved DCFS staff as applicable.

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

The FSW sSupervisor will:

- A. Conference with the FSW investigator regarding the protection plan as needed.
- B. Approve the protection plan, as appropriate, prior to the FSW investigator leaving the home.
- ~~B.C.~~ Communicate as necessary with other DCFS staff to ensure an FSW caseworker is assigned to families for whom a protection plan has been implemented that has an accompanying court order for dependency-neglect.
- D. Approve the Safety Planning screen as appropriate within 45 days of receipt of the hotline report.
- ~~C.E.~~ Communicate as necessary with DCFS staff to ensure that the protection plan is formally reassessed at thirty (30) days, and, if needed due to a substantial risk of harm to the child's health and safety remaining, a petition for dependency-neglect is filed.

When a protection plan that has an accompanying dependency-neglect petition filed with the court has been put into place the assigned FSW caseworker will:

- A. Accompany the FSW investigator to the family's home within five days of the filing of the petition to begin completing the Family Advocacy Support Tool with the family and FSW Investigator.
- B. Ensure other appropriate stakeholders provide input when completing the FAST (see Policy IV-A: Family Assessments for more information).
- C. Develop a case plan with the family based on the ratings of the FAST (see Policy IV-B: Services Case Plan for more information) within 30 days of the dependency-neglect petition being filed.
- D. Update CHRIS contacts as needed.

POLICY II-F: TEAM DECISION MAKING

108/20195

The policy and related procedures in this section only apply to those counties in which Team Decision Making has been implemented.

OVERVIEW

Team Decision Making (TDM) provides a facilitated forum for families, community members, and DCFS to collaboratively problem solve and make decisions regarding children's safety and placement using the most information possible. TDM has proven to be an effective intervention in ensuring that all placement decisions are a shared responsibility and in the best interest of children. TDM also assists in establishing a network of support for children and the adults who care for them. As such, the consistent and effective use of Team Decision Making promotes family engagement and helps to maintain safe family relationships that are crucial to minimizing trauma to children.

TEAM DECISION MAKING INITIATION AND REFERRAL

A Team Decision Making (TDM) meeting is held within ~~48 hours~~three business days of the establishment of a protection plan due to a safety factor (see Appendix IX: Arkansas Health and Safety Factors) being identified in the home and always before the case is brought to court. ~~However, (though a dependency-neglect petition related to a protection plan may be filed with the court, when necessary. The protection plan will be filed with the court within 30 days of an initial protection plan being put in place if a dependency-neglect petition was not previously filed in association with the protection plan, and it is assessed that a substantial risk of harm to the health and safety of the child remains and that the protection plan must stay in place to ensure the health and safety of the child, when necessary).~~ TDM meetings referrals are made by the DCFS FSW who put the protection plan in place to the area DCFS Facilitator. If the area DCFS Facilitator is unavailable, the DCFS FSW who put the protection plan in place will contact the DCFS Facilitator Supervisor. The DCFS Facilitator Supervisor will then make a referral to a back-up facilitator who can facilitate the TDM meeting within ~~48 hours~~three business days of the establishment of a protection plan.

A TDM meeting is also held within ~~72 hours~~three business days of receipt of ~~any~~any Garrett's law allegation ~~regardless of whether the child is left in the home or removed~~ – to the hotline and always before the case is brought to court. ~~However, (though if a protection plan is put into place at the initiation of an investigation involving a Garrett's Law report, a dependency-neglect petition may be filed with the court in association with that protection plan, as necessary. The protection plan will be filed with the court within 30 days of an initial protection plan if a dependency-neglect petition was not previously filed in association with the protection plan, and it is assessed that a substantial risk of harm to the health and safety of the child remains and that the protection plan must stay in place to ensure the health and safety of the child as necessary).~~ TDM meeting referrals related to Garrett's Law allegations are made by the primary DCFS FSW investigator to the area DCFS Facilitator. If the area DCFS Facilitator is unavailable, the primary DCFS FSW investigator will contact the DCFS Facilitator Supervisor. The DCFS Facilitator Supervisor will then make a referral to a back-up facilitator who can facilitate the TDM meeting within ~~72 hours~~three business days of an accepted report of a Garrett's Law allegation to the hotline.

The TDM Supervisor may waive the TDM Meeting requirement for extenuating circumstances that render a TDM Meeting unnecessary (e.g., a foster care case is already opened, a hotline referral involving a child death with no siblings or other children under the care of the alleged offender, a Garrett's Law referral in which the biological mother is already working with the Office of Chief Counsel to put the infant up for adoption, etc.).

TEAM DECISION MAKING PREPARATION

All Team Decision Making meetings will be held outside of the DHS county office in an effort to conduct the meetings in a more family-friendly environment. Only the TDM Supervisor may approve for a TDM meeting to be held in the DHS county office for special circumstances such as safety concerns, inclement weather, etc.

Prior to the Team Decision Making meeting, the FSW and the FSW Supervisor who approved the initial protection plan or the primary FSW investigator involving a Garrett's Law allegation and that FSW's Supervisor will conference with the Facilitator who will moderate the TDM meeting in order to prepare for the TDM. This conference will allow these Division staff members to review the TDM process as necessary and review information gathered at that point in time regarding the family with particular attention to the identified safety factors and/or other information gathered during the investigation involving a Garrett's Law allegation. During this meeting DCFS staff will assess whether the children involved in the protection plan and/or the children involved in an investigation involving a Garrett's Law allegation should be present at the TDM meeting based on the children's preferences and the children's ability to handle the emotional impact of the meeting.

A safety check-in meeting will also occur per TDM protocols with the biological parent(s) and children who plan to participate in TDM prior to the TDM meeting. The safety check-in is conducted to learn about any safety concerns the parents and/or children may have regarding the meeting proceedings and/or other participants. If safety concerns exist, DCFS will ensure the appropriate precautions are put in place.

TEAM DECISION MAKING PARTICIPANTS

Concerted efforts shall be made by DCFS to engage the biological parents (or other person responsible for care, as applicable) and support their attendance at the Team Decision Making meeting. Children are also encouraged to participate in the meeting when deemed appropriate according to their age, developmental status, emotional condition, and trauma-related needs and responses. The FSW who put the protection plan into place and/or the primary FSW investigator involving a Garrett's Law allegation and the Facilitator must participate in the TDM meeting.

The FSW Supervisor who approved the protection plan or the supervisor of the primary FSW investigator involving a Garrett's Law allegation is also required to participate in the TDM meeting. If necessary, the FSW Supervisor may participate by phone with prior approval from the Area Director. If an emergency arises and the FSW Supervisor is unable to participate even by phone, then the Area Director is responsible for ensuring another supervisor, preferably the county supervisor, participate in the TDM meeting in order to better support the FSW. For TDMs involving protection plans, the FSW's direct supervisor (if different from the FSW Supervisor who approved the protection plan) is encouraged, but not required, to attend the TDM meeting. Any other supervisor is welcome to attend the TDM meeting if desired.

The biological parents (or other person responsible for care, as applicable) and children are recognized as the experts regarding their family's needs and strengths. The FSW serves as the representative to speak to the protection plan and/or his/her initial assessment of family functioning for those families involved in an investigation with a Garrett's Law allegation. The Facilitator is a trained process expert with extensive knowledge of agency history, policies, procedures, and best practices. He or she works with everyone present at the TDM meeting to lead that group through solution-focused discussion that provides all participants with opportunities to voice their thoughts, concerns, and suggestions.

With a parent's (or other person responsible for care, as applicable) consent, additional efforts to include relatives, natural support persons, and current service providers will be made. The Division will be mindful about the balance of staff or professionals to family members and their natural supports. The more family-supportive individuals involved in the decision-making process, the more likely the resulting plan will be customized to meet the unique needs of the family. TDM participants may include, but are not limited to:

- A. Extended family and/or fictive kin invited by parents to support, assist, and/or serve as a resource.

- B. Current caregivers (if not the biological parents) so they may assist in providing information regarding children's needs and in developing ideas and reaching decisions.
- C. Community partners who are defined as such by the family or the Division, whether based on neighborhood, faith/religion, or other connection, to provide support, resource expertise, and external perspective in decision-making.
- D. Service providers who are currently involved with family and can provide insight regarding family functioning and assist in problem solving.
- E. Other public agency staff such as representatives from Division of Behavioral Health Services, Division of Developmental Disabilities Services, Division of Youth Services, Department of Education, Department of Workforce Services, Public Housing Authority, etc. to provide expertise and information.

TEAM DECISION MAKING MEETING GOALS AND PROCESSES

During the Team Decision Making meeting the group:

- A. Engages the family to discuss family's needs and strengths;
- B. Reviews the family's protection plan, as applicable;
- C. Assesses the effectiveness of the protection plan thus far, as applicable;
- D. Assesses any risk factors;
- E. Determines if any changes to the protection plan are needed, as applicable;
- F. Decides if other appropriate services and supports are available to strengthen the family; and,
- G. Reaches consensus regarding the child's placement that protects the child and preserves the family.

For TDM meetings involving protection plans, the original protection plan that the FSW put into place via the CFS-200: Protection Plan will be documented on the Safety Planning Screen of the Health and Safety Assessment. If the protection plan is updated or otherwise enhanced during the course of the TDM meeting, any pieces of the initial protection plan (documented on CFS-200: Protection Plan) that will remain in the updated version must also be documented on CFS-355: Team Decision Making Meeting Summary Report. In addition, any new information or requirements to which the team agrees during the TDM meeting will also be included on the CFS-355: Team Decision Making Meeting Summary Report. The information and requirements outlined in the TDM Action Plan that all participants agree to by signing the CFS-355 replaces the original protection plan for the family.

For TDM meetings involving allegations of Garrett's Law for which no protection plan was put into place during the investigation, the CFS-355: Team Decision Making Meeting Summary Report signed by all participants will serve as the TDM Action Plan for that family. As per the CFS-355, each person's signature on that form means that he or she understands and agrees to the actions steps outlined on the CFS-355.

Privacy and respect are valued and practiced during TDM meetings. However, information from the meeting may be used, as applicable, for future case planning, in subsequent court proceedings, and/or in the investigation of any new allegations of abuse or neglect.

The Division maintains the legal responsibility to make decisions regarding children's placement and safety at all times. If the entire group involved in the TDM meeting cannot reach consensus, the Facilitator must at least ensure the Division staff involved in the TDM meeting reach consensus.

TEAM DECISION MAKING REVIEW PROCESS

A review process is available if Division staff members believe the decision puts the child at serious risk of harm or violates law or policy. A Division staff member who requests a review process must notify the group of his/her intent to seek review before the Team Decision Making meeting adjourns. The TDM Review will be conducted immediately by either a DCFS County Supervisor or the Area Director, as appropriate, prior to participants leaving. The TDM Review may be conducted in-person or by phone conference. The final decision is

made by the TDM Reviewer after hearing summaries of the meeting and reason for review. Division personnel are responsible to implement the final decision and demonstrate full support.

TEAM DECISION MAKING FOLLOW-UP

Following all Team Decision Making meetings, the FSW, FSW Supervisor who approved the protection plan or supervisor of the primary FSW investigator involving a Garrett's Law allegation, and Facilitator will meet or conference call within 24 hours to debrief the TDM meeting. The debriefing meeting serves as a learning tool for Division staff by allowing them to give each other feedback regarding their interactions in the meeting specific to processes and roles. The debriefing meeting is not a time to revisit the content of the discussion or reconsider the decision made during the TDM meeting.

The DCFS Facilitator will enter all required TDM data elements into CHRIS within ~~three~~⁷² business ~~days~~^{hours} of the TDM meeting. If a back-up Facilitator participated in the meeting, that back-up Facilitator must provide all data elements to the DCFS Facilitator within ~~three~~⁷² business ~~days~~^{hours}. The DCFS Facilitator will enter the TDM data elements into CHRIS within ~~three~~⁷² business ~~days~~^{hours} of receipt of the data elements from the back-up Facilitator.

The FSW who put the protection plan into place will continue to be responsible for monitoring the protection plan and any other elements necessary, as determined during the TDM meeting, throughout the completion of the investigation.

For Garrett's Law referrals involving two counties (e.g., parents reside in one county but give birth to the infant in a neighboring county), the secondary FSW investigator who initiates the investigation will also interview any other collaterals available at the time of initiation in the county where the infant was born (if applicable) based on when infant was discharged from the hospital and when the hotline report is accepted.

The primary FSW investigator in the county where the family resides will conduct a home visit before the TDM meeting takes place, if possible. However, the primary FSW investigator must conduct a home visit prior to the infant's discharge from hospital (if applicable depending on when hotline report was made). If the home visit is conducted before the TDM meeting occurs *and* prior to the infant's discharge from the hospital, then that home visit will meet the requirement for both. The primary FSW investigator will also interview all other necessary collaterals who were not interviewed during the investigation initiation.

The primary and secondary investigators must share all information regarding the investigation prior to the TDM meeting. The secondary investigator is not required to attend the TDM meeting but is encouraged to do so. The primary investigator must attend the TDM meeting.

If a protective services or foster care case is subsequently opened, the FSW who initially put the protection plan into place and participated in the TDM meeting will communicate all information regarding the plan and TDM meeting to the appropriate FSW caseworker. The newly assigned FSW caseworker will then have the primary responsibility of monitoring the protection plan, any other associated elements, and case plan (i.e., the case plan is separate from the protection plan).

Procedure II-F1: Team Decision Making Initiation and Referral

10118/20195

After establishing a protection plan and/or initiating an investigation involving a Garrett's Law allegation (regardless of whether the child is left in the home or removed), the FSW will:

- A. Inform parents (or person responsible for care, as applicable) and youth (as appropriate) of:
 - 1) The purpose of a Team Decision Making (TDM) meeting;
 - 2) That they will be required to attend the next scheduled TDM meeting; and,
 - 3) What will be expected of them during the TDM meeting (e.g., to share their understanding of the safety and risk issues as well as strengths in their home, their understanding of the protection plan as applicable, etc.).
- B. Tell the parents (or person responsible for care, as applicable) that, if they would like, the assigned facilitator can also contact the family by the next business day to explain more about the process.
- C. Ask parents (or person responsible for care, as applicable) and youth (as appropriate) to identify extended family members, fictive kin, or community partners who they would like to attend the upcoming TDM and ask the family to contact those individuals with information about the upcoming TDM meeting.
 - 1) Collect names, phone numbers, and addresses of family identified team members.
- D. Leave PUB-35: "What is Team Decision Making?" with the family.
- E. Discuss whether family will need assistance with transportation and help coordinate transportation as appropriate.
- F. Contact the area DCFS Facilitator by phone or email within two hours of putting the protection plan in place and/or within two hours of initiating an investigation involving a Garrett's Law allegation to refer the family for a Team Decision Making meeting.
 - 1) When the FSW emails or leaves a voicemail referral with the area TDM Facilitator during normal business hours and has not heard back from the facilitator by 4:00 p.m. that same business day, then the FSW will contact the DCFS Facilitator Supervisor by phone or email with the referral information.
 - 2) If TDM referral is made after hours, on the weekend, or during a holiday, an email must be sent or a voicemail must be left to make the referral.
 - a) When the FSW emails or leaves a voicemail with the area TDM Facilitator after hours and has not heard back from that facilitator by 9:00 a.m. the next business day, then the FSW will contact the DCFS Facilitator Supervisor by phone or email with the referral information.
 - 3) Provide the DCFS Facilitator (or DCFS Facilitator Supervisor, as applicable) with:
 - a) Names of family members
 - b) Family address and phone number
 - c) Dates of birth of family members
 - d) Protection plan, if applicable
 - e) Any special information or needs regarding safety (e.g., domestic violence issues), language interpretation, physical accommodations, child care for very young children, etc.
 - f) Contact information and family request to be contacted by the facilitator to provide more information about the TDM process, if applicable.
- G. Work with the assigned facilitator and family to confirm exact date, time, and location of TDM meeting within twenty-four hours of establishing protection plan and/or within twenty-four hours of initiating an investigation involving a Garrett's Law allegation.

- H. Enter family's demographic information into CHRIS within twenty-four hours of receiving referral.
- I. Document date and time family is informed of agreed-upon TDM meeting date, time, and location in CHRIS.

The FSW Supervisor who approved the protection plan and/or the supervisor of the primary FSW investigator involving a Garrett's Law allegation will:

Conference with FSW as needed.

The Facilitator will:

Work with FSW to confirm exact date, time, and location of meeting.

The Facilitator Supervisor will:

- A. Conference with the DCFS Facilitator as needed.
- B. Make any needed TDM referrals to the back-up facilitator by the next business day.

Procedure II-F5: Team Decision Making Follow-Up

[1110708/20195](#)

The FSW will:

- A. Meet or conference call with the Facilitator and FSW Supervisor who approved the protection plan or supervisor of the primary FSW investigator involving a Garrett's Law allegation within 24 hours of the conclusion of the TDM meeting.
- A-B. ~~If As applicable, F~~ provide OCC with a copy of the protection plan and corresponding Team Decision Making Meeting Summary Report and request OCC to file a dependency-neglect petition with the court that will accompany the protection plan. ~~and for which immediate court intervention is necessary.~~
- B-C. Continue to monitor family's progress until the investigation is completed.
- C-D. Share all relevant information regarding the family's protection plan, if applicable, and progress with the FSW assigned to the family's protective or foster care case, if applicable.

The FSW Supervisor who approved the protection plan or the supervisor of the primary FSW investigator involving a Garrett's Law allegation will:

Meet or conference call with the FSW and facilitator within 24 hours of the conclusion of the TDM meeting and as needed.

The DCFS Facilitator will:

- A. Meet or conference call with the FSW and FSW Supervisor within 24 hours of the conclusion of the TDM meeting.
- B. Enter all required TDM data elements into CHRIS within ~~three 72~~ business ~~day~~hours of the conclusion of the TDM meeting and within ~~three72~~ business ~~days~~hours of receipt of TDM data elements from the contracted facilitator when the TDM meeting is facilitated by a contract provider.
- C. Provide copies of the Team Decision Making Meeting Summary Report printout from CHRIS to all participants, ~~including~~including the family, as soon as possible following the TDM meeting.
 - 1) DCFS Facilitator is also responsible for providing copies of the Team Decision Making Meeting Summary Report printout from CHRIS to all participants, including the family, as soon as possible following the TDM meeting when that TDM meeting was facilitated by a back-up facilitator.

The back-up facilitator (if applicable) will:

Provide the TDM data elements to the area DCFS Facilitator within three business hours of the conclusion of the TDM meeting.

The Facilitator Supervisor will:

Conference with the DCFS facilitator as needed.

DRAFT

POLICY VII-K: Child Maltreatment Allegations Concerning Out-of-Home Resource Placements

016/2019±

OVERVIEW

All child maltreatment allegations concerning any person in a ~~foster resource~~ foster home ~~wish~~ shall be investigated in accordance with the Child Maltreatment Act § 12-18-602. As with all children whose interest becomes the concern of DCFS, the safety and welfare of ~~all~~ children in foster care ~~wish~~ shall be paramount.

If there is an allegation of sexual abuse perpetrated by a child in foster care, a public defender will be assigned to the child.

— If any child in foster care is the subject (alleged offender or alleged victim) of an allegation of child maltreatment, the Child Abuse Hotline will notify the appropriate DCFS and CACD Executive Staff as well as the Area Director for the DCFS service area in which the foster home named in the report is located. The DCFS Division Area Director will then ensure that the appropriate Division staff shall notify the child(ren)'s family, the primary and secondary Family Service Worker (FSW) for the child, as applicable, the Office of Chief Council (OCC) attorney, Child Abuse Hotline, the child(ren)'s CASA, if applicable, and the child(ren)'s attorney ad litem. The attorneys ad litem for any other children placed in the home shall be notified as well.

Priority I Allegations

— For all Priority I allegations, if the alleged offender is a foster parent or any other member of the foster family household, then all the children in foster care in that home will be removed from that foster home. If the alleged offender is a child in foster care, unless he or she is the only child in the home, then the alleged offender child will be removed from that home and placed in a foster home without any other children. Any exceptions to this policy must be approved and documented by the Assistant Director of Community Services.

The Arkansas State Police Crimes Against Children Division (CACD) will conduct all child maltreatment investigations (Priority I and II) involving a resourcefoster parent or household member of a resourcefoster home excluding reports that meet Differential Response criteria involving a child in foster care that allegedly occurred prior to the child entering foster care.

Priority II Allegations

However, when any household member of a foster resourcefoster home (to include resourcefoster parents, biological and adopted children of the resourcefoster parents, and children in foster care placed in the home) is the subject of a Priority II child maltreatment allegation, DCFS staff will also conduct an individualized evaluation to assess the safety of the child(ren) within 24 hours of the receipt of the report will be conducted on an individual basis to determine if the child(ren) can safely remain in the home during the course of the investigation. DCFS staff will try to coordinate this visit to the home to assess safety with CACD staff.

If any of the 14 Arkansas Health and Safety Factors are identified in the foster home in consultation with a DCFS supervisor, the children will be moved into another approved placement. However, if no Health and Safety Factors are identified, and if it can be shown that it is in the best interest of any or all of the children currently placed in that foster resourcefoster home, a corrective action plan foster protection plan may be considered to allow any or all of the children in foster care to remain safely in a home involved in a child maltreatment report. A corrective action plan is designed to ensure the safety and well-being of the children in the home as long as the concern was not directly related to an act or omission rising to the level of maltreatment on the part of the foster parent(s) (e.g., a biological child of the foster parent posed a risk, but not the foster parents themselves). All relevant information will be reviewed to make a decision regarding the implementation of a corrective action plan for the resourcefoster home. This would include, but is not limited to:

- A. The characteristics and history of the child in foster care;
- B. The characteristics and history of the ~~resourcefosterfoster~~ parents and their own children (if any);
- C. The nature of the allegation;
- D. Information collected during the investigation;
- E. The services, supports, and/or monitoring that will be put in place during the investigation.

The Assistant Director of Community Services or designee must approve all corrective action plans for ~~resourcefoster~~ homes prior to the DCFS staff leaving the home in which the corrective action plan will be implemented. If the safety and welfare standards of the Division cannot be met and the children cannot safely remain in the home, the children in care will be moved to another approved placement.

If after the initial safety evaluation conducted by DCFS staff it is determined that there are no risk or safety factors present and, as such, a corrective action plan is not required while the investigation is being completed, the Area Director may approve leaving the children in the home if it is in the best interest of the children. The Area Director will notify the Assistant Director of Community Services or designee when children are left in a foster home with a pending investigation but for which a corrective action plan was not necessary.

~~_____ If the safety and welfare standards of the Division cannot be met and the children cannot safely remain in the home, the children in care shall be removed and placed in another approved foster home.~~

~~_____ While any foster home is being investigated because of a child maltreatment allegation, Priority I or II, no additional children in foster care may be placed in the homethere (regardless of whether a corrective action plan was required or not). As such, the ~~resourcefoster~~ home will be placed on unavailable status in CHRIS.~~

~~_____ The Resource Worker will be notified by the Area Director of any maltreatment allegations concerning foster resource homes.~~

ACTIONS FOR UNSUBSTANTIATED MALTREATMENT REPORTS INVOLVING A CHILD IN FOSTER CARE

If the child maltreatment ~~Priority I or II~~ allegation report is unsubstantiated, consideration will be given to:

- A. ~~-Ending the corrective action plan for the foster home, if applicable;~~
- ~~_____ Removing the resource home from unavailable status back to available status;~~
- B. ~~Returning any children who were may have been removed from the foster ~~resourcefoster~~ home as a result of the allegation; and,~~
- C. ~~Removing the ~~resourcefoster~~ home from unavailable status back to available status in CHRIS.;~~

~~This will be determined by holding aA staffing will be held~~All unsubstantiated reports involving foster homes must be reviewed by the Resource Family Review Committeeed so that all stakeholders may have input regardingto discuss lifting the emergency safetycorrective action plan, and the placement of the child(ren) involved, and the availability of the ~~resourcefoster~~ home. Even if a child maltreatment report involving a ~~resourcefoster~~ home is unsubstantiated, the Division retains the right to continue to leave the home on unavailable status or to close the ~~resourcefoster~~ home, as appropriate. Decisions will be made on a case by case basis and will be based on the best interest of the child(ren).

~~-The Resource Family Review Committee meets bi-weekly but additional meetings may be called on an as needed basis.~~

ACTIONS FOR TRUE MALTREATMENT REPORTS INVOLVING A CHILD IN FOSTER CARE PENDING DUE PROCESS

If the child maltreatment report of Priority II maltreatment is an investigative true findingdetermined to be true, the protectioncorrective action plan for the ~~resourcefoster~~ home, if applicable, as well as the overall health and safety of the children plan must will be reevaluated immediately but no later than 24 hours from the time the investigative determination is made if the child(ren) had remained in the home during the course of the

investigation and will continue to be allowed to remain in the home during the administrative hearing process until due process has been met.

If the child(ren) were allowed to remain in the home during the course of the investigation (with or without a corrective action plan) and must then be removed from the resource foster home based upon the true determination while due process is pending, all appropriate parties and stakeholders will be notified of the placement change as outlined in Policy VII-L: Changes in Out-of-Home Placement and related procedures.

Regardless of whether the child(ren) remain in the home with or without a corrective action plan in place or are removed from the home, the resource foster home will remain on unavailable status until due process has been satisfied and the home's availability status is reassessed at that point in time by local staff. Local staff will submit a recommendation regarding the foster home's availability status to the Resource Family Review Committee.

A staffing, to include the appropriate DCFS Area Director(s) or designee(s), will be held within three business days of the true finding determination so that all parties to the case and any other appropriate stakeholders may have input regarding the emergency safety corrective action plan, if applicable, and/or the placement of the child(ren). The Area Director(s) or designee(s) may participate by phone.

———— If the child(ren) will be left in a home with a true determination while due process is pending the DCFS Assistant Director of Community Services or designee will be notified. The DCFS Assistant Director of Community Services or designee will notify the DCFS Director of the decision. The DCFS Assistant Director of Community Services or designee will inform local staff if any changes to the corrective action plan, if applicable, and/or placement of the child(ren) are needed.

ACTIONS FOR TRUE MALTREATMENT REPORTS INVOLVING A CHILD IN FOSTER CARE UPON SATISFACTION OF DUE PROCESS

If the foster home is still open and the child(ren) still remains in the home, then if the resource parents request an administrative hearing upon satisfaction of due process, ~~For all true investigative determinations that are upheld by~~ regardless of the result of the administrative hearing (if applicable), the safety and well-being of each child who is in the home will be reassessed at a staffing. This staffing will include the appropriate DCFS Area Director(s) or designee(s), held within three business days of the administrative hearing finding. The Area Director(s) may participate by phone.

This staffing will allow all parties to the case and any other appropriate stakeholders to have input regarding the reassessment and the placement of the child(ren), as applicable. Decisions will be made on a case by case basis and will ensure the best interest of the child(ren). The recommendation(s) from this staffing will be submitted to the Assistant Director of Community Services for final approval. The DCFS Assistant Director of Community Services will then notify the DCFS Director.

If it can be shown that it is in the best interest of any child to remain in the home, with or without an emergency safety plan for the resource home, an alternative compliance or policy waiver may be requested if needed (due to a true finding that is upheld) to allow the resource foster home to remain open to care for the child(ren). The DCFS Director or designee must approve any alternative compliance or policy waiver needed to allow a foster home to remain open when a true finding is upheld.

For any foster home that has a true finding upheld at the administrative hearing, that home will remain on unavailable status if the child(ren) involved in the report is/are allowed to remain in the home because it is in the child(ren)'s best interest to do so. The foster home will then be closed once the child(ren) who was/were allowed to stay in the home due to it being in the child(ren)'s best interest, exits foster care or otherwise achieves permanency.

~~Regardless of the finding and results of the administrative hearing, if applicable, upon completion of a child maltreatment investigation satisfaction of due process, the foster Resource Worker will reevaluate the foster home if the home is to remain open. fosterfosterfoster~~

~~For foster homes that remain open following a true determination that the foster family either chose not to appeal or had a true determination overturned, that foster home will be reevaluated by the FSW Resource Worker with input from the FSW Caseworker, FSW Casework Supervisor, Resource Worker Supervisor, and County Supervisor. The reevaluation will also determine what may be necessary (e.g., additional training, revisions to the characteristics of children allowed to be placed in the home, etc.) to ensure the health and safety of any and all children placed in the home.~~

~~Based on the results of the reevaluation, if the recommendation is to place the foster home back on available status, that request will be submitted to the Resource Family Review Committee. The recommendation will also include what may be necessary (e.g., additional training, revisions to the characteristics of children allowed to be placed in the home, etc.) to ensure the health and safety of any and all children placed in the home.~~

~~The Division retains the right to continue to leave the foster home on unavailable status or to close the foster home, as appropriate.~~

~~If the foster home had been closed at some point during the process and requests to re-open due to a determination being overturned on appeal, the FSW Resource Worker will collaborate with other applicable local staff to determine if local staff members think it is an appropriate request for the home to be re-opened. If local staff decide to pursue re-opening a foster home, a request will be submitted to the Resource Family Review Committee.~~

~~fosterfoster~~

~~After the completion of an investigation (once due process is satisfied) involving a foster home in which a child in foster care is the alleged victim or the alleged offender, the child's Child and Adolescent Needs and Strengths (CANS) assessment will be updated.~~

~~For all investigative determinations where allegations of Priority II child maltreatment are found true and upheld by the administrative hearing, the well-being of each child who is in the home will be reassessed on an individual basis. If it can be shown that it is in the best interest of any child to remain in that home, then a waiver or alternative compliance, depending on the situation, may be requested so that the home may remain open to care for that child.~~

~~In those cases where the foster home is allowed to remain open, if the foster parents wish to be considered for the placement of additional children, a reevaluation of the home will be conducted before any additional child is considered for placement in that home regardless of the finding of the investigation and/or the administrative hearing ruling. The reevaluation should determine if any corrective action(s), revised Individualized Training Plan, etc. are necessary to ensure the health and safety of any and all children placed in the home.~~

PROCEDURE VII-K1: Initial Report Response

~~01109/20191~~

~~When any initial report of child maltreatment is made and concerns any person in a resourcefosterfoster home, the Family Service Worker or CACD investigator will follow DCFS Child Maltreatment Assessment Protocol and~~

begin an investigation within 24 hours for Priority I investigations-allegations or within 72 hours for Priority II allegations.

The assigned DCFS staff/DHS will then:

- A. Within 24 hours, assess the safety and risk of the child victim and any other children in the resourcefoster home and determine if the child(ren) in care can remain in the home with the implementation of a corrective action plan for the foster home on an individual, case-by-case basis. This includes determining the placement structure that best meets all the needs of the children and all members of the foster home. For example:
 - 1) The alleged victim child in care may be removed from the home; or,
 - 2) The alleged offender child may be removed from the home; or,
 - 3) Any of the children in care who are neither an alleged offender nor an alleged victim may be removed or remain in the home based on an individual, case-by-case determination of what is in their best interest and welfare;
- B. If a corrective action plan for resource the foster home is implemented:
 - 1) Develop the corrective action plan for the resourcefoster home with the resourcefoster parents and child(ren) in the home, as age and developmentally appropriate, review it, and answer any questions the participants may have;
 - 2) Utilizing the appropriate chain of command, notify the Assistant Director of Community Services or designee of the corrective action plan via phone prior to leaving the home;
 - 3) If the corrective action plan is approved by the Assistant Director of Community Services or designee:
 - a) Leave a copy of the corrective action plan with the resourcefoster parents.
 - b) File the corrective action plan for the resourcefoster home in the provider record.
 - c) Document the corrective action plan for the resourcefoster home and reasons behind the implementation of the plan in CHRIS contacts.
 - d) Inform other parties to the case of the corrective action plan for the resourcefoster home immediately but no later than the next business day via email or text.
 - e) Visit the home at least weekly to meet with the children and resourcefoster parents while the corrective action plan for the resourcefoster home is in place.
 - 1) During the home visit meet individually with resourcefoster parents and children in care, if age appropriate, to assess the corrective action plan for the resourcefoster home, the continued well-being of the children, and to determine any adjustments that may need to be made;
- C. If the child(ren) must be removed (which includes removal because the Assistant Director of Community Services or designee does not approve the corrective action plan by phone), refer to Policy VII-L: Changes to Out-of-Home Placement and related procedures regarding notifications of the placement move;
- D. Provide a briefing of the safety/risk assessment within 24 hours of conducting the safety/risk assessment by emailing the completed CFS-329: Foster Child Maltreatment Disclosure Case Briefing Summary to the DCFS Assistant Director of Community Services or designee, the Assistant Director of Prevention and Reunification, and the Child Protective Services (CPS) Manager;
- ~~C.E.~~ Notify immediately, but no later than five business days the child(ren)'s custodial/non-custodial parent(s), attorney ad litem, and OCC attorney whenever the child is the victim or offender named in an allegation of child maltreatment. Notify via email, text, and/or with the following forms:
 - 1) CFS-204-A: Notice of Child Maltreatment Allegation to Legal Parent(s), Legal Guardian(s) and Current ResourceFosterFoster Parent(s) of Alleged Offender in Foster Care
 - 2) CFS 205-A: Notice of Child Maltreatment Allegation to Legal Parent(s), Legal Guardian(s), and Current ResourceFosterFoster Parent(s) of Alleged Victim(s) in Foster Care
 - 3) CFS 208-A: Notice of Child Maltreatment Allegation to Attorney Ad Litem and CASA of Alleged Offender
 - 4) CFS 206-A: Notice of Child Maltreatment Allegation to Attorney Ad Litem, CASA, and Counsel in Dependency Neglect or FINS Case of Alleged Victim(s); and,
- ~~D.F.~~ Notify attorneys ad litem for all children placed in the same out-of-home placement but not named as victims in the report, via email, text, and/ or the CFS-209-A: Notice of Child Maltreatment Allegation to

AAL or CASA of Child in FosterResourceFoster Home Where Maltreatment Is Reported or Where an Alleged Juvenile Offender or Underaged Juvenile Offender is Placed, immediately, but no later than 5 business days.

- D. ~~If there is an allegation of sexual abuse perpetrated by a child in foster care, a public defender will be assigned to the child. DHS will provide notice of the investigative determination to all those individuals as outlined in Procedures XIV-A4 and XIV-A5.~~
- E. ~~Follow all policies and procedures concerning the investigation of child abuse.~~
- F. ~~If the allegation is a Priority I and a foster parent or member of the foster family household is the alleged offender, all children in foster care will be removed from the home. If the allegation is a Priority I and the alleged offender is a child in foster care, remove the alleged offender child from the home and place that child in a foster home without any other children, unless he is the only child in the home. Any exceptions to this policy must be approved and documented by the Assistant Director of Community Services.~~

~~If the allegation is a Priority II, conduct a safety/risk assessment on each child in the home. Determine on an individual basis for each child in the home if it is necessary to immediately remove them from the home to protect their safety and welfare. Regardless of who the alleged offender is (e.g. one of the foster parents, another adult member of the household, one of the children in care, or one of the foster parent's own children), the FSW will determine if the children in care can remain in the home with the implementation of a protection plan on an individual case-by-case basis. This includes determining the placement structure that best meets all the needs of the children and all members of the resource foster home. For example:~~

~~The alleged victim child in care may be removed from the home.~~

~~The alleged offender child may be removed from the home.~~

~~Any of the children in care who are neither an alleged offender nor an alleged victim may be removed or remain in the home based on an individual, case-by-case determination of what is in their best interest and welfare.~~

~~The FSW will review all relevant information to make this decision. This would include, but is not limited to, the characteristics and history of the child in foster care. The history and characteristics of the foster parents and their own children (if any) should be assessed as well. The FSW will document this information in the case record and the reasoning behind the decisions made.~~

~~resource for the resource homeresource safety for the resource home for the resource home~~

~~Inform other parties to the case of the emergency safety plan for the resource home by the next business day via email or text. resource foster parents while the protection plan for the resource home is is being implemented and followed. The FSW will meet individually with resourcefoster parents and children in care, if age appropriate, to assess the protection plan for the resource home, the continued well-being of the children, and to determine any adjustments that may need to be made.~~

The Area Director or designee will:

- A. Ensure the appropriate DCFS field staff are notified (e.g., County Supervisor(s), FSW Unit Supervisor(s), primary and secondary FSWs for the child(ren), etc.) of the allegation so that these staff can then notify the child(ren)'s family, the OCC attorney, the child(ren)'s CASA, if applicable, and the child(ren)'s attorney(s) ad litem of the allegation;
- B. Notify the Resource Worker and Resource Worker Supervisor of the maltreatment allegation so that the Resource Worker may place the home on unavailable status in CHRIS; and,
- C. Conference with FSW Supervisor as needed.

The FSW Supervisor will:

- A. Conference with the FSW as needed; and,

- B. Notify the Area Director of the initial response outcomes.

The Area Director or designee will:

- ~~Notify the Resource Worker of the maltreatment allegation so that the Resource Worker may place the home on unavailable status in CHRIS.~~
- A. Conference with FSW Supervisor as needed.

The Resource Worker will:

- A. At the direction of the Area Director or designee, in CHRIS, classify the home under investigation as "unavailable" in CHRIS immediately but no later than the next business day, so that no additional more children may be placed in that home until the resolution of the investigation; and,
- B. Assist with the monitoring of the corrective action protection plan for the resource foster home as appropriate.

The Assistant Director of Community Services or designee will:

- A. Notify the DCFS Director when a child is left in a foster home in which a member of the foster household has been named as an alleged offender and a corrective action plan has been implemented to allow the child to stay in the home in order to ensure the child's best interest;
- B. Review the CFS-329: Foster Child Maltreatment Disclosure Case Briefing Summary;
- C. Conference with field staff as necessary; and,
- A.D. Share the CFS-329: Foster Child Maltreatment Disclosure Case Briefing Summary with the Assistant Director of Placement Supports and Community Outreach and the Foster Care Manager as appropriate.

PROCEDURE VII-K2: Response to Unsubstantiated Finding

1107/20169

If the child maltreatment allegation is unsubstantiated, the FSW Resource Worker will:

- A. Collaborate with the FSW Investigator and the child(ren)'s FSW Caseworker to write a request to the Resource Family Review Committee regarding how to proceed with the foster home;
- B. Submit a request to the Resource Family Review Committee Hold a staffing within one week of the determination finding.
 - 1) The request will include the FSW Resource Worker's recommendation regarding to:
 - a) E-discuss ending the emergency safety corrective action plan for the resource foster home, if applicable;;
 - b) The and the placement arrangements for the child(ren) (e.g., returning any children who may have been removed from the resource foster home as a result of the allegation); and,
 - c) Whether the resource foster home will be left on unavailable status or be returned to available status;
 - d) Whether any other actions are required;
- C. Participate in the Resource Family Review Committee meeting upon request.
 - 1) Phone participation in the Resource Family Review Committee meeting is acceptable;
- D. Update the status of the foster home in CHRIS as needed as well as CHRIS contacts as necessary.

The Resource Worker Supervisor will:

- A. Conference with the FSW Resource Worker as needed;
- B. Participate in the Resource Family Review Committee meeting upon request.
 - 1) Phone participation in the Resource Family Review Committee meeting is acceptable; and,
- A. Update the Area Director as needed.-
- B-C.

The FSW Investigator will:

- A. Collaborate with the FSW Resource Worker and the child(ren)'s FSW Caseworker to write a request to the Resource Family Review Committee regarding how to proceed with the foster home; and,
- A-B. Participate in the Resource Family Review Committee meeting upon request.
 - 1) Phone participation in the Resource Family Review Committee meeting is acceptable.

The FSW Caseworker for the child(ren) will:

- A. Collaborate with the FSW Resource Worker and the FSW Investigator to write a request to the Resource Family Review Committee regarding how to proceed with the foster home;
- B. Participate in the Resource Family Review Committee meeting upon request.
 - 1) Phone participation in the Resource Family Review Committee meeting is acceptable; and,
- C. Update the child(ren)'s CANS following the implementation of the Resource Family Review Committee's decision.

Conference with the FSW Supervisor, Resource Worker, and Resource Worker Supervisor regarding whether the resource home will be left on unavailable status or returned to available status and if any other actions are required.

The FSW Supervisor(s) will:

- A. Conference with the FSW Investigator and FSW Caseworker as needed;
- B. Participate in the Resource Family Review Committee meeting upon request ~~staffing regarding the emergency safety plan and the placement of the child(ren) resource foster.~~
 - 1) Phone participation in the Resource Family Review Committee meeting is acceptable.
- ~~Conference with the FSW, Resource Worker, and Resource Worker Supervisor regarding whether the resource home will be left on unavailable status or returned to available status and if any other actions are required.~~
- Update the Area Director as needed.

The Area Director or designee will:

- A. Participate in the Resource Family Review Committee meeting upon request ~~foster.~~
 - 1) Phone participation in the Resource Family Review Committee meeting is acceptable.

The Resource Family Review Committee will:

- A. Review the request from the FSW Resource Worker and determine the appropriate action(s) that may include, but are not limited to:
 - 1) Ending the corrective action plan for the foster home, if applicable;
 - 2) Revising the placement arrangements for the child(ren) (e.g., returning any children who may have been removed from the foster home as a result of the allegation);
 - 3) Determining whether the foster home will be left on unavailable status or be returned to available status; and,
 - 4) Determining whether any other actions are required;
- B. Notify the FSW Resource Worker who submitted the request of the committee's decision in writing within one business day; and,
 - Document the recommendation in the Provider Screen in CHRIS. ~~Conference with the FSW, FSW Supervisor, and Resource worker regarding whether the resource home will be left on unavailable status or returned to available status and if any other actions are required.~~

C.

PROCEDURE VII-K23 :-Response to True Finding Pending Due Process

1109/20191

If the Priority II child maltreatment allegation is determined to be found true, the FSW Caseworker will:

- A. Reassess the ~~corrective action~~ protection plan for the ~~resource~~ foster home, if applicable, in collaboration with the FSW Resource Worker and FSW Investigator;
- B. Remove any or all of the children from the home, determined on a case-by-case basis in consultation with the FSW Supervisor, if necessary to ensure their safety and well-being.
 - 1) If the child(ren) must be removed, refer to Policy VII-L: Changes to Out-of-Home Placement and related procedures regarding notifications of the placement move;
- C. Hold a staffing within three business days of the finding to ~~determine if the emergency safety~~ corrective action plan for the ~~resource~~ foster home, if applicable, needs to be revised and/or if the ~~children in care may continue their placement in the home~~ changes to the child(ren)'s placement ~~are~~ is needed while the ~~foster resource parents appeal the finding~~ until due process for the ~~resource~~ foster parents has been met;
- D. Update CHRIS contacts as necessary; and,
- A.E. Update the FSW Resource Worker and Resource Worker Supervisor as necessary.

The FSW Supervisor will:

- A. Conference with the FSW regarding the ~~determination~~ finding; and,
- B. Participate in the staffing to determine if the ~~emergency safety~~ corrective action plan for the ~~resource~~ foster home, if applicable, needs to be revised and/or if changes to the child(ren)'s placement ~~are~~ is needed until due process for the ~~resource~~ foster parents has been met.
- A. Remove any or all of the children from the home, determined on a case-by-case basis, if necessary to ensure their safety and well-being.

The FSW Resource Worker will:

- A. Participate in the staffing upon request; and,
- B. Update the availability of the foster home and CHRIS contacts as applicable.

A. Complete CFS-475-F: True Reports of Child Maltreatment Against Foster Family Members and file it in the foster home record.

Print CFS-6001: Referral Information Report from CHRIS and file it in the foster home record.
The FSW Investigator will:

- A. Participate in the staffing upon request.

The Area Director or designee will:

- A. Participate in the staffing in person or via phone to determine if the corrective action plan for the ~~resource~~ foster home, if applicable, needs to be revised and/or if changes to the child(ren)'s placement ~~are~~ needed until due process for the ~~resource~~ foster parents has been met; and,
- A.B. Notify the Assistant Director of Community Services or designee if the child(ren) will remain in a ~~resource~~ foster home with a true finding while due process is pending.

The Assistant Director of Community Services or designee will:

Notify the DCFS Director if the child(ren) will remain in a foster home with a true finding while due process is pending.

PROCEDURE VII-K~~43~~: Response to True Finding ~~Reversed~~ Overtuned on Administrative Appeal When the Foster Home is Still Open, Priority I and II

11/09/2019

The FSW Caseworker will:

- A. Arrange and hold a staffing ~~within three business days of the administrative hearing~~ to determine on a case by case basis if ~~i~~:

- A. ~~It is in the best interest of the children to remain in or /return to that foster resourcefoster home, as applicable.~~
- ~~1) ; and,~~
 - ~~2) if it is appropriate to consider the home as a placement resource for additional children in care.~~
 - ~~3) If the results of the staffing determine that it is appropriate to allow the children involved in the allegation to remain in/return to the home, reassess the protection corrective action plan, if applicable, for the resourcefoster home and adjust accordingly if necessary.~~
 - ~~1) If the staffing determines that any children still in the foster home must be removed, remove the children from the home.~~
 - ~~2) If the staffing determines that any children still in the foster resourcefosterhome should be removed, remove the children from the home.~~
 - ~~a) If the child(ren) must be removed, refer to Policy VII-L: Changes to Out-of-Home Placement and related procedures regarding notifications of the placement move.~~
- B. ~~Conference with the FSW Supervisor, Resource Worker, and Resource Worker Supervisor regarding the recommendation as to whether the resourcefoster home will be left on unavailable status or returned to available status and if any other actions are required; and,-~~
- B.C. ~~Update CHRIS contacts as necessary.~~

The FSW Supervisor will:

- A. ~~Participate in the staffing regarding the children's placement to determine, as applicable, if it is in the child(ren)'s best interest to remain in/return to the resourcefoster- homehome;,-~~
- B. ~~Conference with the FSW Caseworker, Resource Worker, and Resource Worker Supervisor regarding the recommendation as to whether the foster home will be left on unavailable status or returned to available status and if any other actions are required; and,~~
- ~~Conference with the FSW, Resource Worker, and Resource Worker Supervisor regarding whether the resourcefoster home will be left on unavailable status or returned to available status and if any other actions are required.~~
- C. ~~Update the Area Director as necessary.~~

The Area Director or designee will:

- A. ~~Participate in the staffing (in person or via phone) regarding the placement of the childrenfosterfoster;~~
- B. ~~Submit the recommendation developed during the staffing regarding the placement of the children to the Assistant Director of Community Services or designee for final approval; and,~~
- C. ~~Conference with the FSW Supervisor and Resource Worker Supervisor regarding the recommendation as to whether the foster home will be left on unavailable status or returned to available status and if any other actions are requiredresourcefoster~~

The Area Director will:

- ~~Notify the Resource Worker and Resource Worker Supervisor that the home;~~
- ~~Mmay be removed from "unavailable" status in CHRIS if the staffing determines that it is appropriate to consider the home as placement resource for additional children in care; or;~~
- ~~1) Must be closed due to safety concerns.-~~

The Resource Worker will:

- A. ~~Participate in the staffing regarding the children's placement to determine, as applicable, if it is in the child(ren)'s best interest to remain in/return to the foster home;~~
- B. ~~Take lead on the reevaluation of the foster home if it is still open;~~

- C. Conference with the FSW, FSW Supervisor, and Resource Worker Supervisor regarding whether the recommendation as to whether the resource foster home will be left on unavailable status or returned to available status and if any other actions are required;
- D. Submit the recommendation, if applicable, to place the foster home back on available status to the Resource Family Review Committee;
- A. At the instruction of the Area Director, remove the home from "unavailable" Based on the response from the Resource Family Review Committee, uUpdate the status of the resource foster home in CHRIS, if applicable, or close the resource foster home in CHRIS, if as applicable;
- E.
- F. Complete Update CFS-475-F: True Reports of Child Maltreatment Against Resource Foster Family Members that was previously and filed it in the foster home provider record;
- G. Complete CFS-475-G: Checklist for Resource Foster Home Closure and other required steps to close a resource foster home, if as applicable; and,
 - 1) foster.
- B.H. Print CFS-6001: Referral Information Report from CHRIS and file it in the foster home record Update CHRIS contacts as necessary regarding the allegation and outcome of the resource home reevaluation.

The Resource Worker Supervisor will:

Conference with the FSW, FSW Supervisor, and Resource Worker regarding the recommendation as to whether the resource foster home will be left on unavailable status or returned to available status and if any other actions are required.

The Assistant Director of Community Services will:

Notify the DCFS Director or designee of the decision regarding placement of the children and availability status of the foster home.

The Resource Family Review Committee will:

- A. Review the recommendation from the FSW Resource Worker as to whether the foster home will be left on unavailable status or returned to available status and if any other actions are required; and,
- B. Notify the FSW Resource Worker who submitted the request of the committee's decision in writing within one business day.

PROCEDURE VII-K54: Response to True Finding Overturned on Administrative Appeal When the Foster Home has Previously Been Closed

1/2019

If the foster home has been closed and requests DCFS to re-open the home, the FSW Resource Worker will:

- A. Arrange and hold a staffing within three business days of the administrative hearing to determine on a case by case basis if the local staff believe it is appropriate to pursue re-opening the foster home.
 - 1) If local staff believe it is appropriate to pursue re-opening the foster home, collaborate with other local staff, as appropriate, to write a request to the Resource Family Review Committee to consider re-opening the foster home and submit the request to the Resource Family Review Committee.
 - 2) If local staff believe it is not appropriate to pursue re-opening the foster home, inform the family of the decision.

The Resource Worker Supervisor will:

- A. Participate in the staffing to determine on a case by case basis if the local staff believe it is appropriate to pursue re-opening the foster home; and,
- B. Update the Area Director as necessary.

The FSW Investigator will:

Participate in the staffing in person or via phone to determine on a case by case basis if the local staff believe it is appropriate to pursue re-opening the foster home.

The FSW Caseworker will:

Participate in the staffing in person or via phone to determine on a case by case basis if the local staff believe it is appropriate to pursue re-opening the foster home.

The Area Director or designee will:

Participate in the staffing in person or via phone to determine on a case by case basis if the local staff believe it is appropriate to pursue re-opening the foster home.

The Resource Family Review Committee will:

- A. Review the request from the FSW Resource Worker and determine if it is appropriate to re-open the home and, if so, under what conditions (e.g., once additional training has been completed, with certain restrictions on characteristics of children that can be placed in the home, etc.); and,
- B. Notify the FSW Resource Worker who submitted the request of the committee's decision in writing within one business day.

PROCEDURE VII-K6: Response to True Finding Upheld on Administrative Appeal, Priority I and II

1102/20195

If the true finding is upheld by the administrative hearing, the ~~foster resource~~ foster home may remain open for any of the children currently ~~in placement~~ in the home if it can be shown that it is in the best interest of the child(ren) to remain in the home. This ~~will~~ should be done on an individual basis for each child.

The FSW will:

- A. Arrange and hold a staffing within three business days of the administrative hearing to determine on a case by case basis if it is in the best interest of the child(ren) to remain in that resource foster home, if applicable.
 - ~~0) If the results of the staffing determine that it is appropriate to allow the child(ren) involved in the allegation to remain in the home, reassess the emergency safety corrective action plan for the resource foster home and adjust accordingly if necessary.~~
 - 1)
 - 2) If the staffing determines that any child(ren) still in the resource foster home must be removed, remove the child(ren) from the home.
 - a) If the child(ren) must be removed, refer to Policy VII-L: Changes to Out-of-Home Placement and related procedures regarding notifications of the placement move.
 - b) Staff are highly encouraged to update the child's CANS assessment during this staffing or once the child(ren) moves into a new placement, if applicable;
- B. Conference with the FSW Supervisor, Resource Worker, and Resource Worker Supervisor regarding whether the resource home will be left on unavailable status or returned to available status and if any other actions are required at what point the resource foster home will be closed.;
- C. Provide the Resource Worker with any needed and/or requested information for an alternative compliance and/or policy waiver request, if applicable.;
- D. Update CHRIS contacts as needed; and,
- E. If at any point the policy waiver and/or alternative compliance request is denied, conference with the FSW Supervisor and:
 - 1) Remove all child(ren) in care from the resource foster home.
 - 2) Refer to Policy VII-L: Changes to Out-of-Home Placement and related procedures regarding notifications of the placement move.

Find new and appropriate placements for the removed children.

The FSW Supervisor will:

- A. Participate in the staffing to determine on a case by case basis if it is in the best interest of the children to remain in that resourcefoster home, if applicable;:-
- B. Conference with the FSW, the Resource Worker, and the Resource Worker Supervisor regarding whether the resource home will be left on unavailable status or returned to available status and if any other actions are required at what point the resourcefoster home will be closed; and,:-
Conference with the FSW as needed.
- C. Update the Area Director as needed.

The Area Director or designee will:

- A. Participate in the staffing in person or via phone to determine on a case by case basis if it is in the best interest of the children to remain in that resourcefoster home, if applicable;
- B. Submit the recommendation from the staffing to the Assistant Director of Community Services or designee for final approval;
- C. Review any received policy waiver and/or alternative compliance request(s) and supporting materials for resourcefoster homes for which a true finding has been upheld and the child(ren) will remain in that home due to it being in the best interest of the child(ren);
- D. Grant or deny approval for policy waiver and/or alternative compliance request(s) as appropriate; and,
- E. If approved, forward the request(s) to the DCFS Director or designee for approval.

The Resource Worker will:

- A. Conference with the FSW, FSW Supervisor, and Resource Worker Supervisor regarding whether the resource home will be left on unavailable status or returned to available status and if any other actions are required at what point the resourcefoster home will be closed;:-
- B. Complete the necessary documents for requesting that the resourcefoster home be granted an alternative compliance and/or policy waiver (see Appendix 8: Alternative Compliance and Policy Waiver Protocol for more information), if needed to allow the resourcefoster home to remain open for the child(ren) involved in the report because it is in their best interest to remain in that home;:-
- C. Complete CFS-475-F: True Reports of Child Maltreatment Against ResourceFoster Family Members and file it in the provider record;
- D. Forward all applicable case information for the alternative compliance and/or policy waiver request, including investigative outcomes, CANS, and the emergency safetycorrective action plan for the resourcefoster home, to the Resource Worker Supervisor for review;:-
- E. Inform the FSW and FSW Supervisor of the outcome of the alternative compliance and/or policy waiver request.
Close any resourcefoster home that is denied a policy waiver and/or alternative compliance approval at any point during the request review and document in CHRIS that the home is closed.
 - 1) Provide the reason for closure in the comment box in the Provider Services Tab.
 - 2) Update CHRIS contacts regarding the results of the alternative compliance and/or policy waiver request and as otherwise necessary; and,:-
- F. Complete CFS-475-G: Checklist for ResourceFoster Home Closure, as applicable, and file the form in the provider record.
 - 1) Complete all other required steps to close a resourcefoster home.

The Resource Worker Supervisor will:

- A. Conference with the FSW, FSW Supervisor, and Resource Worker regarding whether the resource home will be left on unavailable status or returned to available status and if any other actions are required at what point the resourcefoster home will be closed;:-

- B. Review the alternative compliance and/or policy waiver requests and supporting documentation, if applicable; and,-
- C. Forward the alternative compliance and/or policy waiver requests and supporting documentation, if applicable, to the Area Director.
- ~~Close any resource home that is denied a policy waiver and/or alternative compliance approval at any point during the request review and document in CHRIS that the home is closed.~~
- ~~Provide the reason for closure in the comment box in the Provider Services Tab, if applicable.~~

The Assistant Director of Community Services will:

Notify the DCFS Director or designee of the decision regarding placement of the children and availability status of the foster home.

- ~~Update CFS 475 F: True Reports of Child Maltreatment Against Resource Family Members and file it in the resource home record.~~
- ~~Complete CFS 475 G: Review the existing protection plan.~~
- ~~Make any necessary changes and adjustments to the plan.~~
- ~~Create the necessary documents for requesting that the foster home be granted a policy waiver and/or alternative compliance (see Appendix 8: Alternative Compliance and Policy Waiver Protocol for more information) so that it may remain open.~~
- ~~Forward all case information for the policy waiver and/or alternative compliance request, including investigative outcomes, CANS, and protection plans, to the Area Director.~~
- ~~If at any point the policy waiver and/or alternative compliance request is denied:~~
 - ~~Remove all children in care from the foster home.~~
 - ~~Find new and appropriate placements for the removed children.~~
 - ~~Notify the Resource Worker that the foster home must be closed.~~
 - ~~Document the decision made on any policy waiver request in CHRIS.~~
 - ~~If the alternative compliance request is reviewed by the Child Welfare Agency Review Board, document the decision of the board in CHRIS.~~

The Area Director will:

- A. ~~Review all received policy waiver and/or alternative compliance request(s) and supporting materials.~~
- B. ~~Grant or deny approval for policy waiver and/or alternative compliance request(s) as appropriate.~~
- C. ~~If approved, forward the request(s) to the Assistant Director of Community Services DCFS Director or designee for approval.~~

The Assistant Director of Community Services will:

- A. ~~Review the received policy waiver and/or alternative compliance request(s) and supporting materials.~~
- B. ~~Grant or deny approval for policy waiver and/or alternative compliance request(s) as appropriate.~~
- C. ~~If approved, forward the request(s) to the Division Director for approval.~~

The Division Director or designee will:

- A. ~~Review received policy waiver and/or alternative compliance request(s) and supporting materials;,-~~
- B. ~~Grant or deny approval for policy waiver and/or alternative compliance request(s) as appropriate; and,-~~
- C. ~~If approved, forward any alternative compliance request(s) to the Placement and Residential Licensing Unit (PRLU) Manager and staff.~~

The Placement and Residential Licensing Unit (PRLU) Manager or designee will:

- A. ~~Review the request for an alternative compliance; and,-~~
- B. ~~Place the request on the agenda of the next scheduled meeting of the Child Welfare Agency Review Board (CWARB).~~