

OBJECTIVE:

To understand when to share information with non-custodial and/or putative parents and other considerations for engagement with parents in an effort to:

- Include them in the assessment and case planning process as appropriate; and,
- To help them serve as support to their child in foster care.

APPLICABLE LAWS:**A.C.A. 9-27-303: JUVENILE CODE DEFINITIONS**

“Parent” means:

- A biological mother;
- An adoptive parent;
- A man:
 - ❖ To whom the biological mother was married at the time of conception or birth;
 - ❖ Who has signed an acknowledgment of paternity;
 - ❖ Who has been found by a court of competent jurisdiction to be the biological father of the juvenile or to have otherwise established paternity; or
 - ❖ Who is listed as the parent on the birth certificate of the child.

“Putative Parent” means any man not deemed or adjudicated under the laws of the jurisdiction of United States to be the biological father or a juvenile who claims to be or is alleged to be the biological father of the juvenile.

A.C.A. 9-28-407: CHILD WELFARE AGENCY LICENSING ACT

Reports, correspondence, memoranda, case histories, or other materials, include protected health information, compiled or received by DCFS, including both foster care and protective services records, may be released to a non-custodial parent (as well as a guardian or custodian).

- However, DCFS may redact information from the record such as the name or address of resource parents or providers when it is in the best interest of the child.
- DCFS may also redact counseling records, psychological or psychiatric evaluations, exams, or records, drug screens or drug evaluations, etc. concerning a parent if the other parent is requesting a copy of a record.

A.C.A. 12-18-605: INVESTIGATIVE INTERVIEWS

An investigation of child maltreatment or suspected child maltreatment includes interviews with both custodial and non-custodial parents.

AC.A. 12-18-709: CONFIDENTIALITY

DCFS shall notify each subject of the report of the investigation determination whether true or unsubstantiated. A subject of the report includes non-custodial parents (as well as custodial parents, guardians, and legal custodians) of the child who is subject to suspected maltreatment.

AC.A. 12-18-909: AVAILABILITY OF TRUE REPORTS OF CHILD MALTREATMENT FROM THE CENTRAL REGISTRY

Any other information obtained during the course of the investigation by the Department may be shared with the non-custodial parent (as well as the custodial parent, guardian, or other legal custodian).

PRACTICE CONSIDERATIONS:

- It is best practice to engage all parents – custodial, non-custodial parents, and putative, including those who are incarcerated -- in investigations and casework. This helps complete a rigorous and balanced family assessment and helps the family develop a support system. Engagement can include:
 - ❖ Balancing discussions of worries with the identification of what is working well.
 - ❖ Identifying behaviors that impact the child and setting goals that are mutually agreed upon. Write this information in the words the family puts forth so it is easier for them to understand and own.
 - ❖ Providing choices whenever possible.
 - ❖ Sharing openly about what to expect regarding timelines and other information and repeating this information often.
 - ❖ Arranging frequent opportunities for family time.
 - ❖ Conducting frequent and substantive visits and supplementing those with texts and calls as needed.
 - ❖ Keeping voicemail boxes clear and returning messages, texts, and emails promptly.
 - ❖ Practicing warm hand-offs between investigators and caseworkers and with providers (a referral alone is not a service).
 - ❖ Recognizing and praising progress.
- Information is releasable to non-custodial parents. When releasing information to non-custodial parents, redact any information pertaining to the custodial caregiver's counseling records, psychological or psychiatric evaluations, examinations, or records, drug screens or drug evaluations, or similar information as well as the names and addresses of the child's resource parents.
- Putative fathers are not entitled to records simply by virtue of being a putative parent. However, DCFS will also assess all putative fathers. Based on that assessment, DCFS may determine if certain information may be released to the putative parent as an individual having services needed by the child or family. If the individual does not need to know the information to provide services or supports needed by the child or family, do not provide the information. This assessment will also help determine what role a putative father may play in the child's life and what services and supports, if any, he may need in order to be considered as a potential custodian for concurrent planning purposes.
- A trial home placement with a non-custodial parent is an option if that non-custodial parent is safe and appropriate. DCFS Procedure VI-B1 outlines the steps that must be taken to assess if a non-custodial parent is a safe and appropriate option for a trial home visit. A trial home visit with a non-custodial parent may begin, if safe and appropriate, at any point in the life of a case.
- Information regarding a true determination of child maltreatment may be released to the custodial parent, custodian, or guardian of a child who is or may be currently cared for or supervised by a person named as an offender in a true child maltreatment report. Sometimes during the course of an investigation or case, DCFS becomes aware of child maltreatment history that an alleged offender has not disclosed to the custodial parent, custodian, or guardian of a child for whom the offender provides care. In these situations, DCFS may disclose such information to the custodial parent, custodian, or guardian of the child in an effort to ensure child safety.