

**Agreement Between the Arkansas Department of Human Services (DHS)
Division of Children and Family Services (DCFS) and
the Department of Public Safety (DPS), Crimes Against Children Division (CACD)
Remainder of State Fiscal Year 2024**

I. Agreement Background and Purpose

In accordance with Arkansas Code Annotated § 12-8-501, the State has a responsibility to provide competent and thorough child maltreatment screening and investigations which are sensitive to the needs of children and families. This warrants child maltreatment screenings and investigations to be aligned with best practices to meet the needs of children and families. CACD will maintain the statewide child abuse hotline.

CACD is a partner with the Division of Children and Family Services (DCFS) under the Department of Human Services (DHS) in the implementation of an integrated family centered At One Table Practice Model. CACD will continue to work with DCFS in the development of the Structured Decision-Making model.

In furtherance of the cooperation between CACD and DHS, DHS shall provide trainings to CACD and DCFS related to child maltreatment investigations (i.e., Investigation Concentration), ARfocus, Safety Organized Practice, and other appropriate trainings as determined by DHS. DHS shall determine which trainings are mandatory for all CACD and DCFS employees that are involved directly or indirectly with the child abuse hotline and investigation of child maltreatment. CACD shall be responsible for all other new employee onboarding and training for CACD staff.

II. Statutory, Policy, and Rule Requirements

The CACD agrees to comply with all applicable state and federal laws and regulations, which include the Juvenile Code, the Child Maltreatment Act, The Child Abuse Prevention and Treatment Act (CAPTA), Title IV-E of the Social Security Act which includes the Adoptions and Safe Families Act (ASFA), and state law pertaining to the CACD, Arkansas Code Annotated §12-8-501, et seq. CACD shall follow relevant DHS promulgated rules and procedures, including DHS Office of Chief Counsel internal policies on Do Not Defend recommendations and No Risk determinations.

CACD shall work with DHS to develop rules, policy, or both regarding the Child Abuse Hotline as well as any associated tools (see attached addendum: Structured Decision-Making Hotline Assessment Procedures Manual). All rules, policies, and tools regarding the Child Abuse Hotline will be developed and revised, as applicable, in collaboration between the DCFS Director and CACD Administrator. Any disputes between CACD and DCFS regarding rule or policy creation, implementation, or promulgation or tool development or revision shall go to the Secretary of DHS and the Secretary of the Department of Public Safety for resolution. Neither CACD or DHS shall be allowed to unilaterally change the Structured Decision Making Hotline Assessment Procedures Manual.

III. Program Responsibilities

A. The Child Abuse Hotline Section of CACD will:

1. **Decision Points**

- a. Make screening decisions to determine if a report of abuse or neglect meets the criteria for acceptance, as defined in the screening section of the Evident Change hotline assessment in the ARfocus intake screens.
- b. Make the response priority decision for all accepted reports either 24 hours or 72 hours, as outlined in the screening and response priority sections of the hotline assessment.
- c. Determine the appropriate investigating agency, either CACD or DCFS.
- d. Assign child maltreatment allegations to either the child maltreatment investigative pathway or the differential response pathway pursuant to A.C.A. §12-18-601.
- e. Apply the hotline assessment and policies to inform their decisions of all the above. Once

ARfocus is implemented, the hotline will apply Evident Change's Structured Decision Making (SDM) policies when completing the intake and initial screening of reports.

2. Information Gathering

- a. Receive and document all reports (via phone calls, facsimile, online reports) with sufficient identifying information as defined by Arkansas law by using the hotline assessment.
- b. Receive and document any child death that:
 - i. Is sudden and unexpected; and,
 - 1) was not caused by known disease or illness for which the child was under the care of a physician at the time of death; or
 - 2) was reported by a coroner or county sheriff
- c. Conduct a history check on all reports and provide a summary of prior history in the screening narrative unless call waits exceed 15 minutes or longer. History checks will be conducted on all severe maltreatment allegations or abuse reports involving a child 3 years or younger regardless of wait time
- d. Attempt to secure all information requested on the DCFS information management system screens and elicit the following from the caller:
 - i. The reporter's understanding of the existence, cause, nature, and extent of child maltreatment and how the reporter acquired the information.
 - 1) What was the caregiver's action/inaction and impact on the alleged victim child?
 - ii. The existence and extent of any previous injuries.
 - iii. If known, the identity and whereabouts of the alleged offender.
 - iv. Whether or not the reporter believes the alleged offender will have unprotected access to the child within the next 24 to 72 hours.
 - v. The names and conditions of other children and other adults in the home.
 - vi. The circumstances of the parents or caregivers of the child, including presence of disabilities, mental health status, substance use, and domestic violence or any protective factors.
 - vii. The environment where the child resides.
 - viii. The relationship of the child or children with the legal caregivers and/or the alleged offender if not the caregivers.
 - ix. Potential danger to staff investigating the allegation(s).
 - x. Identity and location of possible witnesses or persons knowledgeable about the alleged child maltreatment.
 - 1) Is there anyone else who is also worried about this child/family who might have additional information or be willing to help?
 - xi. Relevant addresses and directions.
 - xii. Licensing authority and facility involved.
 - xiii. Family's self-identified race and ethnicity if reporter is aware of it.
 - xiv. Any family support is known to the reporter.
- e. Inform the caller if the information provided does not constitute a legal allegation of child maltreatment.
- f. Notify each mandated reporter who makes a call to the hotline if the mandated reporter's call is not accepted or is screened out on a subsequent hotline supervisor review. Said notification shall be made within two (2) business days after a mandated reporter makes a call to the hotline that is not accepted or is screened out.
- g. Forward report to the appropriate investigating agency, either DCFS or CACD, for investigation, and DCFS may refer for assessment.
- h. After hours notification is to be made to the appropriate on call member of either DCFS or CACD.
 - i. DCFS will maintain in its information management system a current list of

on-call DCFS staff, supervisors, and Area Directors including home phone numbers and cell phone numbers.

- ii. If local law enforcement contacts the hotline because a 72-hour hold has been initiated on a child or a hold needs to be taken on a child to protect the child, the hotline shall provide local law enforcement with the name and contact information for the appropriate on-call staff employee at DCFS.
- iii. At any time should the system be inoperable, or the respective entities do not have access to the computerized entry, the agencies shall receive report notification via a format that the agencies shall request at the time of the outage to assure child safety.

3. Information Documentation and Access

CACD and DCFS will practice with full transparency and information sharing. Each agency will document all assigned work in the DCFS approved information management system and the SDM data collection system. Both agency staff will have access to all case related information to inform their case work and decision making.

- a. CACD Hotline documentation should include all required DCFS information management system screens and include details in related policies.
- b. CACD Investigations documentation should include all required DCFS information management system screens and include details in related policies.

4. Allegation Assignments

Child maltreatment allegations will be assigned to either the child maltreatment investigative pathway or the differential response pathway pursuant to A.C.A. §12-18-601 and as otherwise guided by Evident Change Structured Decision-Making Hotline Screening Tool.:

Reports containing information that young children are behaving in a developmentally inappropriate sexual manner, but do not contain allegations of sexual abuse or name an offender will not be registered as child maltreatment but will be documented. Reports of consensual sexual activity between similar aged children shall not be accepted by the Child Abuse Hotline unless the activity falls within the statutory definition of sexual abuse. If the assessment results in an allegation of child sexual abuse as defined by statute, the DCFS worker will make a report to the Child Abuse Hotline, and, if accepted, the report will be investigated by CACD or DCFS, depending on the age of the named alleged offender.

Regarding allegations that fit Differential Response criteria and involve a child who is currently in foster care, but the allegations took place prior to the child entering foster care, the hotline will assign these allegations to DCFS via the investigative pathway given that the child is already in foster care so a Differential Response does not apply.

B. Investigations – Who Will Investigate?

1. CACD

The CACD, being specially trained and organizationally placed outside of the Arkansas Department of Human Services (ADHS), shall investigate all reports of child maltreatment that identify a(n):

- a. DCFS foster parent or a member of the foster parents' household that is assigned to the investigative pathway;
- b. DCFS pre-adoptive parent;
- c. DCFS provisional foster parent;
- d. Therapeutic Foster Care (TFC) foster parent;
- e. Juvenile named as an alleged offender aged 10-18 and the allegation is "severe maltreatment" as defined in the Child Maltreatment Act;
- f. Alleged offender who is a person who is not a family member or is not living in the home with the alleged victim(s) with an allegation of severe maltreatment;
- g. Allegation(s) involving a child in foster care whether the child in foster care is the offender or the victim excluding all reports that meet Differential Response criteria involving a child in foster care that allegedly occurred prior to the child entering

- foster care;
- h. Staff person of a Division of Youth Services owned facility or Division of Youth Services contract facility as the alleged offender;
- i. Allegation(s) involving a juvenile in a Division of Youth Services owned facility or Division of Youth Services contract facility whether juvenile is the offender or the victim;
- j. Division of Children and Family Services employee or significant other or other-household member as an alleged offender in a report assigned to the investigative pathway;
- k. Near fatalities;
- l. Child death accepted by the Child Abuse Hotline that:
 - i. Is sudden and unexpected; and,
 - ii. Was not caused by known disease or illness for which the child was under the care of a Physician at the time of death; or,
 - iii. The death of a child reported by a coroner or county sheriff; or,
 - iv. Dies during the course of an open child maltreatment investigation.

2. DCFS

DCFS being the state agency designated to administer or supervise the administration of the programs under the Child and Family Services Plan, including title IV-B and title IV-E, shall investigate all reports of child maltreatment that identify a(n):

- a. Arkansas State Police employee or significant other or other household member, either in their personal or official capacity, as the alleged offender assigned to the investigative pathway;
- b. Allegations that fit Differential Response criteria that involve a child who is currently in foster care, but the allegations took place prior to the child entering foster care (hotline will assign these to the investigative pathway with DCFS as the investigative agency given that the child is already in foster care so a Differential Response would not apply);
- c. DCFS foster parent or a member of the foster parents' household that is assigned to the differential response pathway (assignment will be made to a DCFS county office other than the county in which the alleged foster parents/member of the foster parents' household reside) ;
- d. DCFS employee, significant other, or other household member or Arkansas State Police employee, significant other, or other household member named in a report assigned to the differential response pathway (the DR will be assigned to a county office outside the area in which the DR allegation allegedly occurred).

3. Conflict Cases

For conflict cases assignment will be made to another county office or area other than the one where the alleged maltreatment occurred.

4. Criminal Investigations if local law enforcement declines to investigate:
 - a. The CACD, upon acceptance of this agreement, assumes responsibility for criminal child maltreatment investigations in accordance with Arkansas Code Annotated §12-18-601, if local law enforcement declines to investigate. Those allegations of child maltreatment are the responsibility of the CACD by this Agreement in conjunction with the Governor's Executive Order. The CACD shall not be responsible for any child welfare matters other than those set out in this agreement, incorporated herein, unless additional responsibility is incorporated into this agreement in the form of an amendment by mutual agreement of the CACD and the ADHS.
 - b. In the event DCFS is currently involved in an investigation (e.g., inadequate supervision) and a child dies, there will be communication between DCFS and CACD as to who will be primary on the investigation going forward based upon an assessment completed by CACD. DCFS investigative activities on original allegation will continue until notified otherwise by CACD upon completion of their assessment.
 - c. CACD will complete the Child Fatality Disclosure Case Briefing summary, if there is no prior history with the family or DCFS secondary assignment.

C. Investigations---Procedural Requirements

1. CACD shall initiate all child maltreatment investigation *no later than* the assigned response priority time of either 24 hours or 72 hours per the hotline assessment.
2. Upon initiation of the investigation, the primary focus of the investigation shall be an assessment of child safety to determine a) if there is an imminent danger to the child, including whether or not the alleged offender has access to children, and b) the overall risk to children and whether or not children are at risk such that children need to be protected.
3. Collaboration between CACD and DCFS staff is always encouraged, to include CACD and DCFS staff responding simultaneously to a child maltreatment report when appropriate.
4. At any point in the investigation, CACD will immediately notify DCFS, either in person or via telephone if CACD has concerns about the safety of children. When a safety threat is present and a safety assessment from DCFS has been requested, CACD will advise the offender of the reported allegations if the offender lives in the home.
5. An investigation is initiated by CACD when the victim is interviewed or examined outside the presence of the alleged offender. A DCFS safety assessment does not constitute an initiation of a CACD child maltreatment investigation. CACD may contact DCFS to conduct a safety assessment after examining/interviewing the child and the non-offending parent living in the home if safety is a concern. DCFS shall not initiate a safety assessment unless CACD has identified a safety threat is present. CACD will complete the Structured Decision Making (SDM) Safety Assessment in the applicable information management system within two (2) business days. CACD will also complete SDM Risk Assessment Tool in the applicable information system prior to investigation closure. CACD will conduct or secure drug testing, or take whatever steps are needed during the course of any investigation conducted by CACD to properly investigate the allegations. Based upon the investigation and in collaboration with the family, upon the request of CACD, DCFS will make referrals, if needed, to local counseling, etc., during the course of the investigation. During the course of all investigations conducted by DCFS and CACD, families will be provided with a pamphlet developed by DCFS regarding access to services/needs.
6. CACD will document activities associated with the investigation of suspected child maltreatment in the applicable information management system. CACD must document the activities within two (2) business days of completion. CACD and DCFS will in good faith attempt to resolve information management system issues when problems arise. ADHS agrees to update the applicable information management system, at its expense, to include all applicable CACD forms.

7. DCFS staff will act as secondary on all CACD investigations if a safety assessment has been requested, and DCFS staff will document in the applicable information management system all activities associated with the investigation in the contact screen only. CACD and DCFS shall not alter or delete any documentation entered in the DCFS information management system by the other agency.

CACD shall make an investigative determination within forty-five (45) days of the receipt of the initial report of child maltreatment. An extension may be granted of 15 days based on 12-18-616. CACD shall interview the alleged offender's children and any children living in the alleged offender's home if the allegation is determined to be true. CACD shall assess any other children previously or currently under the care of the alleged offender, to the extent practical if the investigation is determined to be true, and to the extent practical, determine whether these children have been maltreated or are at imminent risk of serious harm.

8. For investigations determined to be inactive but information obtained from a subsequent report would permit the assigned investigative agency to gather additional evidence, the assigned investigative agency will provide notice of the allegations as per A.C.A. 12-18-501 et seq. and conduct the investigation. The assigned investigative agency will amend the determination of the earlier report accordingly based on evidence collected. The allegations contained in the most recent report will be investigated separately and an associated determination made based on the evidence collected during the investigation of the more recent report.

When one investigative agency identifies or locates an alleged offender or alleged victim who was the alleged offender or alleged victim named in a report previously determined to be inactive by another investigative agency, then the investigative agency responsible for the current report will notify the applicable supervisor of the investigative agency of the report previously found to be inactive. The supervisor will ensure notice of the allegations is provided as per A.C.A. 12-18-501 et seq. and assign the report for investigation. The investigation previously found to be inactive will be amended accordingly based on evidence collected.

D. Investigations Notice

1. The investigating agency shall provide notification required in the statute (Ark. Code Ann. §12-18-500 et seq., Ark. Code Ann. §12-18-700 et seq., Ark. Code Ann. §12-18-813.) If the report involves a child in foster care or is in an open dependency-neglect or Family in Need of Services (FINS) case, DCFS shall provide notice of the investigative determination to legal parents/guardians, the public defender or counsel, the judge in the juvenile court case, the Attorneys Ad Litem and CASA.
2. The investigating agency shall notify a facility's licensing or registering authority of the initial report of child maltreatment if a client or resident of the facility is identified as a victim and the facility is licensed or registered by the State of Arkansas. The investigating agency shall notify the appropriate ADHS division director and facility director when the initial report is that a client or resident of a facility operated by ADHS or a facility operated under contract with ADHS has been subjected to child maltreatment while at the facility.

IV. Judicial and Other Appearances and OCC Legal Advice

- A. CACD shall prepare affidavits containing facts obtained during the course of a child maltreatment investigation. Employees of CACD will appear and testify in the Administrative Hearings and all court proceedings initiated by ADHS without a subpoena. If CACD provides the Office of Chief Counsel (OCC) with an affidavit, OCC will notify CACD of the date, time and location of the court proceeding. If CACD has prepared the affidavit the CACD employee will appear in court unless relieved by OCC.
- B. CACD and DCFS shall immediately notify the OCC when an employee receives a subpoena to provide testimony or documents pertaining to a child maltreatment investigation. If legally warranted, the OCC may take steps to quash the subpoena. If the subpoena is not quashed, the CACD or DCFS employee shall comply with the subpoena.
 - CACD shall not notify OCC for representation on subpoenas from a prosecuting attorneys or law enforcement.

- C. No staff from either CACD or DCFS will appear voluntarily at the hearing to give testimony adverse to the investigating agency's position. If a CACD or DCFS employee is subpoenaed by the petitioner in an administrative hearing or by the defendant in a child welfare hearing and the employee's testimony will be adverse to the investigating agency's position, the CACD or DCFS employee will immediately notify the investigating agency and OCC of the compelled appearance and provide the investigating agency with a summary of the employee's testimony.
- D. To ensure that DHS and CACD are adequately prepared for court appearances and administrative hearings, the CACD will send the Central Registry its investigative file within ten business days of the request for the file by the Central Registry manager. The investigative file shall include copies of pictures, audio tapes, - video tapes, CD's, DVD's, and other forms of media. If the investigation is still ongoing at the time of the court hearing, then CACD shall share all information obtained with DCFS and OCC to prepare for the hearing.
- E. OCC represents ADHS and only ADHS. As directed by ADHS, OCC provides legal advice and assistance on Child Maltreatment Act matters to CACD. All other legal advice to CACD shall be directed to CACD attorneys.
- F. For Administrative Hearings of CACD Child Maltreatment Act findings, OCC will review and make recommendations as to No Risk Determinations. In accordance with 12-18-702, the DCFS Director shall make the final determination as to whether an offender may pose a risk of maltreatment to a vulnerable population.

V. Finances

- A. Upon the approval of the ADHS, DCFS' transfer of funds shall be made in the following manner:
 - 1. The ADHS will transfer federal funds and other revenues to the CACD via state treasury fund transfers upon receipt of billing information provided by the CACD. ADHS shall transfer \$3,761,621 in funding for State Fiscal Year (SFY) 2023. DCFS will cover the cost to house CACD investigators in DHS county offices.
- B. While the ADHS agrees to transfer the funds, the CACD agrees that any additional funding required by the CACD to comply with this agreement will be the responsibility of the CACD. The CACD agrees to request any additional funding from the Arkansas State Legislature as part of its budgeting process.
- C. The transfer of funds shall be made in a manner that is acceptable under the laws of the State of Arkansas and the rules, regulations, and procedures of the DF&A; and in compliance with any federal guidelines that may affect any portion of those monies transferred.
- D. The ADHS agrees to continue to provide the current office space to CACD positions transferred to CACD and other positions as agreed upon by ADHS and CACD. The office space shall include utilities, telephone service, and DCFS information management system access. However, after July 1, 2009, CACD will pay for any office space for any new positions.
- E. All responsibility regarding the central registry along with charging of fees for requested copies of child maltreatment reports will reside solely with the Division of Children and Family Services.

VI. Indemnification

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

VII. Monitoring and Dispute Resolution

No employee of CACD shall attempt to inhibit the reunification efforts of DCFS in dealing with families. Should CACD have unresolved concerns regarding the safety of a child, the CACD employee shall express these concerns to his or her supervisor at CACD. The CACD supervisor shall contact the DCFS Area Manager to share CACD's concerns, and if the CACD supervisor is not satisfied with the response from the DCFS Area Manager, the CACD supervisor shall go up the appropriate chain of command.

The parties, the Director of ADHS, the Director of ASP, the Director of DCFS, or their designees, and the

Commander of CACD shall meet as needed to discuss specific cases, operations, protocol compliance, and other pending issues. The parties agree to work together in good faith and in the spirit of cooperation. If this fails, the parties agree to submit to binding dispute resolution led by an unbiased representative of the Governor's Office.

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

VIII. Confidentiality & Disclosure of Information

The CACD will abide by the confidentiality requirements as outlined in the Child Abuse Prevention and Treatment Act, the Child Maltreatment Act, and the Arkansas Juvenile Code. CACD makes the following assurance:

CACD may not disclose information concerning child maltreatment allegations except as authorized under state or federal law or regulations or Division of Children and Family (DCFS) Policy.

All information pertaining to child maltreatment investigations is confidential and shall be released only as permitted by state and federal law. CACD may disclose information to the Prosecuting Attorney or law enforcement upon request or as necessary to facilitate an investigation or prosecution. All requests for copies of central registry records shall be handled by DCFS.

No investigative file shall be released while the investigation is pending, except as allowed in Arkansas Code Annotated § 12-18-101et seq.

Nothing in the preceding paragraphs will preclude timely disclosure to the appropriate Prosecuting Attorney's Office in the furtherance of the prosecution of the offender in such crimes; or other law enforcement agencies in the furtherance of the investigation; or as required by the DCFS; or the U.S. Department of Human Services, or any assistance through the Arkansas Crime Victims Reparations Act.

Referrals concerning malicious reporting shall be made to the appropriate Prosecuting Attorney.

IX. Multidisciplinary Teams and Child Safety Centers

CACD and DCFS shall participate in Multi-Disciplinary Teams authorized by the Commission on Child Abuse, Rape and Domestic Violence. To prevent multiple interviews of a child who has been a victim of child maltreatment, CACD and DCFS shall utilize Child Safety Centers, when available and appropriate.

X. Severability

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

XI. Duration

This agreement shall take effect July 1, 2022 and shall end June 30, 2023. This agreement shall be binding upon any successors to the Director of ADHS and the Director of the Arkansas State Police. This agreement and protocol shall be subject to the continuing review of the Arkansas General Assembly and the U.S. Department of Health and Human Services, Administration for Children and Families.

XII. Amendment of Agreement

The Agreement shall not be approved, amended or assigned without the consent of the ADHS, DCFS and the CACD.

XIII. Oversight

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

The CACD shall submit reports regarding the administration of the Child Abuse Hotline and child abuse investigations at least quarterly to the Legislative Oversight Committee, House Subcommittee on Children and Youth of the House Committee on Aging, Children and Youth, Legislative and Military Affairs and the Senate Committee on Children and Youth. A copy of all reports submitted to the legislature shall be provided simultaneously to the Director, DCFS.

This agreement was signed by the following:



Mike Hagar, Secretary
Arkansas Department of Public Safety

02/07/2024

Date



Major Jeffrey Drew, Commander
Crimes Against Children Division
Arkansas State Police

2-7-24

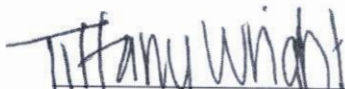
Date



Kristi Putnam, Secretary
Arkansas Department of Human Services

2/13/2024

Date



Tiffany Wright, Director
Division of Children and Family Services
Arkansas Department of Human Services

2/4/24

Date