

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

**Act 703 of the Regular Session**

1 State of Arkansas  
2 86th General Assembly  
3 Regular Session, 2007  
4

*As Engrossed: S3/20/07*

**A Bill**

SENATE BILL 303

5 By: Senators Malone, Madison, Hill, Capps, Salmon, J. Jeffress, G. Jeffress, Broadway, Horn, Critcher,  
6 Bookout, Wilkins, Glover, Bryles  
7  
8

**For An Act To Be Entitled**

10 AN ACT TO IMPLEMENT THE FINDINGS OF THE ARKANSAS  
11 LEGISLATIVE TASK FORCE ON ABUSED AND NEGLECTED  
12 CHILDREN; TO PROTECT CHILD VICTIMS OF ABUSE AND  
13 NEGLECT; TO *ENHANCE THE CONFIDENTIALITY OF* ITEMS  
14 THAT DEPICT THE SEXUAL EXPLOITATION OF A CHILD BY  
15 CLASSIFYING THEM AS CONTRABAND; TO REQUIRE THE  
16 DEPARTMENT OF ARKANSAS STATE POLICE TO  
17 INVESTIGATE ALL CASES OF SEVERE CHILD  
18 *MALTREATMENT; TO CREATE CHILD SAFETY CENTERS; TO*  
19 IMPROVE OPERATIONS OF THE ABUSE AND NEGLECT HOT  
20 LINE; TO IMPROVE ENFORCEMENT OF CHILD ABUSE AND  
21 NEGLECT LAWS; AND FOR OTHER PURPOSES.  
22

**Subtitle**

23 AN ACT TO IMPLEMENT THE FINDINGS OF THE  
24 ARKANSAS LEGISLATIVE TASK FORCE ON  
25 ABUSED AND NEGLECTED CHILDREN AND TO  
26 PROTECT CHILD VICTIMS OF ABUSE AND  
27 NEGLECT THROUGH NEW AND EXPANDED  
28 PROGRAMS.  
29  
30  
31

32 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
33

34 SECTION 1. Arkansas Code § 5-5-101(b), concerning the disposition of  
35 contraband and seized property, is amended to read as follows:



1 (b) "Contraband" includes any:

2 (1) Article possessed under a circumstance prohibited by law;

3 (2) Weapon or other instrumentality used in the commission or  
4 attempted commission of a felony; ~~and~~

5 (3) Visual, print, or electronic medium that depicts sexually  
6 explicit conduct involving a child prohibited under § 5-27-304;

7 (4) Visual, print, or electronic medium that contains a sexual  
8 performance of a child prohibited under § 5-27-403;

9 (5) Item the possession of which is prohibited by § 5-27-602;

10 (6) Item the production of which is prohibited by § 5-27-603;

11 (7) Item the production of which is prohibited by § 5-27-605; or

12 ~~(3)(8)~~ (8) Other article designated "contraband" by law, but shall  
13 not include a visual, a print, or an electronic medium created, obtained, or  
14 possessed by licensed medical personnel or a regulated medical facility for  
15 the purpose of treatment or documentation of injuries to a child.

16  
17 SECTION 2. Arkansas Code § 5-5-101(c), regarding the disposition of  
18 contraband and seized property, is amended to read as follows:

19 (c)(1) Contraband shall be destroyed.

20 (2) ~~However~~ Except as limited under subdivision (c)(3) of this  
21 section, in the discretion of the court having jurisdiction, any contraband  
22 capable of lawful use may be:

23 (A) Retained for use by the law enforcement agency  
24 responsible for the arrest; or

25 (B) Sold and the proceeds disposed of in the manner  
26 provided by subsections (e)-(g) of this section.

27 (3) Contraband described in subdivisions (b)(3)-(8) of this  
28 section and having no lawful use shall not be retained.

29  
30 SECTION 3. Arkansas Code Title 6, Chapter 61, Subtitle 1 is amended to  
31 add an additional section to read as follows:

32 6-21-131. Training for mandatory reporters.

33 For each degree program at an institution of higher learning in this  
34 state that is a prerequisite for licensure or certification in a profession  
35 in which the professional is a child maltreatment mandated reporter under the  
36 Child Maltreatment Act, § 12-1-2-501 et seq., the Department of Higher

1 Education shall coordinate with all the higher education institutions to  
2 ensure that before receiving a degree each graduate receives, including  
3 without limitation, training in:

4 (1) Recognizing the signs and symptoms of child abuse and  
5 neglect;

6 (2) The legal requirements of the Child Maltreatment Act, §  
7 12-1-2-501 et seq., and the duties of mandated reporters under the act; and

8 (3) Methods for managing disclosures regarding child  
9 victims.

10  
11 SECTION 4. Arkansas Code Title 6, Chapter 64, Subchapter 4 is amended  
12 to add additional sections to read as follows:

13 6-64-418. College of Public Health collaboration.

14 It is recommended that the Health Behavior/Health Education Department  
15 of the Fay W. Boozman College of Public Health of the University of Arkansas  
16 for Medical Sciences collaborate with each education service cooperative,  
17 community health agencies, school nurses, counselors, and educators to  
18 introduce age-appropriate, research-supported, child abuse prevention  
19 curriculum to the children of Arkansas in the public schools.

20  
21 SECTION 5. Arkansas Code Title 9, Chapter 5 is amended to add an  
22 additional chapter to read as follows:

23 9-5-101. Title.

24 This chapter shall be known and may be cited as the "Arkansas Child  
25 Safety Center Act".

26  
27  
28 9-5-102. Statewide purpose.

29 The statewide purpose of this chapter is to establish a program that  
30 provides a comprehensive, multidisciplinary, nonprofit, and coordinated  
31 response to the investigation of sexual abuse of children and serious  
32 physical abuse of children in a child-focused and child-friendly facility  
33 known as a child safety center.

34  
35 9-5-103. Definitions.

36 As used in this chapter:

1           (1) "Child safety center" means a not for profit child friendly  
2 facility that provides a location for forensic interviews and forensic  
3 medical examinations and forensic mental health examinations during the  
4 course of a child maltreatment investigation; and

5           (2) "Commission" means the Arkansas Child Abuse/Rape/Domestic  
6 Violence Commission.

7  
8           9-5-104. Duties of the Arkansas Child Abuse/Rape/Domestic Violence  
9 Commission.

10          (a) Regarding the administration of the Arkansas Children's Advocacy  
11 Center Fund and an entity receiving funding under this chapter, the Arkansas  
12 Child Abuse/Rape/Domestic Violence Commission or its designee, to the extent  
13 funding is appropriated and available, shall:

14           (1) Annually evaluate each child safety center for compliance  
15 with the program, fiscal, and training requirements under this chapter;

16           (2) Promulgate rules and procedures to implement this subchapter  
17 and forms for the evaluation of each child safety center;

18           (3) Adopt a uniform system of recordkeeping and reporting to  
19 ensure the proper handling of funds by child safety centers and to ensure  
20 uniformity and accountability by child safety centers; and

21           (4) Provide training and technical assistance to child  
22 safety centers to ensure best practice standards for forensic interviews and  
23 forensic medical examinations.

24          (b) The commission may enter into contracts with any entity to fulfill  
25 its duties under this chapter.

26  
27          9-5-105. Receipt of money.

28          Under this chapter and in the administration of the Arkansas Children's  
29 Advocacy Center Fund, the Arkansas Child Abuse/Rape/Domestic Violence  
30 Commission shall not accept money or other assistance from the federal  
31 government or any other entity or individual if the acceptance would  
32 obligate the State of Arkansas except to the extent that money is available  
33 in the fund.

34  
35          9-5-106. Disbursement of funds.

36          (a) The Arkansas Child Abuse/Rape/Domestic Violence Commission may

1 disburse money appropriated from the Children's Advocacy Center Fund  
2 exclusively for the following purposes:

3 (1) To satisfy contractual obligations made to perform its  
4 duties under this section;

5 (2) To make grants to child safety centers that meet the  
6 requirements of this section; and

7 (3) To compensate the commission or its designee for  
8 administration costs associated with the performance of duties under this  
9 chapter.

10 (b)(1) The commission may disburse funds, to the extent appropriated  
11 and available, from the Children's Advocacy Center Fund to a qualified  
12 medical entity or a qualified mental health entity for education, peer  
13 review, and consultation to medical service examiners and mental health  
14 service examiners qualified under this section for children interviewed and  
15 examined at the child safety centers.

16 (2) A medical entity selected shall have physicians who:

17 (A) Have:

18 (i) Subspecialty training in pediatric medicine,  
19 emergency medicine, pediatric gynecology, family practice, or obstetrics and  
20 gynecology; and

21 (ii) Specialized training in the evaluation of child  
22 sexual abuse cases;

23 (B) Provide initial evaluations of allegedly abused and  
24 assaulted children and adolescents, perform second opinion examinations for  
25 less experienced examiners, and review photographs and videotapes for other  
26 examiners;

27 (C) Hold a teaching position or a faculty position at a  
28 college of medicine and provide training and workshops on child sexual abuse-  
29 related issues;

30 (D) Hold membership in professional organizations on child  
31 abuse-related and neglect related issues;

32 (E) Work for or are affiliated with a regional center for  
33 the medical evaluation of allegedly sexually abused children; and

34 (F) Regularly testify in cases of alleged child sexual  
35 abuse.

36 (3) A mental health entity shall have professionals who:

- 1                   (A) Are licensed mental health professionals;
- 2                   (B) Have:
- 3                         (i) Specialized training in assessment and treatment
- 4 of children and families; and
- 5                         (ii) Specialized training in trauma and child abuse;
- 6                   (C) Provide assessment and treatment of allegedly abused
- 7 children and adolescents;
- 8                   (D) Provide consultation and training for other providers
- 9 and multidisciplinary teams;
- 10                   (E) Hold a teaching or faculty position;
- 11                   (F) Hold membership in professional organizations on child
- 12 abuse-related and neglect-related issues;
- 13                   (G) Work for or are affiliated with a regional center for
- 14 the medical evaluation of allegedly sexually abused children; and
- 15                   (H) Regularly testify in cases of alleged child sexual
- 16 abuse.

17

18           9-5-107. Program requirements.

19           Each child safety center shall:

- 20                   (1) Provide a comfortable, private, child-friendly setting that
- 21 is both physically and psychologically safe for diverse populations of
- 22 children and their families;
- 23                   (2) Be a part of a multidisciplinary team;
- 24                   (3) Have a not-for-profit entity responsible for program, fiscal
- 25 operations established, and implement best administrative practices;
- 26                   (4) Promote policies, practices, and procedures that are
- 27 culturally competent;
- 28                   (5) Promote forensic interviews that are:
- 29                         (A) Legally sound;
- 30                         (B) Of a neutral, fact-finding nature; and
- 31                         (C) Coordinated to avoid duplicative interviewing;
- 32                   (6) Provide or provide access to, or both, specialized medical
- 33 evaluations and treatment services to all child safety center clients;
- 34                   (7) Provide team discussion and information sharing regarding
- 35 the investigation, case and status needed on a routine basis by the child and
- 36 family; and

1           (8) Develop and implement a system for monitoring case progress  
2 and tracking case outcomes.

3  
4           9-5-108. Access to specialized medical examinations and psychological  
5 examinations.

6           (a) The child safety centers shall provide or provide access to  
7 specialized medical examinations and psychological examinations for their  
8 clients, to the extent funding is appropriated and available.

9           (b) Medical providers operating under this chapter shall be  
10 capable of performing:

11                   (A) A complete medical history;

12                   (B) An evaluation of a child or an adolescent for evidence  
13 of sexual abuse or sexual assault including photo documentation of  
14 examination findings for recognition of genital and anal findings that are  
15 clearly normal or normal variants and common patterns of healed injuries;

16                   (C) Collection of forensic evidence;

17                   (D) Evaluation for sexually transmitted diseases,  
18 pregnancy, and other related sexual abuse and assault;

19                   (E) Performance of tests and treatment as appropriate; and

20                   (F) Testimony in court as to the findings.

21  
22           9-5-109. Eligibility for contracts.

23           (a) A public entity or a nonprofit entity is eligible for a contract  
24 under § 9-5-107 if the entity:

25                   (1) Has a signed memorandum of understanding as provided by § 9-  
26 5-109;

27                   (2) Operates under the authority of a governing board;

28                   (3) Participates on a multidisciplinary team of persons involved  
29 in the investigation or prosecution of child abuse cases;

30                   (4) Has developed a method of statistical information gathering  
31 on children receiving services through the child safety center and shares the  
32 statistical information with the statewide organization, the Department of  
33 Health and Human Services, and the Attorney General upon request;

34                   (5) Has a volunteer program;

35                   (6) Employs an executive director who is answerable to the board  
36 of directors of the public or nonprofit entity and who is not the exclusive

1 salaried employee of any public agency partner;

2 (7) Provides for ongoing training for child safety center staff  
3 to provide best practices in forensic interviewing and medical and mental  
4 examinations to children who are examined at child safety centers; and

5 (8) Operates under a working protocol that includes, at a  
6 minimum, a statement of:

7 (A) The child safety center's mission;

8 (B) Each agency's role and commitment to the center;

9 (C) The type of cases to be handled by the child safety  
10 center;

11 (D) The child safety center's procedures for conducting  
12 case reviews and forensic interviews and for ensuring access to specialized  
13 medical services and mental health services; and

14 (E) The child safety center's policies regarding  
15 confidentiality and conflict resolution.

16 (b)(1) The commission may waive the requirements specified in  
17 subsection (a) of this section if the commission determines that the waiver  
18 will not adversely affect the center's ability to carry out its duties under  
19 this chapter.

20 (2) Any waiver that is granted under subdivision (b)(1) of this  
21 section shall be identified in the written contract with the child safety  
22 center.

23 (c) Funds shall be withheld from an established child safety center  
24 that no longer meet the standards for funding.

25  
26 9-5-111. Interagency memorandum of understanding.

27 (a) Before a child safety center may be established under this  
28 chapter, a memorandum of understanding regarding the agreement on the levels  
29 of participation of each entity shall be executed among:

30 (1) The Division of Children and Family Services of the  
31 Department of Health and Human Services;

32 (2) The Crimes Against Children Division of the Department of  
33 Arkansas State Police;

34 (3) Representatives of county and municipal law enforcement  
35 agencies that investigate child abuse in the area to be served by the child  
36 safety center; and



1           (4) The prosecuting attorney.

2           (b) A memorandum of understanding executed under this section shall  
3 include the agreement on the levels of each entity's participation and  
4 cooperation in:

5           (1) Developing a cooperative, multidisciplinary-team approach to  
6 investigations of child abuse;

7           (2) Reducing, to the greatest extent possible, the number of  
8 interviews required of a victim of child abuse with the goal of minimizing  
9 the negative impact of the investigation on the child; and

10           (3) Developing, maintaining, and supporting, through the center,  
11 an environment that emphasizes the best interests of children and that  
12 provides best practices in child abuse investigations.

13           (c) A memorandum of understanding executed under this section may  
14 include the agreement of one (1) or more participating entities to provide  
15 office space and administrative services necessary for the child safety  
16 center's operation.

17  
18           9-5-112. Fiscal requirements.

19           Every child safety center shall:

20           (1) Incorporate in this state as a private nonprofit corporation  
21 that is exempt from taxation under § 501(c)(3) of the Internal Revenue Code  
22 of 1986, 26 U.S.C. § 501 (c)(3), as it existed on January 1, 2007, and that  
23 has the primary purpose of providing services to child victims of child  
24 abuse;

25           (2) Be governed by a board of directors;

26           (3) Develop and implement written personnel policies that state  
27 the child safety centers employment practices;

28           (4) Develop and implement written procedures that conform with  
29 the uniform system of recordkeeping developed by the Arkansas Child  
30 Abuse/Rape/Domestic Violence Commission or its designee to ensure proper  
31 handling of funds; and

32           (5) Provide the commission or its designee with statistical data  
33 that states the following:

34           (A) The type of investigative services and the number of  
35 children served by each type of investigative service provided by the child  
36 safety centers;

1 (B) The number, race, age, and gender of the children  
2 served each year; and

3 (C) The outcomes of services to children provided by the  
4 child safety centers, including without limitation:

5 (i) The number of founded maltreatment reports; and

6 (ii) The number of unfounded maltreatment reports  
7 and the ratio between founded and unfounded reports for each year.

8  
9 9-5-113. Right of entry.

10 The Arkansas Child Abuse/Rape/Domestic Violence Commission or its  
11 designee may enter the premises of a child safety center at any time to  
12 ensure compliance with this chapter and the rules promulgated by the  
13 commission under this chapter.

14  
15 9-5-114. Reports.

16 The Arkansas Child Abuse/Rape/Domestic Violence Commission or its  
17 designee shall provide an annual report by March 1 of each year to the Chair  
18 of the Senate Interim Committee on Children and Youth and the Chair of the  
19 House Interim Committee on Aging, Children and Youth, Legislative and  
20 Military Affairs containing the following information:

21 (1) The incidence of child abuse in this state based on  
22 information obtained from child safety centers under this chapter;

23 (2) A description of centers that meet the requirements of and  
24 receive funding from the commission or its designee under this chapter;

25 (3) The number of children receiving investigative services by  
26 the child safety centers that receive funding from the commission or its  
27 designee under this chapter; and

28 (4) Outcome data provided by the child safety centers.

29  
30 9-5-115. Admissibility of statements by an alleged child victim

31 Nothing in this subchapter precludes the admissibility of statements by  
32 an alleged child victim outside the scope of the forensic interview conducted  
33 at a child safety center provided sufficient safeguards are present to  
34 satisfy the admissibility requirements set forth in the Arkansas Rules of  
35 Evidence, relevant case law and constitutional requirements.

36

1           9-5-116. Immunity from civil liability.

2           The Arkansas Child Abuse/Rape/Domestic Violence Commission, its  
3 employees in their official capacities shall be immune from civil liability  
4 for performing their duties under this chapter.

5  
6           SECTION 6. Arkansas Code Title 9, Chapter 28, Subchapter 4 is amended  
7 to add an additional section to read as follows:

8           9-28-412. Smoking in the presence of foster children.

9           The Department of Health and Human Services shall not place or permit a  
10 child to remain in a foster home if the foster parent or any other member of  
11 the family or household smokes or allows an individual to smoke in the  
12 presence of a foster child unless it is in the child's best interests to be  
13 placed in or to remain in the foster home.

14  
15           SECTION 7. Arkansas Code § 12-8-502(b), concerning the two sections of  
16 the Crimes Against Children Division, is amended to read as follows:

17           (b) The division shall consist of two (2) sections:

18                   (1)(A) The Investigation Section, which shall be staffed with  
19 civilian personnel and shall be responsible for the investigation of  
20 allegations of child abuse in accordance with the Arkansas Child Maltreatment  
21 Act, § 12-12-501 et seq.

22                           (B) ~~If~~ Unless the case involves alleged severe  
23 maltreatment, if at any point during the investigation of alleged child  
24 maltreatment the information gathered becomes sufficient for a possible  
25 criminal prosecution, then the case shall be referred for further  
26 investigation to the appropriate law enforcement agency; ~~and.~~

27                           (C) The Investigation Section shall complete an  
28 investigation of all cases assigned to the Investigation Section and refer  
29 the case to a local law enforcement agency or a prosecuting attorney for  
30 possible criminal prosecution; and

31                   (2) The Child Abuse Hotline Section, which shall administer  
32 twenty-four-hour toll-free inward wide-area telephone services (INWATS) to  
33 report to the Department of Arkansas State Police information regarding  
34 possible incidents of child abuse.

35  
36           SECTION 8. Arkansas Code § 12-8-509(a), concerning required child

1 abuse hotline reporting, is amended to read as follows:

2 (a) The state agency or entity responsible for administering the  
3 twenty-four-hour toll-free child abuse hotline or investigating an incident  
4 of neglect as defined under § 12-12-503(12)(B) shall:

5 (1) Develop and maintain statewide statistics of the incidents  
6 of neglect reported or investigated under § 12-12-503(12)(B); ~~and~~

7 (2)(A) Annually report no later than October 1 to the following:

8 (i) The Senate Interim Committee on Children and  
9 Youth;

10 (ii) The House Interim Committee on Aging, Children  
11 and Youth, Legislative and Military Affairs;

12 (iii) The Senate Interim Committee on Public Health,  
13 Welfare, and Labor; and

14 (iv) The House Interim Committee on Public Health,  
15 Welfare, and Labor.

16 (B) The annual report under this section shall include all  
17 findings and statistics regarding incidents of neglect reported or  
18 investigated under § 12-12-503(12)(B), including, but not limited to, the  
19 following information:

20 (i) The age of the mother;

21 (ii) The type of illegal substance to which the  
22 newborn child was exposed prenatally;

23 (iii) The estimated gestational age of the newborn  
24 child at the time of birth; and

25 (iv) The newborn child's health problems; and

26 (3)(A) Notify each mandatory reporter who makes a call to the  
27 hotline if the mandatory reporter's call is not accepted or is screened out  
28 on a subsequent hotline supervisor review.

29 (B) The notification required under subdivision (a)(3)(A)  
30 of this section shall be made within forty-eight (48) hours excluding  
31 weekends and holidays after a mandatory reporter makes a call to the hotline  
32 that is not accepted or is screened out on a subsequent hotline supervisor  
33 review.

34

35 *SECTION 9. Arkansas Code § 12-12-507(b), concerning reports of*  
36 *suspected abuse or neglect, is amended to read as follows:*

1 ~~(b) When any of the following has reasonable cause to suspect that a~~  
2 ~~child has been subjected to child maltreatment or has died as a result of~~  
3 ~~child maltreatment or observes a child being subjected to conditions or~~  
4 ~~circumstances that would reasonably result in child maltreatment, he or she~~  
5 ~~shall immediately notify the child abuse hotline.~~

6 (b)(1) When any individual listed in subdivision (b)(4) of this  
7 section has reasonable cause to suspect that a child has been subjected to  
8 child maltreatment or has died as a result of child maltreatment or observes  
9 a child being subjected to conditions or circumstances that would reasonably  
10 result in child maltreatment, he or she shall immediately notify the child  
11 abuse hotline by telephone call, facsimile transmission, or online reporting.

12 (2) The Child Abuse Hotline shall review the information  
13 received under subdivision (b)(1) of this section to determine if the  
14 information rises to the minimum standards for investigation under this  
15 subchapter.

16 (3)(A) Facsimile transmission and online reporting may be used  
17 in non-emergency situations by an identified reporter who provides the  
18 following contact information:

19 (i) Name and phone number; and

20 (ii) In the case of online reporting, the email  
21 address of the identified reporter.

22 (B) The hotline shall provide confirmation of the receipt  
23 of a facsimile transmission via a return facsimile transmission or via online  
24 receipt.

25 (C) A mandated reporter who wishes to remain anonymous  
26 shall make the report through the child abuse hot line toll-free telephone  
27 system.

28 (4) The following individuals are mandated reporters under this  
29 subsection:

30 ~~(1)(A)~~ Any child care worker or foster care worker;

31 ~~(2)(B)~~ A coroner;

32 ~~(3)(C)~~ A day care center worker;

33 ~~(4)(D)~~ A dentist;

34 ~~(5)(E)~~ A dental hygienist;

35 ~~(6)(F)~~ A domestic abuse advocate;

36 ~~(7)(G)~~ A domestic violence shelter employee;

- 1           ~~(8)~~(H) A domestic violence shelter volunteer;
- 2           ~~(9)~~(I) An employee of the Department of Health and Human  
3 Services;
- 4           ~~(10)~~(J) An employee working under contract for the Division of  
5 Youth Services of the Department of Health and Human Services;
- 6           ~~(11)~~(K) Any foster parent;
- 7           ~~(12)~~(L) A judge;
- 8           ~~(13)~~(M) A law enforcement official;
- 9           ~~(14)~~(N) A licensed nurse;
- 10          ~~(15)~~(O) Any medical personnel who may be engaged in the  
11 admission, examination, care, or treatment of persons;
- 12          ~~(16)~~(P) A mental health professional;
- 13          ~~(17)~~(Q) An osteopath;
- 14          ~~(18)~~(R) A peace officer;
- 15          ~~(19)~~(S) A physician;
- 16          ~~(20)~~(T) A prosecuting attorney;
- 17          ~~(21)~~(U) A resident intern;
- 18          ~~(22)~~(V) A school counselor;
- 19          ~~(23)~~(W) A school official;
- 20          ~~(24)~~(X) A social worker;
- 21          ~~(25)~~(Y) A surgeon;
- 22          ~~(26)~~(Z) A teacher;
- 23          ~~(27)~~(AA) A court-appointed special advocate program staff member  
24 or volunteer;
- 25          ~~(28)~~(BB) A juvenile intake or probation officer; or
- 26          ~~(29)~~(CC) Any clergyman, which includes a minister, priest,  
27 rabbi, accredited Christian Science practitioner, or other similar  
28 functionary of a religious organization, or an individual reasonably believed  
29 to be so by the person consulting him or her, except to the extent he or she:
- 30                 ~~(A)~~(i) Has acquired knowledge of suspected maltreatment  
31 through communications required to be kept confidential pursuant to the  
32 religious discipline of the relevant denomination or faith; or
- 33                 ~~(B)~~(ii) Received the knowledge of the suspected  
34 maltreatment from the offender in the context of a statement of admission.
- 35

36           SECTION 10. Arkansas Code § 12-12-507(c), concerning prohibitions on

1 interference with reports of child abuse, is amended to read as follows:

2 (c)(1) No privilege or contract shall prevent anyone from reporting  
3 child maltreatment when he or she is a mandated reporter as required by this  
4 section.

5 (2) No school, Head Start program, or day care facility shall  
6 prohibit an employee or volunteer from directly reporting child maltreatment  
7 to the child abuse hotline.

8 (3) No school, Head Start program, or day care facility shall  
9 require an employee or volunteer to obtain permission or notify any person,  
10 including an employee or supervisor, before reporting child maltreatment to  
11 the child abuse hotline.

12  
13 *SECTION 11. Arkansas Code § 12-12-507(e)(2), concerning investigations*  
14 *of allegations of child abuse or neglect, is amended to read as follows:*

15 (2)(A) Such procedures shall include referral of allegations to  
16 the Department of Arkansas State Police ~~or~~ and any other appropriate law  
17 enforcement agency should the allegation involve severe maltreatment.

18 (B) The Department of Arkansas State Police shall  
19 investigate the allegations.

20 ~~(B)(C)~~ (C) The investigating agency shall immediately notify  
21 local law enforcement of all reports of severe maltreatment.

22  
23 *SECTION 12. Arkansas Code § 12-12-516(a), regarding child protective*  
24 *custody, is amended to add an additional subdivision to read as follows:*

25 (3) A sheriff or chief of police may place a child in a  
26 Department of Health and Human Services foster home if:

27 (A) The sheriff or chief of police contacts the on-call  
28 worker for the Department of Health and Human Services and does not get a  
29 return phone call within thirty (30) minutes;

30 (B) The sheriff or chief of police contacts the Department  
31 of Health and Human Services Emergency Notification Line and does not get a  
32 return phone call within fifteen (15) minutes;

33 (C) The foster parent is personally well-known to the  
34 sheriff or the chief of police;

35 (D) The sheriff or chief of police has:

36 (i) Determined that the foster parent's home is safe

1 and provides adequate accommodations for the child; and  
2 (ii) Performed a criminal record and child  
3 maltreatment check on the foster parent as required under § 9-28-409; and  
4 (E) On the next business day, the sheriff or chief of  
5 police immediately notifies the Department of Health and Human Services of  
6 the time and date that the child was placed in the foster parent's home.

7  
8 SECTION 13. Arkansas Code Title 16, Chapter 10, Subchapter 1 is  
9 amended to add an additional section to read as follows:

10 16-10-138. Mandatory reporter training.

11 (a) The Administrative Office of the Courts shall develop a web based  
12 curriculum concerning mandatory reporter training that will include without  
13 limitation:

14 (1) The signs and symptoms of abuse;

15 (2) Training on the specifics that are required to be reported  
16 under law and rules; and

17 (3) The managing of disclosures.

18 (b) The Department of Health and Human Services shall serve as the  
19 host for the web based curriculum developed by the Administrative Office of  
20 the Courts.

21  
22 SECTION 15. Arkansas Code Title 16, Chapter 43 is amended to add an  
23 additional subchapter to read as follows:

24 16-43-1201. Title.

25 This subchapter shall be known and may be cited as "Safeguards for  
26 Abused and Neglected Children Act".

27  
28 16-43-1202. Safeguards for child victims testifying in judicial and  
29 administrative proceedings.

30 In order to facilitate testimony that is fair and accurate, the  
31 following safeguards should be followed:

32 (1) The prosecuting attorney, victim-witness coordinator,  
33 attorney ad litem, or Office of the Chief Counsel attorney shall inform the  
34 child about the nature of the judicial proceeding or administrative  
35 proceeding;

36 (2) The prosecuting attorney, victim-witness coordinator,



1 attorney ad litem, or Office of Chief Counsel attorney shall explain:

2 (A) The oath that will be administered to the child; and

3 (B) That the judge will determine whether the child is  
4 competent to testify;

5 (3) The prosecuting attorney, victim-witness coordinator,  
6 attorney ad litem, or Office of Chief Counsel attorney shall explain to the  
7 child that if, the child does not understand a question while testifying in  
8 the judicial proceeding or administrative proceeding, the child has a right  
9 to say that he or she does not understand the question;

10 (4) The prosecuting attorney, attorney ad litem, or Office of  
11 Chief Counsel attorney may file a motion to have the child testify at a time  
12 of day when the child is most alert and best able to understand questions  
13 posed in court;

14 (5) If it is in the child's best interests, the prosecuting  
15 attorney, attorney ad litem, or Office of Chief Counsel attorney may file a  
16 motion for the child to have a comfort item when testifying in a judicial or  
17 administrative proceeding;

18 (6) If it is in the child's best interests, the prosecuting  
19 attorney, attorney ad litem, or Office of Chief Counsel attorney may file a  
20 motion for the child to have a support person present when the child  
21 testifies in a judicial proceeding or administrative proceeding; and

22 (7) The prosecuting attorney, attorney ad litem, or Office of  
23 Chief Counsel attorney shall consider the effect upon the child when the  
24 child is subjected to argumentative or harassing questions and shall make the  
25 proper objections when appropriate to ensure the child is not subjected to  
26 argumentative or harassing questioning.

27  
28 SECTION 16. Arkansas Code Title 17, Chapter 1 is amended to add an  
29 additional section to read as follows:

30 17-1-105. Notification of mandatory reporters.

31 Each board, commission, or other entity that licenses mandatory  
32 reporters of child abuse and neglect shall provide notice to each licensee  
33 concerning the online and web-based child abuse reporting program required  
34 under § 6-13-1027.

35  
36 SECTION 17. Arkansas Code § 20-82-208. is amended to read as follows:

1           20-82-208. Community Grants for ~~Advocacy~~ Safety Centers Program.

2           (a) Findings and Purpose. (1) The General Assembly finds and  
3 determines that:

4                       (A) Abused children often have to describe their sexual  
5 or physical abuse several times to different professionals at different  
6 locations;

7                       (B) Many child abuse investigations are conducted with  
8 little collaboration between the agencies involved in the cases;

9                       (C) Each agency's child abuse professionals are housed in  
10 different facilities and, as a result, interface during the investigation and  
11 management of cases is limited;

12                      (D) Sexual and physical abuse medical examinations are  
13 commonly performed in hospital emergency rooms and other sites that are  
14 frightening to children, lack the proper equipment, and often are staffed by  
15 physicians uncomfortable with these exams; and

16                      (E) Child ~~advocacy~~ safety centers provide:

17                               (i) A more child-friendly atmosphere;

18                               (ii) Reduced trauma to the children and families;

19                               (iii) Improved investigations and management;

20                               (iv) More effective utilization of multiagency  
21 information;

22                               (v) Greater protection of children;

23                               (vi) Increased prosecution of perpetrators; and

24                               (vii) Less unnecessary family intervention.

25                      (2) The purpose of this section is to encourage the use of  
26 existing child ~~advocacy~~ safety centers and the development of new centers  
27 providing the benefits under one (1) roof.

28           (b) Establishment and Authority. (1) There is established the  
29 Community Grants for Child ~~Advocacy~~ Safety Centers Program.

30                      (2) The Arkansas Child Abuse/Rape/Domestic Violence Commission  
31 shall advise the Child Abuse/Rape/Domestic Violence Section within the office  
32 of the Chancellor of the University of Arkansas for Medical Sciences on the  
33 administration and monitoring of this grant program for the operation of  
34 existing child ~~advocacy~~ safety centers and the development of new centers in  
35 the State of Arkansas.

36

1           SECTION 18. Arkansas Code Title 20, Chapter 82, Subchapter 2 is  
2 amended to add two additional sections to read as follows:

3           20-82-209. Multidisciplinary teams – Protocols created –  
4 Responsibilities.

5           (a) As used in this section, “multidisciplinary team” means a local  
6 team operating under a statewide model protocol developed by the Arkansas  
7 Child Abuse/Rape/Domestic Violence Commission governing the roles,  
8 responsibilities, and procedures of the multidisciplinary team.

9           (b) The commission shall:

10           (1)(A) Prepare and issue a statewide model protocol for local  
11 multidisciplinary teams regarding investigations, provision of safety and  
12 services of child abuse.

13           (B) The statewide model protocol shall describe  
14 coordinated investigation or coordinated services, or both, of state and  
15 local law enforcement, the Department of Health and Human Services, and  
16 medical, mental health, and child safety centers; and

17           (2) Review and approve a protocol prepared by each local  
18 multidisciplinary team.

19           (c) Each multidisciplinary team shall:

20           (1) Develop a protocol consistent with the statewide model  
21 protocol issued by the commission; and

22           (2) Submit the protocol to the commission for review and  
23 approval.

24  
25           20-82-210. Subcommittee on Child Safety Centers – Members – Duty to  
26 oversee child safety centers.

27           (a) The Arkansas Child Abuse/Rape/Domestic Violence Commission shall  
28 establish a Subcommittee on Child Safety Centers.

29           (b) The committee shall consist of seven (7) members appointed as  
30 follows:

31           (1) Three (3) members appointed by the commission; and

32           (2) Four (4) members appointed by the Arkansas Legislative Task  
33 Force on Abused and Neglected Children.

34           (c) The subcommittee shall oversee the operations of the child safety  
35 centers with regard to child abuse.

36

1

*/s/ Malo*

*APPROVED: 3/30/2007e*