

1 **State of Arkansas**  
2 **79th General Assembly**  
3 **Regular Session, 1993**  
4 **By: Senator Miles**

# A Bill

**SENATE BILL**

## For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE 5-28-101 TO CHANGE THE  
9 DEFINITION OF \_EXPLOITATION\_ TO INCLUDE RESOURCES OF THE  
10 ABUSED ADULTS; TO AMEND ARKANSAS CODE § 5-28-210 TO ALLOW  
11 THE INVESTIGATIONS OF ABUSED ADULTS TO INCLUDE AN  
12 EVALUATION AND REVIEW OF THEIR FINANCES; TO AMEND ARKANSAS  
13 CODE § 5-28-301 TO CHANGE THE TIME PERIOD FOR EMERGENCY  
14 PROTECTIVE ORDERS AND THE TIME PERIOD FOR PRELIMINARY  
15 HEARING ON CUSTODY; AND FOR OTHER PURPOSES."

## Subtitle

17  
18 "AN ACT TO MAKE CHANGES IN THE ARKANSAS LAW REGARDING THE  
19 REPORTING, INVESTIGATION, PROTECTION AND CUSTODY OF ABUSED  
20 ADULTS."

21  
22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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24 SECTION 1. Subdivision (3) of Arkansas Code § 5-28-101 is hereby  
25 amended to read as follows:

26 "(3) \_Exploitation\_ means any unjust or improper use of another person  
27 or their resources for one's own profit or advantage;"

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29 SECTION 2. Arkansas Code § 5-28-210 is hereby amended to read as  
30 follows:

31 "5-28-210. Investigation.

32 (a) In cases involving an endangered adult not residing in a long-term  
33 care facility, the department shall make a thorough investigation upon  
34 receiving either the oral or written report. When the endangered adult is a  
35 resident of a long-term care facility, the sheriff or the office of the

1 Attorney General shall make a thorough investigation.

2 (b) The primary purpose of such investigation is to protect the abused  
3 adult.

4 (c) The investigation shall include:

5 (1) The nature, extent, and cause of the abuse, sexual abuse, or  
6 negligence of the endangered adult;

7 (2) The identity of the person responsible;

8 (3) The names and conditions of other adults in the home;

9 (4) The evaluation of the persons responsible for the care of the  
10 abused adult, if any;

11 (5) The home environment and relationship of the adult to the  
12 next of kin or other person responsible for his care, and all other pertinent  
13 data;

14 (6) A visit to the abused adult's home and an interview with the  
15 abused adult. If the admission to the home, institution, or other place that  
16 the abused adult may be, or permission of the next of kin or other person  
17 responsible for the adult or in charge of any place where the abused adult may  
18 be, cannot be obtained, then the probate court, upon cause shown, shall order  
19 the next of kin or person responsible and in charge of any place where the  
20 abused adult may be to allow entrance for the examination and investigation.

21 (d) The investigation may include a medical, psychological, social,  
22 vocational, financial, and educational evaluation and review, where necessary.

23 (e) If, before the examination is completed, the opinion of the  
24 investigators is that the immediate removal of the endangered adult is  
25 necessary to protect him from further abuse or neglect, the probate court, on  
26 petition by the investigators, and good cause being shown, may issue an order  
27 for temporary protective custody in the manner and procedures provided in  
28 §5-28-303. The investigative reports of the department shall be made available  
29 to the probate court upon request.

30 (f) The department shall make a written report or case summary,  
31 together with services offered and accepted, to the state central registry on  
32 forms supplied by the registry for the purpose."

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34 SECTION 3. Arkansas Code § 5-28-301 is hereby amended to read as  
35 follows:

1 "5-28-301. Emergency custody.

2 (a) (1) The department, a police officer, a law enforcement official, or  
3 a designated employee of a city or county department or office of social  
4 service may take an endangered adult into emergency protective custody or any  
5 person in charge of a hospital or similar institution or any physician  
6 treating any such adult may keep that adult in his custody, whether or not  
7 medical treatment is required, if the circumstances or condition of the adult  
8 are such that continuing at his place of residence or in the care or custody  
9 of a parent, guardian, or other person responsible for the adult's care  
10 presents imminent danger to that adult's health or safety and the adult lacks  
11 the capacity to comprehend the nature and consequences of remaining in a  
12 situation that presents imminent danger to his health or safety.

13 (2) However, emergency protective custody shall not exceed three  
14 (3) working days, and the probate court and the department shall be notified  
15 immediately upon taking such adult into emergency protective custody, in order  
16 that adult protective proceedings may be initiated.

17 (b) When action is taken under subsection (a) of this section for  
18 emergency protective custody, a preliminary hearing shall be held within two  
19 (2) working days to establish probable cause for grounds for protective  
20 custody.

21 (c) Upon finding of probable cause, the court may order temporary  
22 protective custody for up to fourteen (14) days, pending the hearing for long-  
23 term protective custody."

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25 SECTION 4. All provisions of this act of general and permanent nature  
26 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
27 Revision Commission shall incorporate the same in the Code.

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29 SECTION 5. If any provisions of this act or the application thereof to  
30 any person or circumstance is held invalid, the invalidity shall not affect  
31 other provisions or applications of the act which can be given effect without  
32 the invalid provisions or application, and to this end the provisions of this  
33 act are declared to be severable.

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35 SECTION 6. All laws and parts of laws in conflict with this act are

1 hereby repealed.

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