

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.

1 State of Arkansas
2 84th General Assembly
3 Regular Session, 2003
4

As Engrossed: H3/20/03

A Bill

HOUSE BILL 2262

5 By: Representatives Dees, Judy, Blair, Eason, Green, Napper, Pickett, Roebuck, *Borhauer, Chesterfield,*
6 *Clemons, Elliott, Fite, King, Martin, S. Prater, Walters*

7 By: Senators Gullett, Madison, Baker, Holt, *Brown, Horn, Salmon, Wilkins, Wooldridge*
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For An Act To Be Entitled

11 AN ACT TO AMEND THE CHILD MALTREATMENT ACT; AND
12 FOR OTHER PURPOSES.
13

Subtitle

15 AN ACT TO AMEND THE CHILD MALTREATMENT
16 ACT.
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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21 SECTION 1. Arkansas Code § 12-12-507(b) and (c), concerning notifying
22 the child abuse hotline of suspected child abuse, is amended as follows:

23 (b) When any of the following has reasonable cause to suspect that a
24 child has been subjected to child maltreatment or has died as a result of
25 child maltreatment, or who observes a child being subjected to conditions or
26 circumstances that would reasonably result in child maltreatment, he or she
27 shall immediately notify the child abuse hotline:

- 28 (1) Any child care worker or foster care worker;
- 29 (2) A coroner;
- 30 (3) A day care center worker;
- 31 (4) A dentist;
- 32 (5) A domestic abuse advocate;
- 33 (6) A domestic violence shelter employee;
- 34 (7) A domestic violence shelter volunteer;
- 35 (8) An employee of the Division of Youth Services of the
36 Department of Human Services;



1 (9) An employee working under contract for the Division of Youth
2 Services of the Department of Human Services;

3 (10) ~~A family service worker~~ Any foster parent;

4 (11) A judge;

5 (12) A law enforcement official;

6 (13) A licensed nurse;

7 (14) Any medical personnel who may be engaged in the admission,
8 examination, care, or treatment of persons;

9 (15) A mental health professional;

10 (16) An osteopath;

11 (17) A peace officer;

12 (18) A physician;

13 (19) A prosecuting attorney;

14 (20) A resident intern;

15 (21) A school counselor;

16 (22) A school official;

17 (23) A social worker;

18 (24) A surgeon; or

19 (25) A teacher.

20 (26) A Court Appointed Special Advocate (CASA) program staff or
21 volunteer;

22 (27) A juvenile intake or probation officer; or

23 (28) Any clergyman, which includes a minister, priest, rabbi,
24 accredited Christian Science practitioner, or other similar functionary of a
25 religious organization, or an individual reasonably believed to be so by the
26 person consulting him or her, except to the extent he or she has acquired
27 knowledge of suspected maltreatment through communications required to be
28 kept confidential pursuant to the religious discipline of the relevant
29 denomination or faith, or he or she received the knowledge of the suspected
30 maltreatment from the offender in the context of a statement of admission.

31 (c) No privilege or contract shall ~~relieve anyone required by this~~
32 ~~subchapter to make notification of the requirement of making notification,~~
33 ~~prevent anyone from reporting child maltreatment when they are a mandated~~
34 ~~reporter as required by this section.~~

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36 SECTION 2. Arkansas Code § 12-12-518 is amended as follows:

1 12-12-518. Privileged communications as evidence - Exception.

2 (a) It is the public policy of the State of Arkansas to protect the
3 health, safety, and the welfare of minors within the state.

4 ~~(b) In order to effectuate that policy:~~

5 ~~(1)(A) No privilege shall prevent anyone from reporting child~~
6 ~~maltreatment when the information is obtained from a child.~~

7 ~~(B)(b)(1)~~ No privilege shall prevent anyone, except between a lawyer
8 and client or between a minister, including a Christian Science practitioner,
9 and any person confessing to or being counseled by the minister, from
10 testifying concerning child maltreatment ~~when the information is obtained~~
11 ~~from a child;~~

12 ~~(2) No privilege, except between a lawyer and client or between a~~
13 ~~minister, including a Christian Science practitioner, and any person~~
14 ~~confessing to or being counseled by the minister, shall prevent anyone from~~
15 ~~reporting or testifying concerning child maltreatment when the information is~~
16 ~~obtained from an adult;~~

17 ~~(3)(2)~~ When any physician, psychologist, psychiatrist, or
18 licensed counselor or therapist conducts interviews with or provides therapy
19 to any subject of a report of suspected child maltreatment for purposes
20 related to child maltreatment, the physician, psychologist, psychiatrist, or
21 licensed counselor or therapist shall be deemed to be performing services on
22 behalf of the child;

23 ~~(4)(3)~~ Adult subjects of a report of suspected child
24 maltreatment cannot invoke privilege on the child's behalf; and

25 ~~(5)(4)~~ Transcripts of testimony introduced in a child
26 maltreatment proceeding pursuant to this section shall not be received into
27 evidence in any other civil or criminal proceeding.

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29 /s/ Dees, et al
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