

1 State of Arkansas
2 92nd General Assembly
3 Regular Session, 2019
4

A Bill

HOUSE BILL 1470

5 By: Representative C. Fite
6 By: Senator Rice
7

For An Act To Be Entitled

9 AN ACT CONCERNING MANDATED REPORTERS UNDER THE ADULT
10 AND LONG-TERM CARE FACILITY RESIDENT MALTREATMENT ACT
11 AND THE CHILD MALTREATMENT ACT; AMENDING THE LAW ON
12 PROTECTIVE CUSTODY; TO AMEND THE LAW ON INVESTIGATIVE
13 DETERMINATIONS; AND FOR OTHER PURPOSES.
14
15

Subtitle

16 CONCERNING MANDATED REPORTERS UNDER THE
17 ADULT AND LONG-TERM CARE FACILITY
18 RESIDENT MALTREATMENT ACT AND THE CHILD
19 MALTREATMENT ACT; AMENDING THE LAW ON
20 PROTECTIVE CUSTODY; AND TO AMEND THE LAW
21 ON INVESTIGATIVE DETERMINATIONS.
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24

25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
26

27 SECTION 1. Arkansas Code § 9-27-313(c)(1), concerning when a juvenile
28 may be taken into custody, is amended to read as follows:

29 (c) When ~~a police officer, law enforcement, or designated employee of~~
30 ~~the Department of Human Services takes custody of~~ a juvenile is taken into
31 protective custody under § 12-18-1001, ~~he or she~~ the person exercising
32 protective custody shall:

33 (1)(A) Notify the department and make every effort possible to
34 notify the custodial parent, guardian, or custodian of the juvenile's
35 location.

36 (B) The notification to the custodial parent, noncustodial



1 parent, guardian, or custodian of the juvenile shall be in writing and shall
 2 include a notice:

3 (i) That the juvenile has been taken into foster
 4 care;

5 (ii) Of the name, location, and phone number of the
 6 person at the department whom the custodial parent, noncustodial parent,
 7 guardian, or custodian of the juvenile can contact about the juvenile;

8 (iii) Of the rights of the juvenile and the rights
 9 of the custodial parent, noncustodial parent, guardian, or custodian of the
 10 juvenile to receive a copy of any petition filed under this subchapter;

11 (iv) Of the location and telephone number of the
 12 court; and

13 (v) Of the procedure for obtaining a hearing; or
 14

15 SECTION 2. Arkansas Code § 12-12-1708(a)(1), concerning persons who
 16 are required to report adult or long-term care facility resident
 17 maltreatment, is amended to add an additional subdivision to read as follows:

18 (AA) An employee working under contract for, or a
 19 contractor of, the Department of Human Services when acting within the scope
 20 of his or her contract or employment.
 21

22 SECTION 3. Arkansas Code § 12-18-402(b)(10), concerning the Division
 23 of Youth Services of the Department of Human Services as a mandated reporter,
 24 is amended to read as follows:

25 (10) An employee working under contract for ~~the Division of~~
 26 ~~Youth Services of,~~ or a contractor of, the Department of Human Services when
 27 acting within the scope of his or her contract or employment;
 28

29 SECTION 4. Arkansas Code § 12-18-813(c)(1), concerning persons to whom
 30 the Department of Human Services or the Department of Arkansas State Police
 31 is required to send notice of an investigative determination under the Child
 32 Maltreatment Act, is amended to add an additional subdivision to read as
 33 follows:

34 (E) The custodial parent, custodian, or guardian of a
 35 child who is or may be currently cared for or supervised by the offender.
 36

1 SECTION 5. Arkansas Code § 12-18-909(g), concerning the
2 confidentiality and the disclosure of a true report of child maltreatment
3 under the Child Maltreatment Act, is amended to add an additional subdivision
4 to read as follows:

5 (26) The custodial parent, custodian, or guardian of a child who
6 is or may be currently cared for or supervised by the offender.

7
8 SECTION 6. Arkansas Code § 12-18-1001, concerning protective custody
9 generally under the Child Maltreatment Act, is amended to add an additional
10 subsection to read as follows:

11 (f) The department shall:

12 (1) Assume custody of every child who is taken into custody
13 under this subchapter;

14 (2) Assess the health and safety of each child who is taken into
15 custody under this subchapter to determine whether to continue or release
16 custody of the child;

17 (3) Release custody of a child who is taken into custody under
18 this subchapter if the department determines that custody is no longer
19 required under this section; and

20 (4) Notify the circuit court if the department releases custody
21 of a child whom the circuit court has taken into custody under this
22 subchapter.

23
24 SECTION 7. Arkansas Code § 12-18-1004 is amended to read as follows:
25 12-18-1004. Notice when custody is invoked.

26 In any case in which custody is invoked under this subchapter, the
27 individual taking the child into custody shall immediately notify the
28 Department of Human Services ~~in order that a child protective proceeding may~~
29 ~~be initiated within the time specified in this subchapter.~~

30
31 SECTION 8. Arkansas Code § 12-18-1006 is amended to read as follows:
32 12-18-1006. Custody of children generally – Health and safety of the
33 child.

34 (a)(1) During the course of any child maltreatment investigation,
35 whether conducted by the Department of Human Services, or the Department of
36 Arkansas State Police, ~~or local law enforcement~~, the Department of Human

1 Services shall assess the health and safety of a child who is subject to the
 2 child maltreatment investigation and determine whether or not ~~the child can~~
 3 safely remain in the home custody under this subchapter is required.

4 (2) If the Department of Arkansas State Police is the
 5 investigative agency, it shall disclose information as needed for the
 6 Department of Human Services to ~~make an assessment regarding whether a child~~
 7 ~~can safely remain in the home~~ assess the health and safety of a child subject
 8 to the child maltreatment investigation and determine whether or not custody
 9 under this subchapter is required.

10 (b) The child's health and safety shall be the paramount concern in
 11 determining whether or not to ~~remove a child from the custody of his or her~~
 12 ~~parents~~ exercise custody under this subchapter.

13
 14 SECTION 9. Arkansas Code § 12-18-1008(a), concerning the removal of a
 15 child by the Department of Human Services if an investigation determines that
 16 the child cannot safely remain at home, is amended to read as follows:

17 (a) If ~~an investigation under this chapter~~ the Department of Human
 18 Services determines that ~~the child cannot safely remain at home, the~~
 19 ~~Department of Human Services~~ custody under this subchapter is required, the
 20 department shall take steps to remove the child under custody as outlined in
 21 this chapter or pursuant to the Arkansas Juvenile Code of 1989, § 9-27-301 et
 22 seq.