

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

As Engrossed: H3/25/19

A Bill

SENATE BILL 288

5 By: Senator A. Clark
6 By: Representative Burch
7

For An Act To Be Entitled

9 AN ACT TO AMEND THE LAW CONCERNING CHILD MALTREATMENT
10 INVESTIGATION TIME FRAMES; TO CLARIFY THE
11 REQUIREMENTS FOR A CHILD MALTREATMENT INVESTIGATION;
12 AND FOR OTHER PURPOSES.
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Subtitle

16 TO AMEND THE LAW CONCERNING CHILD
17 MALTREATMENT INVESTIGATION TIME FRAMES;
18 AND TO CLARIFY THE REQUIREMENTS FOR A
19 CHILD MALTREATMENT INVESTIGATION.
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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24 SECTION 1. Arkansas Code § 12-18-103, concerning definitions
25 applicable to the Child Maltreatment Act, is amended to add additional
26 subdivisions to read as follows:

27 (28) "Family member" means a person within the fifth degree of
28 consanguinity by virtue of blood or adoption; and

29 (29) "Fictive kin" means a person who:

30 (A) Is not related to a child by blood or marriage; and

31 (B) Has a strong, positive, and emotional tie or role in

32 the:

33 (i) Life of the child; or

34 (ii) Life of the parent of the child if the child is

35 an infant.
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1 SECTION 2. Arkansas Code § 12-18-602(b), concerning the initiation of
2 an investigation under the Child Maltreatment Act, is amended to read as
3 follows:

4 (b)(1) All investigations shall begin within seventy-two (72) hours.

5 (2) However, the investigation shall begin within twenty-four
6 (24) hours if:

7 (A) The allegation is severe maltreatment, excluding an
8 allegation of:

9 (i) ~~Sexual~~ Of sexual abuse if the most recent
10 allegation of sexual abuse was more than one (1) year ago or the alleged
11 victim does not currently have contact with the alleged offender;

12 (ii) ~~Abandonment~~ Of abandonment and the child is in
13 a facility; ~~or~~

14 (iii) ~~Cuts,~~ Of cuts, welts, bruises, or suffocation
15 if the most recent allegation was more than one (1) year ago and the alleged
16 victim is in the custody of the Department of Human Services; or

17 (iv) In which the alleged victim is in a facility
18 and does not currently have contact with the alleged offender;

19 (B) The allegation is that a child has been subjected to
20 neglect as defined in § 12-18-103(14)(B); or

21 (C) A child has died suddenly and unexpectedly.

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23 SECTION 3. Arkansas Code § 12-18-606 is amended to read as follows:

24 12-18-606. When the alleged offender is a family member, a fictive
25 kin, or lives in the home with the alleged victim.

26 If the alleged offender is a family member, fictive kin, or lives in
27 the home with the alleged victim, an investigation under this chapter shall
28 seek to ascertain:

29 (1) The existence, cause, nature, and extent of the child
30 maltreatment;

31 (2) The existence and extent of previous injuries;

32 (3) The identity of the person responsible for the child
33 maltreatment;

34 (4) The names and conditions of other children in the home;

35 (5) The circumstances of the parents or caretakers of the child;

36 (6) The environment where the child resides;

1 (7) The relationship of the child or children with the parents
2 or caretakers; and

3 (8) All other pertinent data.
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5 SECTION 4. Arkansas Code § 12-18-607 is amended to read as follows:

6 12-18-607. When the alleged offender is ~~not a family member or~~ neither
7 a family member nor a fictive kin and not living in the home with the alleged
8 victim.

9 If the alleged offender is not a family member ~~nor~~ living in the home
10 with the alleged victim, the investigation under this chapter shall seek to
11 ascertain:

12 (1) The existence, cause, nature, and extent of child
13 maltreatment;

14 (2) The identity of the person responsible for the child
15 maltreatment;

16 (3) The existence and extent of previous child maltreatment
17 perpetrated by the alleged offender;

18 (4) If the report is determined to be true, the names and
19 conditions of any children of the alleged offender and whether these children
20 have been maltreated or are at risk of child maltreatment unless the
21 investigating agency has determined that there is no indication of risk to
22 the children;

23 (5) If the report is determined to be true and is a report of
24 sexual abuse, sexual contact, or sexual exploitation, an assessment of any
25 other children previously or currently under the care of the alleged
26 offender, to the extent practical, and whether these children have been
27 maltreated or are at risk of maltreatment unless the investigating agency has
28 determined that there is no indication of risk to the children; and

29 (6) All other pertinent and relevant data.
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31 /s/A. Clark
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34 **APPROVED: 4/11/19**
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