

Stricken language would be deleted from present law. Underlined language would be added to present law.

1 State of Arkansas  
2 81st General Assembly  
3 Regular Session, 1997  
4

As Engrossed: H3/20/97 H3/27/97

## A Bill

ACT 1334 OF 1997  
HOUSE BILL 2281

5 By: Representative Pollan  
6  
7

### For An Act To Be Entitled

9 "AN ACT TO AMEND THE ARKANSAS CODE ANNOTATED SECTION 12-  
10 12-503, 12-12-505, 12-12-506, 12-12-509, 12-12-510, 12-12-  
11 512, 12-12-514, AND 12-12-515 REGARDING THE DUTIES AND  
12 RESPONSIBILITIES OF THE CHILD MALTREATMENT ACT; AND FOR  
13 OTHER PURPOSES."

### Subtitle

14  
15 "AMEND THE ARKANSAS CODE ANNOTATED  
16 SECTION 12-12-503, 12-12-505, 12-12-506,  
17 12-12-509, 12-12-510, 12-12-512, 12-12-  
18 514, AND 12-12-515 REGARDING THE DUTIES  
19 AND RESPONSIBILITIES OF THE CHILD  
20 MALTREATMENT ACT."  
21  
22

23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
24

25 SECTION 1. Arkansas Code 12-12-503 is amended to read as follows:  
26 "12-12-503. Definitions.

27 As used in this subchapter, unless the context otherwise requires:

28 (1) Child or juvenile means an individual who:

29 (A) Is under the age of eighteen (18) years;

30 (B) Is under the age of twenty-one (21) years, whether married  
31 or single, who was adjudicated delinquent under the Arkansas Juvenile  
32 Code, § 9-27-301 et seq., for an act committed prior to the age of

33 eighteen (18) years, and for whom the court retains jurisdiction; or

34 (C) Was adjudicated dependent-neglected under the Arkansas  
35 Juvenile Code, § 9-27-301 et seq., before reaching the age of eighteen  
36 (18) years, and who, while engaged in a course of instruction or

1 treatments, requests the court to retain jurisdiction until the course  
2 has been completed;

3 (2) Parent means a biological mother, an adoptive parent, a man  
4 to whom the biological mother was married at the time of conception or  
5 birth, or who has been found, by a court of competent jurisdiction, to  
6 be the biological father of the juvenile;

7 (3) Child maltreatment means abuse, sexual abuse, neglect,  
8 sexual exploitation, or abandonment;

9 (4)(A) Abuse means any of the following acts or omissions by a  
10 parent, guardian, custodian, foster parent, or any person who is  
11 entrusted with the juvenile's care by a parent, guardian, custodian,  
12 or foster parent, including, but not limited to, an agent or employee  
13 of a public or private residential home, child care facility, public  
14 or private school, or any person legally responsible for the  
15 juvenile's welfare:

16 (i) Extreme and repeated cruelty to a juvenile; or

17 (ii) Physical, psychological, or sexual abuse of any juvenile  
18 which includes, but is not limited to, intentionally, knowingly, or  
19 negligently and without justifiable cause:

20 (a) Engaging in conduct creating a substantial possibility of  
21 death, permanent or temporary disfigurement, illness, impairment of  
22 any bodily organ, or an observable and substantial impairment in the  
23 intellectual or psychological capacity of the juvenile to function  
24 within his normal range of performance and behavior with due regard to  
25 his culture;

26 (b) Any nonaccidental physical injury or mental injury; or

27 (c) Any injury which is at variance with the history given.

28 (B)(i) Abuse shall not include physical discipline of a child when it  
29 is reasonable and moderate and is inflicted by a parent or  
30 guardian for purposes of restraining or correcting the child.

31 (ii) The following actions are not reasonable or moderate when  
32 used to correct or restrain a child:

33 (a) Throwing, kicking, burning, biting, or cutting a child;

34 (b) Striking a child with a closed fist;

35 (c) Shaking a child under age three (3);

36 (d) Striking or other actions which result in any nonaccidental

1 injury to a child under the age of eighteen (18) months;

2 (e) Interfering with a child's breathing;

3 (f) Threatening a child with a deadly weapon;

4 (g) Striking a child on the face; or

5 (h) Doing any other act that is likely to cause, and which does  
6 cause, bodily harm greater than transient pain or minor temporary  
7 marks.

8 (iii) The age, size, and condition of the child, and the  
9 location of the injury and the frequency or recurrence of injuries  
10 shall be considered when determining whether the bodily harm is  
11 reasonable or moderate.

12 (iv) This list is illustrative of unreasonable action and is  
13 not intended to be exclusive;

14 (5) Sexual abuse includes solicitation or participation in  
15 sexual activity with a juvenile by an adult or person responsible for  
16 the care and maintenance of the juvenile. Sexual abuse also includes  
17 any offense relating to sexual activity, abuse, or exploitation,  
18 including rape and incest, as set out and defined in the Arkansas  
19 Criminal Code and amendments thereto, § 5-1-101 et seq;

20 (6) Neglect means those acts or omissions of a parent,  
21 guardian, custodian, foster parent, or any person who is entrusted  
22 with the juvenile's care by a parent, custodian, guardian, or foster  
23 parent, including, but not limited to, an agent or employee of a  
24 public or private residential home, child care facility, public or  
25 private school, or any person legally responsible under state law for  
26 the juvenile's welfare, which constitute:

27 (A) Failure or refusal to prevent the abuse of the juvenile  
28 when such person knows or has reasonable cause to know the juvenile is  
29 or has been abused;

30 (B) Failure or refusal to provide the necessary food, clothing,  
31 shelter, and education required by law, or medical treatment necessary  
32 for the juvenile's well-being, except when the failure or refusal is  
33 caused primarily by the financial inability of the person legally  
34 responsible and no services for relief have been offered or rejected;

35 (C) Failure to take reasonable action to protect the juvenile  
36 from abandonment, abuse, sexual abuse, sexual exploitation, neglect,

1 or parental unfitness where the existence of such condition was known  
2 or should have been known;

3 (D) Failure or irremedial inability to provide for the  
4 essential and necessary physical, mental, or emotional needs of the  
5 juvenile;

6 (E) Failure to provide for the juvenile's care and maintenance,  
7 proper or necessary support, or medical, surgical, or other necessary  
8 care; or

9 (F) Failure, although able, to assume responsibility for the  
10 care and custody of the juvenile or participate in a plan to assume  
11 such responsibility;

12 (7) Sexual exploitation means allowing, permitting, or  
13 encouraging participation or depiction of the juvenile in  
14 prostitution, obscene photographing, filming, or obscenely depicting a  
15 juvenile for any use or purpose;

16 (8) Abandonment means the failure of the parent to provide  
17 reasonable support and to maintain regular contact with the juvenile  
18 through statement or contact, when the failure is accompanied by an  
19 intention on the part of the parent to permit the condition to  
20 continue for an indefinite period in the future, and failure to  
21 support or maintain regular contact with the juvenile without just  
22 cause for a period of one (1) year shall constitute a rebuttable  
23 presumption of abandonment;

24 (9) Caretaker means a parent, guardian, custodian, foster  
25 parent, or any person ten (10) years of age or older who is entrusted  
26 with a child's care by a parent, guardian, custodian, or foster  
27 parent, including, but not limited to, an agent or employee of a  
28 public or private residential home, child care facility, public or  
29 private school, or any person responsible for a child's welfare;

30 (10) Severe maltreatment means sexual abuse, sexual  
31 exploitation, acts or omissions which may or do result in death, abuse  
32 involving the use of a deadly weapon as defined by the Arkansas  
33 Criminal Code, § 5-1-101 et seq., bone fracture, internal injuries,  
34 burns, immersions, suffocation, abandonment, medical diagnosis of  
35 failure to thrive, or causing a substantial and observable change in  
36 the behavior or demeanor of the child;

1 (11) Department means the Department of Human Services;

2 (12) Subject of the report means the offender, the parents and  
3 caretakers of the child who is subject to suspected maltreatment, and  
4 the child who is the subject of suspected maltreatment; ~~and~~

5 (13) Central intake refers to a unit which shall be established  
6 by the Department of Human Services for the purpose of receiving and  
7 recording notification made pursuant to this subchapter. Central  
8 intake shall be staffed twenty-four (24) hours per day and shall have  
9 statewide accessibility through a toll-free telephone number- ;

10 (14) Near Fatality means an act that, as certified by a physician,  
11 places the child in serious or critical condition; and

12 (15) Serious bodily injury means bodily injury which involves  
13 substantial risk of death, extreme physical pain, protracted and obvious  
14 disfigurement, or protracted loss or impairment of the function of a bodily  
15 member, organ, or mental faculty."

16

17 SECTION 2. Arkansas Code 12-12-505 is amended to read as follows:

18 "12-12-505. Central registry.

19 (a) There is established within the Department of Human Services a  
20 statewide central registry for the collection of records of cases  
21 involving allegations of child maltreatment which are determined to be  
22 true pursuant to this subchapter.

23 (b) Records of all cases where allegations are determined to be  
24 true shall be retained by the central registry. Records of all cases where  
25 allegations are determined to be unsubstantiated shall be promptly expunged.  
26 The department is permitted to keep information on unsubstantiated reports in  
27 its casework files to assist in future risk and safety assessment but this  
28 information shall not be subject to disclosure except as permitted in § 12-12-  
29 512(a)(1).

30 (c) The central registry may adopt such rules and regulations as  
31 may be necessary to encourage cooperation with other states in  
32 exchanging true reports, and to effect a national registration system."

33

34 SECTION 3. Arkansas Code 12-12-506 is amended to read as follows:

35 "12-12-506. Disclosure of central registry data.

36 (a)(1) Reports made pursuant to this subchapter shall be confidential

1 and may be used or disclosed only as provided in this section.

2 (2)(A) If the allegations are determined to be true in accordance  
3 with § 12-12-512, disclosure is absolutely limited to:

4 (i) The administration of the adoption, foster care, children's  
5 protective services programs, or child care licensing programs of any  
6 state;

7 ~~(ii) Any law enforcement investigation or criminal prosecution~~  
8 ~~conducted in connection with the provisions of this subchapter; Federal, state~~  
9 ~~or local government entities, or any agent of such entities, having a need for~~  
10 such information in order to carry out its responsibilities under law to  
11 protect children from abuse or neglect;

12 (iii) Any person who is the subject of a true report;

13 (iv) A civil or administrative proceeding connected with the  
14 administration of the Arkansas Child Welfare State Plan where the  
15 court or hearing officer determines the information is necessary for  
16 the determination of an issue before the court or agency;

17 (v) The administration of any federal or federally assisted  
18 program which provides assistance, in cash or in kind, or services  
19 directly to individuals on the basis of need;

20 (vi) An audit or similar activity conducted in connection with  
21 the administration of such plan or program by any governmental agency  
22 which is authorized by law to conduct the audit or activity;

23 (vii) A person, agency, or organization engaged in a bona fide  
24 research or evaluation project, but without information identifying  
25 individuals named in a report or record, provided that:

26 (a) Having that information open for review is essential to the  
27 research or evaluation;

28 (b) Prior written approval is granted by the Director of the  
29 Department of Human Services; and

30 (c) The child, through his parent, guardian, or guardian ad  
31 litem, gives permission to release the information;

32 (viii) A properly constituted authority, including  
33 multidisciplinary teams referenced in § 12-12-502(b), investigating a  
34 report of known or suspected child abuse or neglect or providing  
35 services to a child or family which is the subject of a report;

36 (ix)(a) The Child Care Facility Review Board and the child care

1 facility owner or operator who requested the registry information  
2 through a signed notarized release from an individual who is a  
3 volunteer or who has applied for employment or who is currently  
4 employed by a child care facility or who is the owner or operator of a  
5 child care facility.

6 (b) This disclosure shall be for the limited purpose of  
7 providing central registry background information and shall indicate a  
8 true finding only.

9 (x) Child abuse citizen panels described in the Child Abuse Prevention  
10 and Treatment Act (42 U.S.C. 5106a);

11 (xi) Child fatality review panels as authorized by the department;

12 (xii) To the general public the findings or information about the case  
13 of child abuse or neglect which has resulted in a child fatality or near  
14 fatality;

15 (xiii) A grand jury or court, upon a finding that information in the  
16 record is necessary for the determination of an issue before the court or  
17 grand jury;

18 (B) Reports of investigative determinations which are true  
19 shall be disclosed to the Child Care Facility Review Board, by oral  
20 report only, for purposes of enforcement of licensing law and  
21 regulations.

22 (b) Any licensing or registering authority in receipt of initial  
23 notification of suspected child maltreatment may access the central  
24 registry to the extent necessary to carry out its official  
25 responsibilities, but the information must be maintained as  
26 confidential.

27 (c)(1) Any person or agency to whom disclosure is made shall not  
28 disclose to any other person reports or other information obtained  
29 pursuant to this section.

30 (2) Provided, however, that a local educational agency or a  
31 school counselor shall forward all true reports of child maltreatment  
32 received from the department whenever a child transfers from one (1)  
33 local educational agency to another, and shall notify the department  
34 of the child's new school, and address, if known.

35 (3) Any person disclosing information in violation of this  
36 subsection shall be guilty of a Class C misdemeanor.

1 (d) Disclosure is prohibited to any committee or legislative  
2 body, other than an agency referred to in §§ 12-12-507(e) and  
3 12-12-509 - 12-12-511 with respect to an activity referred to in such  
4 sections, of any information which identifies by name or address any  
5 applicant or recipient.

6 (e) The department shall not release data that would identify the  
7 person who made the report ~~or who cooperated in a subsequent~~  
8 ~~investigation~~, unless a court of competent jurisdiction orders release  
9 of the information ~~for good cause shown~~. after such court has reviewed, in  
10 camera, the record related to the report and has found it has reason to  
11 believe that the reporter knowingly made a false report. However, the  
12 information shall be disclosed to the prosecuting attorney or law enforcement  
13 officers on request.

14 (f) Within ten (10) days following an investigative determination, the  
15 department shall provide the person or agency making notification of suspected  
16 child maltreatment information as to whether an investigation has been  
17 conducted and whether services have been offered.

18 (g) The department may disclose the investigative determination to the  
19 employer of any offender when the offender is engaged in child related  
20 activities or employment.

21 (h) Nothing in this subchapter shall be construed to prevent subsequent  
22 disclosure by the subject of the report."

23

24 SECTION 4. Arkansas Code 12-12-509 is amended to read as follows:

25 "12-12-509. Investigation - Examinations of children.

26 (a)(1) The department shall cause an investigation to be made upon  
27 receiving initial notification of suspected child maltreatment.

28 (2)(A) All investigations shall begin within seventy-two (72)  
29 hours.

30 (B) However, if the notice contains an allegation of severe  
31 maltreatment then the department shall immediately notify law  
32 enforcement, and the department shall initiate an investigation in  
33 cooperation with law enforcement agencies and the prosecuting attorney  
34 within twenty-four (24) hours.

35 (b) The investigation shall seek to ascertain:

36 (1) The existence, cause, nature, and extent of the child

1 maltreatment;

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

3 (3) The identity of the person responsible therefore;

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

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

6 (6) The environment where the child resides;

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

9 (8) All other pertinent data.

10 (c)(1) The investigation shall include interviews with the

11 ~~parents, the caretakers, as may be relevant to the alleged~~

12 ~~maltreatment, and .~~ If the parents are not the alleged offender, the

13 investigation shall also include an interview with the alleged offender. The

14 investigation shall include an interview with any other relevant persons.

15 (2) The investigation shall include an interview with the child separate

16 and apart from the alleged offender or any representative or attorney for the

17 alleged offender. However, if the age or abilities of the child render an

18 interview impossible, the investigation shall include observation of the

19 child.

20 (3) The investigation may include a physical examination and a

21 psychological or psychiatric examination of all children subject to

22 the care, custody, or control of the same caretaker.

23 (4) If, after exercising reasonable diligence in conducting any

24 or all interviews, the subjects of the interviews cannot be located or

25 are unable to communicate, the efforts to conduct such interviews

26 shall be documented and the investigation shall proceed pursuant to

27 this subchapter.

28 (d) An investigative determination shall be made in each

29 investigation within thirty (30) days. However, this procedural

30 requirement shall not be considered as a factor to alter the

31 investigative determination in any judicial or administrative

32 proceeding."

33

34 SECTION 5. Arkansas Code 12-12-510 is hereby amended to read as

35 follows:

36 "12-12-510. Investigative powers.

1 (a) The person conducting the investigation shall have the right to  
2 enter into or upon the home, school, or other place, for the purpose  
3 of conducting an interview or completing the investigation required by  
4 this subchapter.

5 (b) If necessary access or admission is denied, the department  
6 may petition the proper juvenile division of the chancery court for an  
7 order requiring the parents, caretaker, or persons denying access to  
8 any place where the child may be to allow entrance for the interviews,  
9 examinations, and investigations.

10 (c) However, upon application to the court showing good cause,  
11 the order may be stayed pending a hearing to be held within  
12 seventy-two (72) hours.

13 (d) The department shall investigate all allegations of child  
14 maltreatment without regard to the parent's practice of his religious  
15 beliefs and shall only consider whether the acts or omissions of the  
16 parent are abusive or neglectful as defined by the Arkansas Code.

17 (e) The person conducting the investigation shall have the right to  
18 inspect personnel records of employees and volunteers in any place where an  
19 allegation of child maltreatment has been reported as having occurred at that  
20 place but the alleged offender is unknown."

21

22 SECTION 6. Arkansas Code 12-12-511 is amended to read as follows:

23 "12-12-511. Investigation to be closed.

24 (a) If at any time before or during the investigation it is  
25 determined that the alleged offender is not a caretaker of ~~the alleged~~  
26 ~~victim~~ any child, and the alleged victim has attained majority prior to  
27 notification, the ~~department's~~ department's child maltreatment investigation shall be  
28 closed notwithstanding any criminal investigation.

29 (b)(1) Any provision to the Arkansas Uniform Rules of Evidence  
30 notwithstanding, any privilege between a minister and any person  
31 confessing to or being counseled by the minister shall not constitute  
32 grounds for excluding evidence at any dependency-neglect proceeding or  
33 proceedings involving custody of a minor.

34 (2)(A) If at any time before or during the investigation it  
35 appears that the offender is identified and is not a caretaker of the  
36 victim child, the department shall:

1 (i) Refer the matter to the appropriate law enforcement agency;  
2 (ii) Close its investigation; and  
3 (iii) Forward a copy of its findings to the appropriate law  
4 enforcement agency for that agency's further use in any criminal  
5 investigation.

6 (B) If the alleged offender is a juvenile, but not a caretaker,  
7 law enforcement may refer the matter to the department for  
8 investigation.

9 (3)(A) If the appropriate law enforcement agency subsequently  
10 determines that the offender is a caretaker, it shall immediately  
11 notify the department of its determination.

12 (B) Thereupon the department shall reopen and continue its  
13 investigation in compliance with all other requirements contained in  
14 this subchapter.

15 (c) If at any time before or during the investigation the department is  
16 unable to locate or identify the alleged offender because the alleged  
17 maltreatment occurred more than five (5) years ago or in another state, the  
18 department shall consider the report unable to be completed and placed in  
19 inactive status."

20

21 SECTION 7. Arkansas Code 12-12-512 is amended to read as follows:

22 "12-12-512. Child Maltreatment Investigative determination - Notice of  
23 finding - Amendment and appeal.

24 (a) Upon completion of the investigation the department shall  
25 determine that the allegations of child maltreatment are:

26 (1) Unsubstantiated: This determination shall be entered when the  
27 allegation is not supported by some credible evidence. There can be no  
28 disclosure of unsubstantiated reports except for release to the  
29 prosecutor for the limited purpose of prosecution of a person who  
30 willfully makes false notification pursuant to this subchapter;

31 (2) True: This determination shall be entered when the allegation  
32 is supported by some credible evidence.

33 (A) A determination of true shall not be entered when a parent,  
34 practicing his religious beliefs, does not, for that reason alone,  
35 provide medical treatment for a child, but in lieu of such treatment  
36 the child is being furnished with treatment by spiritual means alone,

1 through prayer, in accordance with a recognized religious method of  
2 healing by an accredited practitioner.

3 (B) ~~Such prohibition shall not limit the administrative or~~  
4 ~~judicial authority of the state to ensure that medical services are~~  
5 ~~provided to the child when his health requires it.~~ Notwithstanding subsection  
6 (A), the department shall have the authority to pursue any legal remedies,  
7 including the authority to initiate legal proceedings in a court of competent  
8 jurisdiction, to provide medical care or treatment for a child when such care  
9 or treatment is necessary to prevent or remedy serious harm to the child, or  
10 to prevent the withholding of medically indicated treatment from child with  
11 life threatening conditions. Except with respect to the withholding of  
12 medically indicated treatments from disabled infants with life threatening  
13 conditions, case by case determinations concerning the exercise of authority  
14 of this subsection shall be within the sole discretion of the department.

15 (b) If the investigation cannot be completed, the investigation  
16 shall be determined incomplete and placed in inactive status.

17 (c)(1)(A) In every case where a report is determined to be true,  
18 the department shall notify each subject of the report of the  
19 determination.

20 (B) Notification shall be in writing by hand delivery or by  
21 certified mail, restricted delivery.

22 (C) Such notification shall include the following:

23 (i) The investigative determination, true or unsubstantiated,  
24 exclusive of the source of the notification;

25 (ii) A statement that an adult offender subject of the true report may  
26 request an administrative hearing;

27 (iii) A statement that such request must be made to the department  
28 within thirty (30) days of receipt of the hand delivery or mailing of the  
29 notice of determination; and

30 (iv) The name of the person making notification, his  
31 occupation, and where he can be reached.

32 (2) The administrative hearing process must be completed within  
33 ninety (90) days from the date of the receipt of the request for a  
34 hearing.

35 (3) No action by appeal shall be brought more than two (2) years  
36 after the completion of the investigation.

1 (4) When the department conducts such administrative appeal  
2 hearings, the chief counsel of the department is authorized to require  
3 the attendance of witnesses and the production of books, records, or  
4 other documents through the issuance of subpoenas when such testimony  
5 or information is necessary to adequately present the position of the  
6 Department of Human Services, the investigating protective services  
7 agency, or the alleged offender or adult subject of a report.

8 (d) Failure to obey the subpoena may be deemed a contempt, punishable  
9 accordingly."

10

11 SECTION 8. Arkansas Code 12-12-514 is amended to read as follows:

12 "12-12-514. Child Maltreatment Investigative report.

13 (a) The ~~department~~ agency responsible for the investigation shall make  
14 a complete written report of the investigation by the conclusion of the  
15 thirty-day time period set forth in § 12-12-509(d) of this subchapter.

16 (b) The report shall include the following information:

17 (1) The names and addresses of the child and his legal parents  
18 and other caretakers of the child, if known;

19 (2) The child's age, sex, and race;

20 (3) The nature and extent of the child's present and past  
21 injuries;

22 (4) The investigative determination;

23 (5) The nature and extent of the child maltreatment, including  
24 any evidence of previous injuries or child maltreatment to the child  
25 or his siblings;

26 (6) The name and address of the person responsible for the  
27 injuries or child maltreatment, if known;

28 (7) Services offered and accepted;

29 (8) Family composition;

30 (9) The source of the notification; and

31 (10) The person making the notification, his occupation, and  
32 where he can be reached.

33 (c) A copy of the written report and any supporting documentation,  
34 including statements from witnesses and transcripts of interviews, shall  
35 immediately be filed at no cost with ~~the appropriate law enforcement agency,~~  
36 ~~the prosecuting attorney's office, and~~ the central registry. ~~In the event the~~

1 ~~investigation is not conducted by the department or its agents, the~~  
2 ~~responsible~~  
3 ~~investigator shall immediately file a copy of the report with the~~  
4 ~~department.~~ Notification of the investigative determination shall be provided  
5 to the appropriate law enforcement agency and prosecuting attorneys office  
6 regarding reports of severe maltreatment.

7 (d) Notwithstanding any provision of this subchapter, the  
8 department shall forward the investigative determination, exclusive of  
9 the source of the notification, the name of the person making  
10 notification, his occupation, and where he can be reached, to the  
11 parents and alleged offender by hand delivery or by certified mail,  
12 restricted delivery, addressed to the recipient's last known address.

13 (e) The report, exclusive of information identifying the person  
14 making the notification, shall be admissible in evidence in any  
15 proceeding related to child maltreatment."  
16

17 SECTION 9. Arkansas Code 12-12-515 is amended to read as follows:

18 "12-12-515. Provision of information to person or agency making  
19 initial notification of suspected maltreatment.

20 (a)(1) If the person or agency making the initial notification of  
21 suspected child maltreatment is required to do so by this subchapter,  
22 the department, within ten (10) business days of the child maltreatment  
23 investigative determination, shall provide to the person the following  
24 information:

25 (A) The investigative determination; and

26 (B) Services offered and provided.

27 (2) The department shall provide the local educational agency,  
28 specifically to the school counselor where the maltreated child  
29 attends school, a report indicating the department's founded  
30 investigative determination regarding the child and the services  
31 offered or provided by the department to the child.

32 (3) Any local educational agency receiving such information from  
33 the department shall make this information, if it is a ~~founded~~ true report,  
34 a part of the child's permanent educational record and shall treat  
35 such information as educational records are treated under the Family  
36 Educational Rights and Privacy Act, 20 U.S.C. § 1232g.

1 (b)(1) The department may provide information to a person or  
2 agency that provides professional services such as medical examination  
3 of, an assessment interview with, or diagnosing, caring for, treating,  
4 or supervising a victim of maltreatment.

5 (2) This information may include:

6 (A) The investigative determination or the investigation  
7 report; and

8 (B) The services offered and provided."  
9

10 SECTION 10. All provisions of this act of a general and permanent  
11 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas  
12 Code Revision Commission shall incorporate the same in the Code.

13

14 SECTION 11. If any provision of this act or the application thereof to  
15 any person or circumstance is held invalid, such invalidity shall not affect  
16 other provisions or applications of the act which can be given effect without  
17 the invalid provision or application, and to this end the provisions of this  
18 act are declared to be severable.

19

20 SECTION 12. All laws and parts of laws in conflict with this act are  
21 hereby repealed.

22

*/s/Rep. Pollan*

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APPROVED:4-10-97

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