

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

A Bill

ACT 535 OF 1997
HOUSE BILL 1221

4
5 By: Representative Ferrell
6
7

For An Act To Be Entitled

8
9 "AN ACT TO AMEND ARKANSAS CODE ANNOTATED §§ 12-12-508 AND
10 12-12-509 REGARDING CRIME REPORTING AND INVESTIGATIONS TO
11 CHANGE TERMINOLOGY FROM X-RAYS TO RADIOLOGY PROCEDURES;
12 PROVIDING FOR RADIOLOGY PROCEDURES AND PHOTOGRAPHS TO BE
13 USED IN THE INVESTIGATION OF SUSPECTED CHILD MALTREATMENT;
14 AND FOR OTHER PURPOSES."

Subtitle

15
16
17 "PROVIDING FOR RADIOLOGY PROCEDURES AND
18 PHOTOGRAPHS TO BE USED IN THE
19 INVESTIGATION OF SUSPECTED CHILD
20 MALTREATMENT"
21

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

24 SECTION 1. Arkansas Code Annotated § 12-12-508 is amended to read as
25 follows:

26 "12-12-508. ~~X-rays~~ Radiology procedures, photographs, and medical
27 records.

28 Any person who is required to make notification under this subchapter
29 may take or cause to be taken ~~X-rays~~ radiology procedures and photographs or
30 compile medical records which may be probative as to the existence or extent
31 of child maltreatment. The department or law enforcement officials shall have
32 access to ~~such X-rays~~ the results of radiology procedures, photographs, or
33 medical records upon request."
34

35 SECTION 2. Arkansas Code Annotated § 12-12-509 is amended to read as
36 follows:

1 "12-12-509. Investigation - Examinations of children.

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

4 (2)(A) All investigations shall begin within seventy-two (72)
5 hours.

6 (B) However, if the notice contains an allegation of severe
7 maltreatment then the department shall immediately notify law enforcement, and
8 the department shall initiate an investigation in cooperation with law
9 enforcement agencies and the prosecuting attorney within twenty-four (24)
10 hours.

11 (b) The investigation shall seek to ascertain:

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

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

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

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

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

18 (6) The environment where the child resides;

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

21 (8) All other pertinent data.

22 (c)(1) The investigation shall include interviews with the parents, the
23 caretakers, as may be relevant to the alleged maltreatment, and the alleged
24 offender.

25 (2) The investigation shall include an interview with the child.
26 However, if the age or abilities of the child render an interview impossible,
27 the investigation shall include observation of the child.

28 (3) The investigation may include a physical examination,
29 radiology procedures, photographs, and a psychological or psychiatric
30 examination of all children subject to the care, custody, or control of the
31 same caretaker.

32 (4) If, after exercising reasonable diligence in conducting any
33 or all interviews, the subjects of the interviews cannot be located or are
34 unable to communicate, the efforts to conduct such interviews shall be
35 documented and the investigation shall proceed pursuant to this subchapter.

36 (d) An investigative determination shall be made in each investigation

1 within thirty (30) days. However, this procedural requirement shall not be
2 considered as a factor to alter the investigative determination in any
3 judicial or administrative proceeding."
4

5 SECTION 3. All provisions of this act of a general and permanent nature
6 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
7 Revision Commission shall incorporate the same in the Code.
8

9 SECTION 4. If any provision of this act or the application thereof to
10 any person or circumstance is held invalid, such invalidity shall not affect
11 other provisions or applications of the act which can be given effect without
12 the invalid provision or application, and to this end the provisions of this
13 act are declared to be severable.
14

15 SECTION 5. All laws and parts of laws in conflict with this act are
16 hereby repealed.
17

18 APPROVED:3-17-97
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35