

1 **State of Arkansas**
2 **78th General Assembly**
3 **Regular Session, 1991**
4 **By: Senator Steve Bell**

A Bill ACT 450 OF 1991

SENATE BILL 108

For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE ANNOTATED §12-12-515(a) TO
9 ALLOW CERTIFIED PUBLIC SCHOOL COUNSELORS TO FORWARD
10 INFORMATION REGARDING SUSPECTED CHILD ABUSE AND NEGLECT TO
11 COUNSELORS AT THE SCHOOL IN WHICH THE CHILD ENROLLS; AND
12 FOR OTHER PURPOSES."

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14 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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16 SECTION 1. Arkansas Code Annotated §12-12-515(a) is amended to read as
17 follows:

18 "12-12-515. Access to records.

19 (a) Reports made pursuant to this subchapter, as well as any other
20 information obtained, and reports written or photographs taken concerning
21 reports in the possession of the department, as well as information concerning
22 individuals assisted by the State of Arkansas as part of the state's adoption,
23 foster care, or children's protective services programs, shall be confidential
24 and may be used or disclosed only for the purposes listed in this section. If
25 the report was determined to be founded, disclosure is limited to:

26 (1) The administration of the adoption, foster care, or
27 children's protective services programs of the State of Arkansas;

28 (2) Any investigation or prosecution conducted in connection with
29 the administration of the plan or program;

30 (3) Any person who is the subject of a report;

31 (4) A civil proceeding connected with the administration of the
32 plan or program where the court determines that the information is necessary
33 for the determination of an issue before the court;

34 (5) The administration of any federal or federally assisted
35 program which provides assistance, in case or in kind, or services directly to
36 individuals on the basis of need;

1 (6) An audit or similar activity conducted in connection with the
2 administration of such plan or program by any governmental agency which is
3 authorized by law to conduct the audit or activity;

4 (7) Any certified counselor of a public school with regard to
5 cases reported by the school counselor. The school counselor shall not
6 disclose to any other person the reports or other information obtained
7 pursuant to this subdivision, except to another certified counselor of a
8 public school in which the child enrolls. Upon receiving a request from a
9 certified counselor indicating the child is now enrolled in his school, and
10 requesting information on the child, the counselor of the school previously
11 attended by the child may forward the information requested to the counselor,
12 in addition to information received pursuant to this subdivision, and shall
13 notify the department of the child's new school, and address, if known."

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15 SECTION 2. All provisions of this act of a general and permanent nature
16 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
17 Revision Commission shall incorporate the same in the Code.

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19 SECTION 3. If any provision of this act or the application thereof to
20 any person or circumstance is held invalid, such invalidity shall not affect
21 other provisions or applications of the act which can be given effect without
22 the invalid provision or application, and to this end the provisions of this
23 act are declared to be severable.

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25 SECTION 4. All laws and parts of laws in conflict with this act are
26 hereby repealed.

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APPROVED: 3-11-91

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