

1 **State of Arkansas**
2 **79th General Assembly**
3 **Regular Session, 1993**

A Bill

ACT 401 OF 1993
HOUSE BILL 1550

4 **By: Representatives Townsend, Dawson, *Smith, Blair, Bennett, Young, Bryant, Henry and***
5 ***von Grep***

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For An Act To Be Entitled

9 "AN ACT TO AMEND ARKANSAS CODE 5-28-101 TO CHANGE THE
10 DEFINITION OF EXPLOITATION TO INCLUDE RESOURCES OF THE
11 ABUSED ADULTS; TO AMEND ARKANSAS CODE § 5-28-210 TO ALLOW
12 THE INVESTIGATIONS OF ABUSED ADULTS TO INCLUDE AN
13 EVALUATION AND REVIEW OF THEIR FINANCES; TO AMEND ARKANSAS
14 CODE § 5-28-301 TO CHANGE THE TIME PERIOD FOR EMERGENCY
15 PROTECTIVE ORDERS AND THE TIME PERIOD FOR PRELIMINARY
16 HEARING ON CUSTODY; AND FOR OTHER PURPOSES."

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Subtitle

19 "AN ACT TO MAKE CHANGES IN THE ARKANSAS LAW REGARDING THE
20 REPORTING, INVESTIGATION, PROTECTION AND CUSTODY OF ABUSED
21 ADULTS."

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

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25 SECTION 1. Subdivision (3) of Arkansas Code § 5-28-101 is hereby
26 amended to read as follows:

27 "(3) Exploitation means any unjust or improper use of another person
28 or their resources for one's own profit or advantage;"

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30 SECTION 2. Arkansas Code § 5-28-210 is hereby amended to read as
31 follows:

32 "5-28-210. Investigation.

33 (a) In cases involving an endangered adult not residing in a long-term
34 care facility, the department shall make a thorough investigation upon
35 receiving either the oral or written report. When the endangered adult is a
36 resident of a long-term care facility, the sheriff or the office of the

1 Attorney General shall make a thorough investigation.

2 (b) The primary purpose of such investigation is to protect the abused
3 adult.

4 (c) The investigation shall include:

5 (1) The nature, extent, and cause of the abuse, sexual abuse, or
6 negligence of the endangered adult;

7 (2) The identity of the person responsible;

8 (3) The names and conditions of other adults in the home;

9 (4) The evaluation of the persons responsible for the care of the
10 abused adult, if any;

11 (5) The home environment and relationship of the adult to the
12 next of kin or other person responsible for his care, and all other pertinent
13 data;

14 (6) A visit to the abused adult's home and an interview with the
15 abused adult. If the admission to the home, institution, or other place that
16 the abused adult may be, or permission of the next of kin or other person
17 responsible for the adult or in charge of any place where the abused adult may
18 be, cannot be obtained, then the probate court, upon cause shown, shall order
19 the next of kin or person responsible and in charge of any place where the
20 abused adult may be to allow entrance for the examination and investigation.

21 (d) The investigation may include a medical, psychological, social,
22 vocational, financial, and educational evaluation and review, where necessary.

23 (e) If, before the examination is completed, the opinion of the
24 investigators is that the immediate removal of the endangered adult is
25 necessary to protect him from further abuse or neglect, the probate court, on
26 petition by the investigators, and good cause being shown, may issue an order
27 for temporary protective custody in the manner and procedures provided in
28 §5-28-303. The investigative reports of the department shall be made available
29 to the probate court upon request.

30 (f) The department shall make a written report or case summary,
31 together with services offered and accepted, to the state central registry on
32 forms supplied by the registry for the purpose."

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34 SECTION 3. Arkansas Code § 5-28-301 is hereby amended to read as
35 follows:

1 "5-28-301. Emergency custody.

2 (a) (1) The department, a police officer, a law enforcement official, or
3 a designated employee of a city or county department or office of social
4 service may take an endangered adult into emergency protective custody or any
5 person in charge of a hospital or similar institution or any physician
6 treating any such adult may keep that adult in his custody, whether or not
7 medical treatment is required, if the circumstances or condition of the adult
8 are such that continuing at his place of residence or in the care or custody
9 of a parent, guardian, or other person responsible for the adult's care
10 presents imminent danger to that adult's health or safety and the adult lacks
11 the capacity to comprehend the nature and consequences of remaining in a
12 situation that presents imminent danger to his health or safety.

13 (2) However, emergency protective custody shall not exceed three
14 (3) working days, and the probate court and the department shall be notified
15 immediately upon taking such adult into emergency protective custody, in order
16 that adult protective proceedings may be initiated.

17 (b) When action is taken under subsection (a) of this section for
18 emergency protective custody, a preliminary hearing shall be held within two
19 (2) working days to establish probable cause for grounds for protective
20 custody.

21 (c) Upon finding of probable cause, the court may order temporary
22 protective custody for up to fourteen (14) days, pending the hearing for long-
23 term protective custody."

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25 SECTION 4. All provisions of this act of general and permanent nature
26 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
27 Revision Commission shall incorporate the same in the Code.

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29 SECTION 5. If any provisions of this act or the application thereof to
30 any person or circumstance is held invalid, the invalidity shall not affect
31 other provisions or applications of the act which can be given effect without
32 the invalid provisions or application, and to this end the provisions of this
33 act are declared to be severable.

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35 SECTION 6. All laws and parts of laws in conflict with this act are

1 hereby repealed.

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/s/Rep. Townsend, et al

APPROVED: 03-09-93

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