

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

Act 1764 of the Regular Session

1 State of Arkansas

As Engrossed: H1/25/05 H1/27/05 S3/29/05

2 85th General Assembly

A Bill

3 Regular Session, 2005

HOUSE BILL 1102

4  
5 By: Representative T. Hutchinson

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8 **For An Act To Be Entitled**

9 AN ACT TO ESTABLISH LIMITATIONS REGARDING  
10 DISCLOSURE OF RECORDS OF CHILDREN'S ADVOCACY  
11 CENTERS; AND FOR OTHER PURPOSES.

12  
13 **Subtitle**

14 AN ACT TO ESTABLISH LIMITATIONS  
15 REGARDING DISCLOSURE OF RECORDS OF  
16 CHILDREN'S ADVOCACY CENTERS.

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

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21 SECTION 1. Arkansas Code Title 20, Chapter 78, Subchapter 1 is amended  
22 to add an additional section to read as follows:

23 20-78-106. Availability of records of children's advocacy centers.

24 (a) Reports, correspondence, memoranda, case histories, medical  
25 records, or other materials compiled or gathered by children's advocacy  
26 centers performing the services described in § 20-78-105 shall be  
27 confidential and shall not be released or otherwise made available except:

28 (1) Medical records may be released to the attorney representing  
29 the abused child in a custody or juvenile case;

30 (2) For any audit or similar activity conducted with the  
31 administration of any plan or program by any governmental agency which is  
32 authorized by law to conduct the audit or activity;

33 (3) To law enforcement agencies, a prosecuting attorney, or the  
34 Attorney General;

35 (4) To any licensing or registering authority to the extent



1 necessary to carry out its official responsibilities, but the information  
2 shall be maintained as confidential;

3 (5) To a grand jury or court upon a finding that:

4 (A) Information in the record is necessary for the  
5 determination of a civil, criminal, or administrative issue before the court  
6 or grand jury; and

7 (B) The information cannot be obtained from a person or  
8 entity described in subdivision (b)(2) of this section;

9 (6) To the Department of Human Services;

10 (7) To a Court Appointed Special Advocate volunteer with a valid  
11 court order;

12 (8) All records may be released to an attorney in any criminal,  
13 civil, or administrative proceeding or to a party in a criminal, civil, or  
14 administrative proceeding if the party is not represented by an attorney as  
15 permitted under criminal, civil, or administrative discovery rules upon a  
16 finding that:

17 (A) Information in the record is necessary for the  
18 determination of a criminal, civil, or administrative issue before a court or  
19 grand jury; and

20 (B) The information cannot be obtained from a person or  
21 entity described in subdivision (b)(2) of this section; and

22 (9) Medical records may be released to a person providing  
23 medical or psychiatric care or services to the abused child.

24 (b)(1) Except as provided in subdivision (b)(2) of this section, no  
25 person or agency to whom disclosure is made may disclose to any other person  
26 reports or other information obtained under this section.

27 (2) Law enforcement agencies, a prosecuting attorney, the  
28 Department of Human Services, a court of competent jurisdiction, or the  
29 Attorney General may release reports or information obtained under this  
30 section.

31 (c) Nothing in this section shall deny or diminish the right of an  
32 attorney for a party or a party to a criminal, civil, or administrative  
33 proceeding to receive discovery as provided in this section in order for the  
34 attorney or party to:

35 (1) Prepare for trial;

36 (2) File appropriate pleadings; or

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(3) Present evidence in court.

(d) A disclosure of information in violation of this section is a Class C misdemeanor.

/s/ T. Hutchinson

APPROVED: 4/06/2005

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