

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 674 of the Regular Session

1 State of Arkansas
2 87th General Assembly
3 Regular Session, 2009

A Bill

SENATE BILL 493

4
5 By: Senator D. Johnson
6 By: Representative Harrelson

For An Act To Be Entitled

10 AN ACT TO CLARIFY THE PROCEDURE FOR PUBLIC
11 DISCLOSURE OF INFORMATION RELATED TO CHILD
12 FATALITIES OR NEAR-FATALITIES; TO CLARIFY
13 REPORTING REQUIREMENTS OF THE DIVISION OF
14 CHILDREN AND FAMILY SERVICES; AND FOR OTHER
15 PURPOSES.

Subtitle

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17
18 TO CLARIFY THE PROCEDURE FOR PUBLIC
19 DISCLOSURE OF INFORMATION RELATED TO
20 CHILD FATALITIES OR NEAR-FATALITIES AND
21 THE REPORTING REQUIREMENTS OF THE
22 DIVISION OF CHILDREN AND FAMILY
23 SERVICES.

24
25
26 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

27
28 SECTION 1. Arkansas Code Title 9, Chapter 28, Subchapter 4 is amended
29 to add an additional section to read as follows:

30 9-28-414. Public disclosure of information on deaths and maltreatment.

31 (a)(1) The Department of Human Services shall place a notice on the
32 department's web page when a fatality or near fatality of a child is reported
33 to the Child Abuse Hotline under the Child Maltreatment Act within seventy-
34 two (72) hours of receipt of a report from the Child Abuse Hotline.

35 (2) The notice of a reported fatality or near fatality of a



1 child shall state:

2 (A) Age, race, and gender of the child;

3 (B) Date of the child's death or incident;

4 (C) Allegations or preliminary cause of death or incident;

5 (D) County and placement of the child at time of incident;

6 (E) Generic relationship of alleged offender to child;

7 (F) Agency conducting investigation;

8 (G) Legal action by the department; and

9 (H) Services offered or provided by the department now and

10 in the past.

11 (3) The notice of a fatality of a child shall also include the
12 name of the child.

13 (4) The Department of Human Services shall not put on the web
14 page any:

15 (A) Information on siblings of the child; or

16 (B) Attorney-client communications;

17 (5) The department may elect not to place notice on the
18 department's web page if:

19 (A) A law enforcement agency is actively investigating a
20 case that is subject to the notice provisions of this section; and

21 (B) The law enforcement agency reasonably believes that
22 the investigation will result in the subsequent arrest of a person.

23 (b)(1) Upon request, the department shall release the following
24 information to the general public when a Child Abuse Hotline report is
25 received on a child in the custody of the department:

26 (A) Age, race, and gender of the child;

27 (B) Allegations of maltreatment;

28 (C) County and placement of the child at time of incident;

29 (D) Generic relationship of alleged offender to the

30 child; and

31 (E) Action taken by the department.

32 (2) The Department of Human Services shall not release:

33 (A) Information on siblings of the child; or

34 (B) Attorney-client communications; or

35 (3) The Department of Human Services shall not release any
36 information if:

1 (A) A law enforcement agency is actively investigating a
2 case that is subject to the notice provisions of this section; and

3 (B) The law enforcement agency reasonably believes that
4 the investigation will result in the subsequent arrest of a person.

5 (c)(1) Upon request, the department shall release the following
6 information when a child dies if that child was in an out-of-home placement
7 as defined under § 9-27-303(39):

8 (A) Age, race and gender of the child;

9 (B) Date of the child’s death;

10 (C) Preliminary cause of death;

11 (D) County and placement of the child at time of incident;

12 (E) Action by the department.

13 (2) The Department of Human Services shall not release:

14 (A) Information on siblings of the child;

15 (B) Attorney-client communications;

16 (3) The Department of Human Services shall not release any
17 information if:

18 (A) A law enforcement agency is actively investigating a
19 case that is subject to the notice provisions of this section; and

20 (B) The law enforcement agency reasonably believes that
21 the investigation will result in the subsequent arrest of a person.

22
23 SECTION 2. Arkansas Code § 9-32-203, regarding quarterly performance
24 reports of the Division of Children and Family Services of the Department of
25 Human Services, is amended to add additional subsections to read as follows:

26 (e)(1) The Division of Children and Family Services of the Department
27 of Human Services shall report on the fatality or near fatality of a child
28 that is reported to the Child Abuse Hotline under the Child Maltreatment Act.

29 (2) The data on a reported fatality and near fatality shall
30 include:

31 (A) Age, race and gender of the child;

32 (B) Date of the child’s death or incident;

33 (C) Allegations or preliminary cause of death or incident;

34 (D) County and placement of the child at time of incident;

35 (E) Generic relationship of alleged offender to child;

36 (F) Agency conducting investigation;

1 (G) Legal action by the department; and
 2 (H) Services offered or provided by the department now and
 3 in the past.

4 (3) The data of a fatality shall also include the name of the
 5 child.

6 (f)(1) The Department of Human Services shall report Child Abuse
 7 Hotline reports received on a child in the custody of the department.

8 (2) The data on reports of maltreatment on foster children shall
 9 include:

10 (A) Age, race, and gender of the child;

11 (B) Allegations of maltreatment;

12 (C) County and placement of the child at time of incident;

13 (D) Generic relationship of alleged offender to the child;

14 and

15 (E) Action taken by the department.

16 (g)(1) The Department of Human Services shall report when a child dies
 17 if that child was in an out-of-home placement as defined under § 9-27-
 18 303(39).

19 (2) The data on the deaths of children in an out-of-home
 20 placement shall include:

21 (A) Age, race, and gender of the child;

22 (B) Date of the child's death;

23 (C) Preliminary cause of death;

24 (D) County and placement of the child at time of incident;

25 and

26 (F) Action by the department.

27 (h) The Department of Human Services shall report any noncase-specific
 28 recommendations of the department's Child Death Review Committee.

29
 30 SECTION 3. Arkansas Code § 9-32-204, regarding annual performance
 31 reports known as the "Arkansas Child Welfare Report Card", is amended to add
 32 additional subsections to read as follows:

33 (d)(1) The Division of Children and Family Services of the Department
 34 of Human Services shall report on the fatality or near fatality of a child
 35 that is reported to the Child Abuse Hotline under the Child Maltreatment Act.

36 (2) The data on a reported fatality or near fatality shall

1 include:

- 2 (A) Age, race, and gender of the child;
- 3 (B) Date of the child’s death or incident;
- 4 (C) Allegations or preliminary cause of death or incident;
- 5 (D) County and placement of the child at time of incident;
- 6 (E) Generic relationship of alleged offender to child;
- 7 (F) Agency conducting investigation;
- 8 (G) Legal action by the department; and
- 9 (H) Services offered or provided by the department now and

10 in the past.

11 (3) The data of a fatality shall also include the name of the
12 child.

13 (e)(1) The Department of Human Services shall report hotline
14 reports received on a child in the custody of the department.

15 (2) The data on reports of maltreatment on foster children shall
16 include:

- 17 (A) Age, race, and gender of the child;
- 18 (B) Allegations of maltreatment;
- 19 (C) County and placement of the child at time of incident;
- 20 (D) Generic relationship of alleged offender to the child;

21 and

22 (E) Action taken by the department.

23 (f)(1) The Department of Human Services shall report when a child dies
24 if that child was in an out-of-home placement as defined under § 9-27-
25 303(39).

26 (2) The data on the deaths of children in an out-of-home
27 placement shall include:

- 28 (A) Age, race and gender of the child;
- 29 (B) Date of the child’s death;
- 30 (C) Preliminary cause of death;
- 31 (D) County and placement of the child at time of incident;

32 and

33 (F) Action by the department.

34 (g) The Department of Human Services shall place any noncase-specific
35 recommendations of the department’s Child Death Review Committee on the
36 department’s web page.

APPROVED: 3/27/2009