

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 675 of the Regular Session

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

# A Bill

SENATE BILL 494

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

## For An Act To Be Entitled

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10 AN ACT TO ESTABLISH THE PARAMETERS OF THE PUBLIC  
11 DISCLOSURE OF INFORMATION ON FATALITIES AND NEAR  
12 FATALITIES IN CHILD MALTREATMENT MATTERS; AND FOR  
13 OTHER PURPOSES.

### Subtitle

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16 TO ESTABLISH THE PARAMETERS OF THE  
17 PUBLIC DISCLOSURE OF INFORMATION ON  
18 FATALITIES AND NEAR FATALITIES IN CHILD  
19 MALTREATMENT MATTERS.

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

23  
24 SECTION 1. Arkansas Code Title 12, Chapter 18, is amended to add an  
25 additional subchapter to read as follows:

#### Subchapter 11 —

#### Public Disclosure of Information on Fatalities and Near Fatalities.

#### 12-18-1101. Procedure if the investigation is pending on a fatality.

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29 Upon request, the Department of Human Services shall release the  
30 following information to the general public when an investigation is pending  
31 on a report of a fatality of a child to the Child Abuse Hotline:

32 (1) Age, race, and gender of the child;

33 (2) Date of the child's death;

34 (3) Allegations or preliminary cause of death;

35 (4) County and placement of the child at the time of incident



1 leading to the child's death;

2 (5) Generic relationship of the alleged offender to child;

3 (6) Agency conducting the investigation;

4 (7) Legal action taken by the department;

5 (8) Services offered or provided by the department now and in  
6 the past; and

7 (9) Name of the child.

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9 12-18-1102. Procedure if the investigation results in a true report  
10 related to a fatality.

11 Upon request, the Department of Human Services shall release the  
12 following information to the general public when the investigative  
13 determination is true on a report of a fatality of a child:

14 (1) A summary of previous child maltreatment investigations.

15 (A) If the previous investigation was determined true, the  
16 disclosure shall not include the name of the adult offender until due process  
17 is satisfied or the name of any offender who was under eighteen (18) years of  
18 age at the time of the act or omission of child maltreatment.

19 (B) If the previous investigation was determined  
20 unsubstantiated, the disclosure shall not include the name of the person  
21 alleged to be the offender;

22 (2) A summary of the current child maltreatment investigation,  
23 including:

24 (A) The nature and extent of the child's present and past  
25 injuries;

26 (B) Medical information pertaining to the death; and

27 (C) The name of the offender if due process has been  
28 satisfied or the offender has been arrested;

29 (3) All risk and safety assessments completed on the child;

30 (4) Information about criminal charges, if known; and

31 (5) Any action taken by the Department of Human Services or the  
32 Crimes Against Children Division of the Department of Arkansas State Police,  
33 including personnel action and licensing action.

34  
35 12-18-1103. Procedure if the investigation results in an  
36 unsubstantiated report related to a fatality.

1        Upon request, the Department of Human Services shall release the  
 2 following information to the general public when the investigative  
 3 determination is unsubstantiated on a report of a fatality of a child:

4            (1) A summary of previous child maltreatment investigations;

5                    (A) If the previous investigation was determined true, the  
 6 disclosure shall not include the name of the adult offender until due process  
 7 is satisfied or the name of any offender who was under eighteen (18) years of  
 8 age at the time of the act or omission of child maltreatment.

9                    (B) If the previous investigation was determined  
 10 unfounded, the disclosure shall not include the name of the person alleged to  
 11 be the offender;

12            (2) A summary of the current child maltreatment investigation,  
 13 including medical information pertaining to the death, however, the name of  
 14 the alleged offender shall not be disclosed;

15            (3) All risk and safety assessments completed on the child;

16            (4) Information about criminal charges, if known; and

17            (5) Any action taken by the department or the Crimes Against  
 18 Children Division, including personnel action and licensing action.

19  
 20        12-18-1104. Information not to be released regarding a child fatality.

21        Concerning the fatality of a child, the Department of Human Services  
 22 shall not release:

23            (1) Information on siblings of the child;

24            (2) Attorney-client communications; or

25            (3) Any information if release of such information would  
 26 jeopardize a criminal investigation.

27  
 28        12-18-1105. Procedure if the investigation is pending related to a  
 29 near fatality.

30        Upon request, the Department of Human Services shall release the  
 31 following information to the general public when an investigation is pending  
 32 on a report of a near fatality of a child to the Child Abuse Hotline:

33            (1) Age, race, and gender of the child;

34            (2) Date of the near fatality;

35            (3) Allegations or preliminary cause of the near fatality;

36            (4) County and placement of the child at time of the near

1 fatality;

2 (5) Generic relationship of the alleged offender to the child;

3 (6) Agency conducting the investigation;

4 (7) Legal action taken by the department; and

5 (8) Services offered or provided by the department now and in  
6 the past.

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8 12-18-1106. Procedure if the investigation results in a true report  
9 related to a near fatality.

10 Upon request, the Department of Human Services shall release the  
11 following information to the general public when the investigative  
12 determination is true on a report of a near fatality of a child:

13 (1) A nonidentifying summary of any previous child maltreatment  
14 investigations;

15 (2) A nonidentifying summary of the current child maltreatment  
16 investigation, including:

17 (A) The nature and extent of the child's present and past  
18 injuries; and

19 (B) Medical information pertaining to the incident;

20 (3) Information about criminal charges, if known; and

21 (4) Any action taken by the department or the Crimes Against  
22 Children Division of the Department of Arkansas State Police, including  
23 personnel action and licensing action.

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25 12-18-1107. Procedure if the investigation results in an  
26 unsubstantiated report related to a near fatality.

27 Upon request, the Department of Human Services shall release the  
28 following information to the general public when the investigative  
29 determination is unsubstantiated on a report of a near fatality of a child:

30 (1) A non-identifying summary of any previous child maltreatment  
31 investigations;

32 (2) A non-identifying summary of the current child maltreatment  
33 investigation;

34 (3) Information about criminal charges, if known; and

35 (4) Any action taken by the Department of Human Services or the  
36 Crimes Against Children Division of the Department of Arkansas State Police,

1 including personnel action and licensing action.

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3 12-18-1108. Information not to be released in a child near-fatality.  
4 Concerning the fatality of a child, the Department of Human Services  
5 shall not release:

- 6 (1) Information on siblings of the child;
- 7 (2) Attorney-client communications; or
- 8 (3) Any information if release of such information would  
9 jeopardize a criminal investigation.

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11 SECTION 2. DO NOT CODIFY. If a law is not enacted establishing a  
12 Child Maltreatment Act in Title 12, Chapter 18, of the Arkansas Code in the  
13 Eighty-Seventh Session of the General Assembly, the Arkansas Code Revision  
14 Commission shall assign this act to Title 12, Chapter 12, of the Arkansas  
15 Code.

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17 **APPROVED: 3/27/2009**