

1 State of Arkansas
2 90th General Assembly
3 Regular Session, 2015
4

As Engrossed: H3/26/15
A Bill

SENATE BILL 786

5 By: Senator S. Flowers
6 *By: Representative Blake*
7

8 **For An Act To Be Entitled**

9 AN ACT TO AMEND THE LAW CONCERNING THE REPORT OF A
10 DEATH OF A CHILD; AND FOR OTHER PURPOSES.
11

12
13 **Subtitle**

14 TO AMEND THE LAW CONCERNING THE REPORT OF
15 A DEATH OF A CHILD.
16

17
18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
19

20 SECTION 1. Arkansas Code § 12-18-103(8), concerning the definition of
21 "department" for the Child Maltreatment Act, is amended to read as follows:

22 (8) "Department" means the Department of Human Services and the
23 Department of Arkansas State Police;
24

25 SECTION 2. Arkansas Code § 12-18-303(a), concerning reports to the
26 Child Abuse Hotline, is amended to read as follows:

27 (a) Except as otherwise provided in this section, the Child Abuse
28 Hotline shall accept a report ~~of child maltreatment or suspected child~~
29 ~~maltreatment~~ if:

30 (1) The report is of:

31 (A) The allegations An allegation of child maltreatment or
32 suspected child maltreatment that if found to be true, -if true, would
33 constitute child maltreatment as defined under this chapter;

34 (B) The death of a child that:

35 (i) Is sudden and unexpected; and

36 (ii) Was not caused by a known disease or illness



1 for which the child was under a physician's care at the time of death; or

2 (C) The death of a child reported by a coroner or county
 3 sheriff under § 20-15-502;

4 (2) Sufficient identifying information is provided to identify
 5 and locate the child or the child's family; and

6 (3) The child or the child's family is present in Arkansas or
 7 the incident occurred in Arkansas.

8
 9 SECTION 3. Arkansas Code § 12-18-402(a)(1), concerning reports of
 10 child maltreatment, is amended to add an additional subdivision to read as
 11 follows:

12 (C)(i) Died suddenly and unexpectedly.

13 (ii) As used in subdivision (a)(1)(C)(i) of this
 14 section, "died suddenly and unexpectedly" means a child death that was not
 15 caused by a known disease or illness for which the child was under a
 16 physician's care at the time of death, including without limitation child
 17 deaths as a result of the following:

18 (a) Sudden infant death syndrome;

19 (b) Sudden unexplained infant death;

20 (c) An accident;

21 (d) A suicide;

22 (e) A homicide; or

23 (f) Other undetermined circumstance; or

24
 25 SECTION 4. Arkansas Code § 12-18-602 is amended to read as follows:

26 12-18-602. Initiation of the investigation.

27 (a)~~(1)~~ The Department of Human Services and the Department of Arkansas
 28 State Police shall cause an investigation to be made upon receiving initial
 29 notification of suspected child maltreatment or notification of a child
 30 death.

31 (b)(1) All investigations shall begin within seventy-two (72) hours.

32 (2) However, the investigation shall begin within twenty-four
 33 (24) hours if:

34 (A) The allegation is severe maltreatment, excluding an
 35 allegation of sexual abuse if the most recent allegation of sexual abuse was
 36 more than one (1) year ago or the alleged victim does not currently have

1 contact with the alleged offender; ~~or~~

2 (B) The allegation is that a child has been subjected to
3 neglect as defined in § 12-18-103(13)(B)~~+~~; or

4 (C)(i) A child has died suddenly and unexpectedly.

5 (ii) As used in subdivision (b)(1)(C)(i) of this
6 section, "died suddenly and unexpectedly" means a child death that was not
7 caused by a known disease or illness for which the child was under a
8 physician's care at the time of death, including without limitation child
9 deaths as a result of the following:

10 (a) Sudden infant death syndrome;

11 (b) Sudden unexplained infant death;

12 (c) An accident;

13 (d) A suicide;

14 (e) A homicide; or

15 (f) Other undetermined circumstance.

16 (c) At the initial time of contact with the alleged offender, the
17 person conducting the investigation shall advise the alleged offender of the
18 allegations made against the alleged offender in a manner that is consistent
19 with the laws protecting the rights of the person who made the report.

20 (d) The department shall:

21 (1) Develop policy and procedures to follow when a child dies
22 suddenly and unexpectedly to use in a child death investigation;

23 (2) Determine during the department's investigation whether the
24 child's death was caused by child maltreatment; and

25 (3) Assess the home to ensure the safety of surviving siblings
26 or children in the home.

27 ~~(d)~~(e) Upon initiation of the investigation, the primary focus of the
28 investigation shall be whether or not the alleged offender has access to
29 children and whether or not children are at risk such that children need to
30 be protected.

31
32 SECTION 5. Arkansas Code § 20-15-502(c), concerning the duty to report
33 a death of a child, is amended to read as follows:

34 (c) Upon receipt of the report, the county coroner, or the county
35 sheriff if the county coroner is unavailable, shall report the death to the
36 Department of Health and the Child Abuse Hotline.

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/s/S. Flowers

APPROVED: 04/07/2015