

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

As Engrossed: H3/26/15
A Bill

SENATE BILL 787

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

8 **For An Act To Be Entitled**

9 AN ACT TO PERMIT A DEPARTMENT OF ARKANSAS STATE
10 POLICE INVESTIGATOR TO DETERMINE A REPORT OF CHILD
11 ABUSE HAS NO MERIT; AND FOR OTHER PURPOSES.
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14 **Subtitle**

15 TO PERMIT A DEPARTMENT OF ARKANSAS STATE
16 POLICE INVESTIGATOR TO DETERMINE A REPORT
17 OF CHILD ABUSE HAS NO MERIT.
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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22 SECTION 1. Arkansas Code Title 12, Chapter 18, Subchapter 6, is
23 amended to add an additional section to read as follows:

24 12-18-621. No merit investigations.

25 (a) A Department of Arkansas State Police investigator may close an
26 investigation of a report of child maltreatment as unsubstantiated without
27 complying with the requirements of this subchapter if:

28 (1) The child identified as the victim:

29 (A) Has been:

30 (i) Interviewed separate and apart from the alleged
31 offender or any representative or attorney for the alleged offender when the
32 child is of the age or ability to be interviewed; or

33 (ii) Observed separate and apart from the alleged
34 offender or any representative or attorney for the alleged offender when the
35 child is not of the age or ability to be interviewed; and

36 (B) Credibly denies the allegation of child maltreatment;



1 (2) The child identified as the victim does not have the
2 physical injuries or physical conditions that were alleged in the report of
3 child maltreatment;

4 (3) The person identified as the alleged offender has been
5 interviewed and credibly denies the allegation of child maltreatment;

6 (4) The person identified as the alleged offender resides in the
7 home or is a family member of the child identified as the victim, the
8 department investigator has ascertained the environment in which the child
9 resides and determined there is no merit to the report of child maltreatment
10 as it pertains to the home environment;

11 (5) The department investigator:

12 (A) Has interviewed the person who made the report to the
13 Child Abuse Hotline; or

14 (B) Has made a good faith effort to contact the person who
15 made the report to the hotline but is unable to interview the person; and

16 (C) Has not identified another maltreatment or health or
17 safety factor regarding the victim child; and

18 (6) The department investigator interviewed a collateral witness
19 and reviewed medical, school, and mental health records that are related to
20 the allegations when the child was unable to effectively communicate.

21 (b) The Child Advocacy Centers shall conduct forensic interviews,
22 forensic medical examinations, and forensic mental health examinations if
23 available and appropriate during the course of a child maltreatment
24 investigations as is required by the memorandum of understanding authorized
25 under § 9-5-110.

26 (c) All records under this section shall be released under §§ 12-18-
27 620 and 12-18-910.

28 (d) This section does not apply if the alleged victim is in the
29 custody of the Department of Human Services and the alleged act or omission
30 occurred while the child was in the custody of the Department of Human
31 Services.

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33 */s/S. Flowers*

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35 APPROVED: 04/07/2015