

ARKANSAS SENATE
91st General Assembly - Regular Session, 2017
Amendment Form

Subtitle of Senate Bill No. 305

TO AMEND THE DEFINITION OF "NEGLECT" AND THE LAW CONCERNING CLOSURES OF CHILD
MALTREATMENT INVESTIGATIONS; AND TO MAKE CERTAIN ACTS OF A PARENT, GUARDIAN,
CUSTODIAN, OR FOSTER PARENT NONCRIMINAL.

Amendment No. 2 to Senate Bill No. 305

Amend Senate Bill No. 305 as engrossed, S2/20/17 (version: 02/20/2017 9:27:20 AM):

Delete SECTION 5 in its entirety

AND

Delete SECTION 6 in its entirety

AND

Delete SECTION 7 in its entirety

AND

Immediately following SECTION 4, add additional sections to read as follows:

"SECTION 5. Arkansas Code § 12-18-303, concerning the minimum requirements for reports to be accepted by the Child Abuse Hotline, is amended to add an additional subsection to read as follows:

(e) A report that does not meet the requirements of subsection (a) of this section shall not be accepted by the Child Abuse Hotline.

SECTION 6. Arkansas Code § 12-18-601(d), concerning triage procedures developed and implemented by the Department of Human Services and the Department of Arkansas State Police, is amended to read as follows:

(d)(1) The Department of Human Services and the Department of Arkansas State Police may develop and implement triage procedures for accepting and documenting reports of child maltreatment of a child not at risk of imminent harm ~~if an appropriate referral is made to a community organization or voluntary preventive service.~~

(2) Triage procedures developed and implemented under this subsection may include without limitation procedures for the:

(A) Appropriate referral of a report of child maltreatment to a community organization or voluntary preventive service; and



(B) Closure of an investigation of a report of child maltreatment.

(3) Triage procedures developed and implemented under this subsection shall require the closure of an investigation of a report of child maltreatment if before, during, or after a referral or an investigation it is determined that the report of child maltreatment does not meet the requirements of § 12-18-303(a).

(4) The Department of Human Services and the Department of Arkansas State Police shall not implement this section until rules necessary to carry out this subsection have been promulgated pursuant to the Arkansas Administrative Procedure Act, § 25-15-201 et seq.

SECTION 7. Arkansas Code § 12-18-619, concerning the closure of child maltreatment investigations by the Department of Human Services and the Department of Arkansas State Police, is amended to add an additional subsection to read as follows:

(d) The Department of Human Services and the Department of Arkansas State Police shall close a child maltreatment investigation if at any time before or during the investigation it is determined that the report of child maltreatment does not meet the requirements of § 12-18-303(a).

SECTION 8. Arkansas Code § 12-18-623(a), concerning investigations of reports of child maltreatment that may be closed by a Department of Arkansas State Police investigator as unsubstantiated, is amended to read as follows:

(a)(1) A Department of Arkansas State Police investigator shall close an investigation of a report of child maltreatment as unsubstantiated if it is determined that the report of child maltreatment does not meet the requirements of § 12-18-303(a).

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

~~(1)(A)~~ The child identified as the victim:

~~(A)(i)~~ Has been:

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

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

~~(B)(ii)~~ Credibly denies the allegation of child maltreatment;

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

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

~~(4)(D)~~ The person identified as the alleged offender resides in the home or is a family member of the child identified as the victim, the Department of Arkansas State Police investigator has ascertained the environment in which the child resides and determined there is no merit to the report of child maltreatment as it pertains to the home environment;

~~(5)(E)~~ The Department of Arkansas State Police

investigator:

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

~~(B)~~(ii) Has made a good faith effort to contact the person who made the report to the Child Abuse Hotline but is unable to interview the person; and

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

~~(6)~~(F) The Department of Arkansas State Police investigator interviewed a collateral witness and reviewed medical, school, and mental health records that are related to the allegations when the child was unable to effectively communicate."

The Amendment was read the first time, rules suspended and read the second time and _____

By: Senator A. Clark

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Secretary