

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.

1 State of Arkansas
2 87th General Assembly
3 Regular Session, 2009
4

A Bill

SENATE BILL 494

5 By: Senator D. Johnson
6 By: Representative Harrelson
7

For An Act To Be Entitled

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9
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.
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Subtitle

15
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:
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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.

27
28 12-18-1101. Procedure if the investigation is pending on a fatality.

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
36 leading to the child's death;



- 1 (5) Generic relationship of the alleged offender to child;
- 2 (6) Agency conducting the investigation;
- 3 (7) Legal action taken by the department;
- 4 (8) Services offered or provided by the department now and in
- 5 the past; and
- 6 (9) Name of the child.

8 12-18-1102. Procedure if the investigation results in a true report
 9 related to a 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 fatality of a child:

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

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

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

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

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

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

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

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

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

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

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

36 Upon request, the Department of Human Services shall release the

1 following information to the general public when the investigative
2 determination is unsubstantiated on a report of a fatality of a child:

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

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

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

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

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

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

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

18
19 12-18-1104. Information not to be released regarding a child fatality.
20 Concerning the fatality of a child, the Department of Human Services
21 shall not release:

22 (1) Information on siblings of the child;

23 (2) Attorney-client communications; or

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

26
27 12-18-1105. Procedure if the investigation is pending related to a
28 near fatality.

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 near fatality of a child to the Child Abuse Hotline:

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

33 (2) Date of the near fatality;

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

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

- 1 (5) Generic relationship of the alleged offender to the child;
- 2 (6) Agency conducting the investigation;
- 3 (7) Legal action taken by the department; and
- 4 (8) Services offered or provided by the department now and in
- 5 the past.

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7 12-18-1106. Procedure if the investigation results in a true report
 8 related to a near fatality.

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

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

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

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

18 (B) Medical information pertaining to the incident;

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

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

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24 12-18-1107. Procedure if the investigation results in an
 25 unsubstantiated report related to a near fatality.

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

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

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

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

34 (4) Any action taken by the Department of Human Services or the
 35 Crimes Against Children Division of the Department of Arkansas State Police,
 36 including personnel action and licensing action.

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

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

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