

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 83rd General Assembly
3 Regular Session, 2001
4

As Engrossed: H2/22/01

A Bill

Act 1434 of 2001
HOUSE BILL 1692

5 By: Representative Judy
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For An Act To Be Entitled

9 AN ACT TO AMEND THE CHILD MALTREATMENT CENTRAL
10 REGISTRY; AND FOR OTHER PURPOSES.

Subtitle

13 AN ACT TO AMEND THE CHILD MALTREATMENT
14 CENTRAL REGISTRY.

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

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19 SECTION 1. Arkansas Code 12-12-505 is amended to read as follows:
20 12-12-505. Central registry.

21 (a) There is established within the Department of Human Services a
22 statewide central registry for the collection of records of cases involving
23 allegations of child maltreatment which are determined to be true pursuant to
24 this subchapter.

25 (b)(1)(A)(i) Records of all cases where allegations are determined to be
26 true shall be retained by the central registry.

27 (ii) If an offender is criminally convicted for an
28 act which is the same act for which the offender is named in the Central
29 Registry, the offender shall always remain in the Central Registry.

30 (iii) The department shall identify in its policy and
31 procedures manual the types of child maltreatment which will automatically
32 result in the removal of the name of an offender from the Central Registry.
33 If an offender has been entered into the Central Registry as an offender for
34 these named types of child maltreatment, the offender's name shall be removed
35 from the Central Registry on reports of this type of child maltreatment when
36 the offender has not had a subsequent true report of this type for one (1)

1 year, and more than one (1) year has lapsed since the closure of any
 2 protective services or foster care case opened as the result of this report.

3 (iv) The department shall identify in its policy and
 4 procedures manual the types of child maltreatment for which an offender can
 5 request that the offender's name be removed from the Central Registry. If an
 6 offender has been entered into the Central Registry as an offender for these
 7 named types of child maltreatment, the offender may petition the department
 8 requesting that the offender's name be removed from the Central Registry when
 9 the offender has not had a subsequent true report of this type for five (5)
 10 years, and more than five (5) years have lapsed since the closure of any
 11 protective services or foster care case opened as the result of this report.

12 The department shall develop policy and procedures to assist them in
 13 determining whether or not to remove the offender's name from the Central
 14 Registry. If the department denies the request for removal of the name from
 15 the Central Registry, the offender may request an administrative hearing
 16 within thirty (30) days from receipt of the department's decision.

17 (B) Records of all cases where allegations are determined
 18 to be unsubstantiated shall be promptly expunged.

19 (2) The department is permitted to keep information on
 20 unsubstantiated reports in its casework files to assist in future risk and
 21 safety assessment, but this information shall not be subject to disclosure
 22 except as permitted in § 12-12-512(a)(1).

23 (c) The central registry may adopt such rules and regulations as may be
 24 necessary to encourage cooperation with other states in exchanging true
 25 reports, and to effect a national registration system.

26 (d) The Director of the Department of Human Services shall adopt rules
 27 and regulations necessary to carry out the provisions of this subchapter,
 28 pursuant to the Arkansas Administrative Procedure Act, § 25-15-201 et seq.,
 29 except that the director shall not commence the process under the
 30 Administrative Procedure Act until the proposed rules and regulations have
 31 been reviewed by the House Interim Committee on Aging, Children and Youth,
 32 Legislative and Military Affairs, and the Senate Interim Committee on Children
 33 and Youth.

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 35 /s/ Judy

36 APPROVED: 4/9/2001