

Hall of the House of Representatives
89th General Assembly - Regular Session, 2013
Amendment Form

Subtitle of House Bill No. 2037

TO AMEND PROVISIONS OF THE CHILD MALTREATMENT ACT.

Amendment No. 1 to House Bill No. 2037

Amend House Bill No. 2037 as originally introduced:

Page 3, line 12, delete "risk or harm" and substitute "risk of harm"

AND

Page 3, line 21, delete "schooled; and" and substitute "schooled or as a result of an act or omission by the child's parent or guardian, the child is habitually and without justification absent from school."

AND

Page 3, delete lines 22 through 24

AND

Page 4, delete lines 30 through 34 and substitute:

"(b) Any data, records, reports, or documents released under this"

AND

Page 6, delete lines 27 through 31 and substitute:

"(3) If the department, based on information gathered during the course of the investigation, determines that there is no preponderance of the evidence indicating that children appear to be at risk, the department shall immediately notify the person or entity originally notified under subdivision (d)(1) of this section of that information."

AND

Page 8, delete lines 16 through 22 and substitute:

"SECTION 16. Arkansas Code § 12-18-702(2)(C)(iv), concerning an investigative determination under the Child Maltreatment Act, is amended to



read as follows:

(iv) ~~The report was true for sexual abuse by an offender at least thirteen (13) years of age and less than sixteen (16) is a juvenile less than fourteen (14) years of age and the offender has not been adjudicated delinquent or has not pleaded guilty, nolo contendere, or been found guilty of an offense on the same set of facts as contained in the report; or~~"

AND

Page 8, delete lines 27 through 33 and substitute:

"(c)(1) The notice of the investigative determination shall include a statement that the request for an administrative hearing shall be made within thirty (30) days of the receipt of notice under subsection (b) of this section."

AND

Page 11, delete lines 14 through 18 and substitute:

"(3) If the department later determines that there is no preponderance of the evidence indicating that other children are at risk or if the investigative determination is overturned, the department shall immediately notify the entity or person originally notified under subdivision (d)(1) of this section of that information."

AND

Page 11, line 34, delete "process under this chapter must" and substitute "~~process~~ under this chapter ~~must~~"

AND

Page 11, line 35, delete "be completed" and substitute "~~be completed~~ shall begin"

AND

Page 12, line 25, delete "motion" and substitute "request"

AND

Page 12, line 27, delete "(A)"

AND

Page 12, delete lines 29 through 36 and substitute:

"of the criminal of delinquency proceedings The administrative law judge may stay the case upon a showing by any party that there is an ongoing criminal or delinquency investigation regarding the occurrence that is the subject of the child maltreatment report."

AND

Page 13, delete lines 1 through 12

AND

Page 13, delete line 15 and substitute:

"and a request for a stay is accompanied by the written notification of the"

AND

Page 13, line 29, delete "verification" and substitute "notice"

AND

Page 19, delete line 10 and substitute:

"(1) The prosecuting attorney;

SECTION 34. Arkansas Code § 12-18-910(f)(3)(B)(ii), concerning the availability of true reports of child maltreatment from the central registry, is amended to read as follows:

(ii) The court may disclose the report to parties under the terms ~~of~~ of a protective order issued by the court."

The Amendment was read _____
By: Representative Harris
SAG/SAG - 03-21-2013 09:31:42
SAG300

Chief Clerk