

INTERIM STUDY PROPOSAL 2025-041

State of Arkansas
95th General Assembly
Regular Session, 2025

As Engrossed: H4/2/25

A Bill

HOUSE BILL 1664

By: Representative K. Brown

Filed with: House Committee on Judiciary
pursuant to A.C.A. §10-3-217.

For An Act To Be Entitled

AN ACT TO AMEND "QUINCY'S LAW" CONCERNING PHYSICAL
EXAMS AND OTHER TESTING IN AN INVESTIGATION INVOLVING
ALLEGED ABUSE UNDER THE CHILD MALTREATMENT ACT; TO
PROVIDE FOR THE RIGHT OF A PARENT, GUARDIAN, OR
CUSTODIAN TO BE PROVIDED WITH THE MEDICAL RECORDS OF
A CHILD WHO HAS BEEN REMOVED FROM THE CUSTODY OF THE
PARENT, PUTATIVE PARENT, GUARDIAN, OR CUSTODIAN OR IS
IN THE CUSTODY OF THE DEPARTMENT OF HUMAN SERVICES;
TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND "QUINCY'S LAW" CONCERNING
PHYSICAL EXAMS AND OTHER TESTING IN AN
INVESTIGATION INVOLVING ALLEGED ABUSE
UNDER THE CHILD MALTREATMENT ACT; AND TO
DECLARE AN EMERGENCY.

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

SECTION 1. DO NOT CODIFY. Legislative findings and intent.

(a) The General Assembly finds that:

*(1) Child maltreatment investigations have at times led to
the wrongful or mistaken allegation of child maltreatment against a parent or
other caretaker when the child's symptoms that may, at first or superficial*

1 glance, appear to be manifestations of abuse or neglect, are actually the
2 result of a medical condition that may or may not be known to the child's
3 family, including genetic conditions that the parent himself or herself may
4 unknowingly have;

5 (2) When such a child maltreatment investigation results
6 in a child being removed from his or her home and placed in foster care, it
7 may result in varying levels of trauma to the child, his or her siblings, his
8 or her parent or parents, and other members of the child's family;

9 (3) A parent or other caretaker of a child who is
10 wrongfully or mistakenly alleged to have caused or contributed to the abuse
11 or neglect of a child who is actually presenting symptoms of a medical
12 condition that are not caused by abuse or neglect to the child may be
13 subjected to not only separation from his or her child, but also threats to
14 his or her liberty in the form of having a petition for dependency-neglect or
15 a petition for termination of parental rights filed against him or her, or
16 even having his or her name placed on the Child Maltreatment Central Registry
17 or a criminal prosecution against him or her when there was not in fact child
18 maltreatment or a criminal offense committed;

19 (4) These detrimental effects can cause loss of time,
20 money, and mental and emotional wellbeing to many persons affected by the
21 wrongful or mistaken allegation of child maltreatment; and

22 (5) Although the intent of the Child Maltreatment Act, §
23 12-18-101 et seq., is to protect children from maltreatment, wrongful or
24 mistaken allegations of child maltreatment for symptoms of a medical
25 condition may actually contribute to the child's suffering not only in the
26 form of trauma, but also in that, if a child's underlying medical condition
27 is overlooked or ignored, the child remains untreated for that medical
28 condition and the parent or caretaker deprived of otherwise discovering and
29 being able to provide for the proper medical care of his or her child.

30 (b) It is the intent of the General Assembly for this act to
31 contribute not only to the protection of a wrongfully or mistakenly accused
32 parent, but also the protection of the child, the family unit, and the
33 overall integrity of the state's child welfare, hospital, and legal systems.

34
35 SECTION 2. Arkansas Code § 12-18-614 is amended to read as follows:
36 12-18-614. Submission to a physical exam or other testing.

(a) An investigation under this chapter may include a physical examination, a drug test, radiology procedures, photographs, and a psychological or psychiatric examination of all children subject to the care, custody, or control of the alleged offender.

(b)(1) If the report of child maltreatment or suspected child maltreatment alleges abuse as defined in ~~§12-18-103~~ § 12-18-103(3), the alleged offender may:

(A)(i) For the purpose of obtaining a second opinion, request that the alleged victim be examined by a licensed healthcare provider of the alleged offender's choosing who:

(a) Did not perform the initial examination, test, or procedure described under subsection (a) of this section; and

(b) Routinely provides medical care to pediatric patients.

(ii) An examination performed under subdivision (b)(1)(A)(i) of this section ~~shall~~:

(a) Shall be paid for by the alleged offender or as otherwise covered by insurance ~~or Medicaid~~; and

(b) May be requested by the alleged offender regardless of whether the alleged victim has been taken into or placed in the custody of the Department of Human Services; and

(B)(i) For the purpose of ruling out a possible differential diagnosis, request that a licensed healthcare provider who routinely provides medical care to pediatric patients examine the alleged victim to determine ~~whether or not~~ if the alleged victim has ~~one (1) or more of the following medical conditions~~ a congenital cutaneous variant, bone fragility, a coagulation disorder, capillary fragility associated with a genetic disorder or that may be caused by a defect in the collagen elastin matrix, hyperextensible skin, multiple broken bones in various stages of healing and including without limitation classic metaphyseal lesions, blue or grey sclera, impaired bone mineralization, or another medical condition that may appear to be caused by suspected abuse or increase the risk of misdiagnosis of abuse as defined in § 12-18-103(3), including without limitation:

(a) Marfan's syndrome;

(b) Hypermobility spectrum disorders;

- ~~(a)~~ (c) Rickets;
- ~~(b)~~ (d) Ehlers-Danlos syndrome;
- ~~(e)~~ (e) Osteogenesis imperfecta;
- ~~(d)~~ (f) Vitamin D deficiency; or
- ~~(e)~~ (g) ~~Another medical condition that may:~~

Vitamin K deficiency

~~(1) Appear to be caused by suspected abuse as defined in § 12-18-103; or~~

~~(2) Increase the risk of a misdiagnosis of abuse as defined in § 12-18-103.~~

(ii) An examination performed under subdivision (b)(1)(B)(i) of this section shall be paid for by the alleged offender or as otherwise covered by insurance ~~or Medicaid~~.

(iii) If the alleged victim undergoes genetic testing under subdivision (b)(1)(B)(i) of this section, the genetic testing shall include a complete family medical history even if the alleged victim's family members have not been diagnosed with a genetic condition, which shall include the licensed healthcare provider who routinely provides medical care to pediatric patients ascertaining if there is a family medical history of:

(a) Joint hypermobility;

(b) Sprains;

(c) Bruising;

(d) Connective tissue disorder or the physical manifestations of a connective tissue disorder; or

(e) Fractures, including without limitation the cause of each fracture and the age of the family member at the time of the fracture.

(2) A licensed healthcare provider examination under subdivision (b)(1) of this section shall not be requested for the purpose of obtaining a second opinion ~~on~~ to determine whether or not ~~if~~ an alleged victim has been a victim of: ~~sexual~~

(A) Sexual abuse; or

(B) Physical abuse when the alleged victim is:

(i) In a critical medical condition; or

(ii) Receiving life-sustaining medical treatment.

1 SECTION 3. Arkansas Code Title 12, Chapter 18, Subchapter 6, is
2 amended to add an additional section to read as follows:

3 12-18-624. Right of parent, guardian, or custodian to medical records
4 of child – Definitions.

5 (a)(1) A court with jurisdiction may order a healthcare institution or
6 practitioner to provide an alleged child victim's medical records to an
7 alleged offender if the alleged offender:

8 (A) Has been accused of physical abuse; and

9 (B) Is a parent, putative parent, guardian, or custodian
10 of the alleged victim.

11 (2) A court with jurisdiction may enter a protective order
12 restricting the dissemination of the medical records or from making any use
13 of the medical records other than for purposes of a specific case before the
14 court.

15 (3) Medical records shall include hospital or clinic records,
16 physicians' records, or other healthcare records, including without
17 limitation:

18 (A) An admissions form, discharge summary, history and
19 physical exam records, progress notes, physicians' orders, reports of
20 operations, recovery room records, lab reports, consultation reports,
21 medication administration records, nurses' notes, and other reports
22 catalogued and maintained by the medical records department of a hospital,
23 doctor's office, medical clinic, or any other medical facility; and

24 (B) A paper entry, electronic entry, or image that is:

25 (i) Captured in relation to a diagnosis, treatment,
26 or other service provided to a child; or

27 (ii) Relied upon by a healthcare provider to
28 diagnose or provide treatment or other services to a child.

29 (4) A healthcare institution or provider shall redact the
30 alleged child victim's address, phone number, email address, and other
31 information regarding the alleged child victim's foster placement before
32 providing medical records under this section.

33 (5) A healthcare institution or provider that fails to provide
34 medical records under this section pursuant to a valid court order may be
35 held in contempt of court under § 16-10-108.

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1 SECTION 4. EMERGENCY CLAUSE. It is found and determined by the
2 General Assembly of the State of Arkansas that "Quincy's Law", Acts 2021, No.
3 976, is a crucial protection for persons who are the subject of an
4 investigation under the Child Maltreatment Act, § 12-18-101 et seq.; that
5 since the enactment of Quincy's Law in 2021, an additional need for further
6 protections under Quincy's Law has been demonstrated, most notably to provide
7 further clarity in child maltreatment investigations involving differential
8 diagnoses that may present as possible child abuse without additional testing
9 that the provisions in this act make available; that this act is needed not
10 only to protect wrongfully accused parents, but also to assist a parent who
11 may not be aware of his or her child's condition and be given the opportunity
12 to provide his or her child necessary medical treatment; that this act is
13 also urgent to protect families from undergoing unnecessary trauma related to
14 family separation and wrongful or mistaken allegations of child maltreatment
15 that are actually manifestations of medical conditions; and that numerous
16 child maltreatment investigations are taking place at any given time, and
17 thus there is an urgent need for the provisions in this act to become
18 effective. Therefore, an emergency is declared to exist, and this act being
19 immediately necessary for the preservation of the public peace, health, and
20 safety shall become effective on:

21 (1) The date of its approval by the Governor;

22 (2) If the bill is neither approved nor vetoed by the Governor,
23 the expiration of the period of time during which the Governor may veto the
24 bill; or

25 (3) If the bill is vetoed by the Governor and the veto is overridden,
26 the date the last house overrides the veto.

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28 /s/K. Brown
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31 Referred requested by the Arkansas House of Representatives

32 Prepared by: LJH/AMS
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