

Crimes Against Children Division

12-8-501. Legislative intent.

Statutes

(a) The General Assembly recognizes that:

(1) The state has a responsibility to provide competent and thorough child abuse investigations which are sensitive to the needs of children and families;

(2) It is difficult for caseworkers with the Department of Human Services, which is currently charged with the responsibilities of investigating child abuse and providing services to children and families, to separate their dual roles as investigators and service providers;

(3) Many studies show that child abuse investigations are compromised when these very different functions are not separated; and

(4) Child abuse is a crime and suspected child abuse should be investigated with due diligence by trained law enforcement officers.

(b) Therefore, it is declared to be the intent of this General Assembly to authorize the Department of Arkansas State Police to:

(1) Create a Crimes Against Children Division, either through transfer or by contract;

(2) Conduct investigations into severe child abuse as defined by interagency agreement; and

(3) Administer the child abuse hotline.

History. Acts 1997, No. 1240, § 1; 2001, No. 441, § 2.

Publisher notes

Amendments. The 2001 amendment deleted "Division of Youth Services of the" preceding "Department of Human Services" in the first sentence and substituted "Crimes Against Children Division" for "Family Protection Unit" in the last sentence.

12-8-502. Transfer of powers and duties - Sections of unit - Sharing of information.

Statutes

(a) When the powers and duties of the Department of Health and Human Services in regard to the child abuse hotline and child abuse investigations are transferred to the Department of Arkansas State Police or when the Department of Health and Human Services and the Department of Arkansas State Police contract for the administration of the child abuse hotline or for the Department of Arkansas State Police to conduct child abuse investigations, or both, the Department of Arkansas State Police shall establish a Crimes Against Children Division.

(b) The division shall consist of two (2) sections:

(1)(A) The Investigation Section, which shall be staffed with civilian personnel and shall be responsible for the investigation of allegations of child abuse in accordance with the Arkansas Child Maltreatment Act, § 12-12-501 et seq.

(B) If at any point during the investigation the information gathered becomes sufficient for a possible criminal prosecution, then the case shall be referred for further investigation to the appropriate law enforcement agency; and

(2) The Child Abuse Hotline Section, which shall administer twenty-four-hour toll-free inward wide-area telephone services (INWATS) to report to the Department of Arkansas State Police information regarding possible incidents of child abuse.

(c)(1) The division shall develop and maintain statewide statistics regarding the incidence of child abuse.

(2) Each county and city law enforcement agency conducting child abuse investigations through referral from the child abuse hotline shall report the status and disposition of these investigations to the division on a monthly basis.

(d)(1) If the powers and duties of the Department of Health and Human Services in regard to the child abuse hotline and child abuse investigations are transferred to the Department of Arkansas State Police, the division and the Department of Health and Human Services shall enter into a memorandum of understanding that shall include provisions that address the sharing of information reported to the child abuse hotline with the Department of Health and Human Services when such information is necessary for the division to provide appropriate service delivery to children and families.

(2) If the Department of Health and Human Services and the Department of Arkansas State Police contract for the administration of the child abuse hotline or for the Department of Arkansas State Police to conduct child abuse investigations, or both, the contract shall include provisions that address the sharing of information reported to the child abuse hotline with the Department of Health and Human Services when such information is necessary for the division to provide appropriate service delivery to children and families.

History. Acts 1997, No. 1240, § 2; 2001, No. 441, § 3; 2005, No. 1466, § 1.

Publisher notes

Amendments. The 2001 amendment substituted "Crimes Against Children Division" for "Family Protection Unit" throughout; made minor punctuation changes in (a); in (d)(1), deleted "Division of Youth Services of the" preceding "Department of Human Services" and substituted "Department of Human Services" for "Division of Youth Services"; and substituted "Department of Human Services" for "Division of Youth Services" in (d)(2). The 2005 amendment rewrote (b).

12-8-503. Transfer of powers and duties - Executive orders - Contracts.

Statutes

(a)(1) The Governor shall issue an executive order transferring the powers and duties of the Department of Human Services in regard to the child abuse hotline to the Department of Arkansas State Police by a type 2 transfer as defined in § 25-2-105 or the Department of Human Services and the Department of Arkansas State Police shall enter into a contract for the administration of the child abuse hotline in accordance with this subchapter.

(2) Personnel transferred with the child abuse hotline shall be required to meet employment standards and policies established by the Department of Arkansas State Police in order to retain their employment.

(b)(1) The Governor shall issue an executive order transferring the powers and duties of the Department of Human Services in regard to child abuse investigations to the Department of Arkansas State Police by a type 2 transfer as defined in § 25-2-105 or the Department of Human Services and the Department of Arkansas State Police shall enter into a contract for the Department of Arkansas State Police to conduct child abuse investigations in accordance with this subchapter.

(2) Personnel transferred in regard to child abuse investigations shall be required to meet employment standards and policies established by the Department of Arkansas State Police in order to retain their employment.

History. Acts 1997, No. 1240, § 3.

12-8-504. Transition plan - Continuous service.

Statute text

(a) If a transfer of child abuse investigations occurs, any and all statutory authority, powers, duties, functions, records, authorized positions, property, unexpended balances of appropriations, allocations, or other funds of the Division of Children and Family Services of the Department of Health and Human Services for the purposes of child abuse investigations to be transferred to the Department of Arkansas State Police shall be transferred only after the development of a transition plan that will ensure the efficient and effective transfer of the powers and duties of the Department of Health and Human Services to the Department of Arkansas State Police so that there is continuous service delivery to and protection of the children of the State of Arkansas.

(b) If the Department of Health and Human Services and the Department of Arkansas State Police enter into a contract for the Department of Arkansas State Police to conduct child abuse investigations, the contract shall include a transition plan that ensures continuous service delivery to and protection of the children of the State of Arkansas.

(c) The Department of Health and Human Services and the Department of Arkansas State Police shall submit for review any transition plan developed under this section to the House Subcommittee on Children and Youth of the House Committee on Aging, Children and Youth, Legislative and Military Affairs and the Senate Committee on Children and Youth.

History. Acts 1997, No. 1240, § 4; 2005, No. 1466, § 2.

Publisher notes

Amendments. The 2005 amendment substituted "Children and Family Services" for "Youth Services" in (a).

12-8-505. Child abuse hotline and investigations.

Statutes

The child abuse hotline and child abuse investigations referred to in this subchapter shall be operated and conducted in accordance with § 12-12-501 et seq.

History. Acts 1997, No. 1240, § 5.

12-8-506. Oversight.

Statute text

(a)(1)(A) When the Department of Arkansas State Police assumes responsibility for the child abuse hotline and child abuse investigations under this subchapter, either through transfer or by contract, an oversight system shall be created to review:

- (i) The administration of the child abuse hotline;
- (ii) The conduct of child abuse investigations;
- (iii) Interagency cooperation in regard to the allocation of responsibility for various types of child abuse investigations; and
- (iv) Service delivery to children and families.

(B) The oversight system shall utilize the same criteria by which the Division of Children and Family Services of the Department of Health and Human Services has been measured as stipulated in the settlement of *Angela R. v. State of Arkansas*.

(2) The House Subcommittee on Children and Youth of the House Committee on Aging, Children and Youth, Legislative and Military Affairs and the Senate Committee on Children and Youth shall conduct the review and evaluation with the assistance of six (6) ex officio members with professional experience in the performance of activities involving child abuse and neglect, to be appointed jointly by the chairs of the House Subcommittee on Children and Youth of the House Committee on Aging, Children and Youth, Legislative and Military Affairs and the Senate Committee on Children and Youth from a list of nominees submitted by the professional associations of the respective members, as follows:

- (A) One (1) ex officio member shall be a pediatrician;
- (B) One (1) ex officio member shall be a social worker;
- (C) One (1) ex officio member shall be a guardian ad litem;
- (D) One (1) ex officio member shall be a foster parent;
- (E) One (1) ex officio member shall be an educator; and
- (F) One (1) ex officio member shall be a law enforcement officer.

(b)(1) The oversight system established in subsection (a) of this section shall commence within one (1) month of the assumption of the responsibility for the child abuse hotline and child abuse investigations by the Department of Arkansas State Police, either by contract or through transfer.

(2) The Department of Arkansas State Police shall submit reports regarding the administration of the child abuse hotline and the conduct of child abuse investigations at least quarterly or more often as determined by the House Subcommittee on Children and Youth of the House Committee on Aging, Children and Youth, Legislative and Military Affairs and the Senate Committee on Children and Youth.

History. Acts 1997, No. 1240, § 6; 2005, No. 1466, § 3.

Publisher notes

Amendments. The 2005 amendment substituted "Children and Family Services" for "Youth Services" in (a)(1)(B).

12-8-507. Abuse of patients receiving medicaid.

Statutes

Nothing contained in this subchapter shall limit or impair in any way the authority of the Medicaid Fraud Control Unit within the Attorney General's office from investigating or referring for prosecution complaints of abuse and neglect of patients of health care facilities which receive medicaid funds.

History. Acts 1997, No. 1240, § 8.

12-8-508. Provision of information and assistance.

Statute text

Notwithstanding a rule or regulation to the contrary, upon request of a member of the General Assembly or legislative staff or upon request of a legislative committee, the Crimes Against Children Division of the Department of Arkansas State Police shall immediately provide information requested with respect to child welfare as contemplated under the Arkansas Child Welfare Public Accountability Act, § 9-32-201 et seq.

History. Acts 2001, No. 1727, § 6; 2005, No. 1466, § 4.

Publisher notes

Amendments. The 2005 amendment substituted "Crimes Against Children Division" for "Family Protection Unit."

12-8-509. Additional reporting required.

Statutes

(a) The state agency or entity responsible for administering the twenty-four-hour toll-free child abuse hotline or investigating an incident of neglect as defined under § 12-12-503(12)(B) shall:

(1) Develop and maintain statewide statistics of the incidents of neglect reported or investigated under § 12-12-503(12)(B); and

(2)(A) Annually report no later than October 1 to the following:

(i) The Senate Interim Committee on Children and Youth;

(ii) The House Interim Committee on Aging, Children and Youth, Legislative and Military Affairs;

(iii) The Senate Interim Committee on Public Health, Welfare, and Labor; and

(iv) The House Interim Committee on Public Health, Welfare, and Labor.

(B) The annual report under this section shall include all findings and statistics regarding incidents of neglect reported or investigated under § 12-12-503(12)(B), including, but not limited to, the following information:

- (i) The age of the mother;
 - (ii) The type of illegal substance to which the newborn child was exposed prenatally;
 - (iii) The estimated gestational age of the newborn child at the time of birth; and
 - (iv) The newborn child's health problems.
- (b) If more than one (1) state agency or entity is responsible for administering the twenty-four-hour toll-free child abuse hotline or investigating an incident of neglect as defined under § 12-12-503(12)(B), then the reporting under this section shall be a collaborative effort by all state agencies or entities involved.

History. Acts 2005, No. 1176, § 4.