

Stricken language would be deleted from present law. Underlined language would be added to present law.

1 State of Arkansas
2 81st General Assembly
3 Regular Session, 1997

A Bill

HOUSE BILL 1891

4
5 By: Representative Judy Smith

For An Act To Be Entitled

9 "AN ACT TO AMEND ARKANSAS CODE ANNOTATED § 5-28-210 TO
10 ENSURE THAT THE INVESTIGATOR MAY INTERVIEW AN ABUSED ADULT
11 IN PRIVATE AND TO ALLOW THE ARKANSAS DEPARTMENT OF HUMAN
12 SERVICES TO PLACE AN ABUSED ADULT IN TEMPORARY PROTECTIVE
13 CUSTODY FOR PURPOSES OF EVALUATION; AND FOR OTHER
14 PURPOSES."

Subtitle

16
17 "TO ENSURE THAT THE INVESTIGATOR MAY
18 INTERVIEW THE ABUSED ADULT IN PRIVATE
19 AND TO ALLOW THE ARKANSAS DEPARTMENT OF
20 HUMAN SERVICES TO PLACE AN ABUSED ADULT
21 IN TEMPORARY PROTECTIVE CUSTODY FOR
22 PURPOSES OF EVALUATION."

23
24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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26 SECTION 1. Arkansas Code Annotated § 5-28-210 is amended to read as
27 follows:

28 "5-28-210. Investigation.

29 (a)(1) In cases involving an endangered adult residing in a long-term
30 care facility certified pursuant to Title XIX of the Social Security Act, the
31 local law enforcement agency or the office of the Attorney General shall make
32 a thorough investigation.

33 (2) In all other cases involving endangered adults, the
34 department shall make a thorough investigation.

35 (b) The primary purpose of such investigation is to protect the abused
36 adult.

1 (c) The investigation shall include:

2 (1) The nature, extent, and cause of the abuse, sexual abuse, or
 3 negligence of the endangered adult;

4 (2) The identity of the person responsible;

5 (3) The names and conditions of other adults in the home;

6 (4) The evaluation of the persons responsible for the care of the
 7 abused adult, if any;

8 (5) The home environment and relationship of the adult to the
 9 next of kin or other person responsible for his care, and all other pertinent
 10 data; and

11 (6)(A) A visit to the abused adult's home and an interview with
 12 the abused adult. The investigators shall interview the abused adult alone and
 13 out of hearing of any next of kin or other persons responsible for his care.
 14 An interpreter may be present during the interview of the abused adult, if
 15 necessary.

16 (B) If the admission to the home, institution, or other
 17 place that the abused adult may be, or permission of the next of kin or other
 18 person responsible for the adult or in charge of any place where the abused
 19 adult may be, cannot be obtained, then the probate court, upon cause shown,
 20 shall order the next of kin or person responsible and in charge of any place
 21 where the abused adult may be to allow entrance for the examination and
 22 investigation.

23 (d) The investigation may include a medical, psychological, social,
 24 vocational, financial, and educational evaluation and review, where necessary.

25 (e)(1)(A) If, before the ~~examination~~ investigation is completed, the
 26 opinion of the investigators is that the immediate removal of the endangered
 27 adult is necessary to protect him from further abuse or neglect, ~~the probate~~
 28 ~~court, on petition by the investigators, and good cause being shown, the~~
 29 investigators may petition the probate court for an order of temporary
 30 protective custody. The probate court, upon good cause being shown, may issue
 31 an order for temporary protective custody in the manner and procedures
 32 provided in § 5-28-303.

33 (B) If, before the investigation is completed, the opinion
 34 of the investigators is that the abused or neglected adult is in imminent
 35 danger, that services have been offered to alleviate the danger and have been
 36 refused, and the abused or neglected adults capacity to comprehend the nature

1 and consequences of remaining in the situation or condition cannot be
 2 adequately assessed in the home, the investigators may petition the probate
 3 court for an order of temporary protective custody for the purposes of having
 4 the adult evaluated. The probate court, upon good cause being shown, may
 5 issue an order for temporary custody for the purpose of having the adult
 6 evaluated. The petition shall be filed and the order issued in the manner and
 7 procedures provided in § 5-28-303.

8 (2) The investigative reports of the department shall be made
 9 available to the probate court upon request.

10 (f) The department shall make a written report or case summary,
 11 together with services offered and accepted, to the state central registry on
 12 forms supplied by the registry for the purpose."

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14 SECTION 2. All provisions of this act of a general and permanent nature
 15 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
 16 Revision Commission shall incorporate the same in the Code.

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18 SECTION 3. If any provision of this act or the application thereof to
 19 any person or circumstance is held invalid, such invalidity shall not affect
 20 other provisions or applications of the act which can be given effect without
 21 the invalid provision or application, and to this end the provisions of this
 22 act are declared to be severable.

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24 SECTION 4. All laws and parts of laws in conflict with this act are
 25 hereby repealed.

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