

1 State of Arkansas
2 82nd General Assembly
3 Regular Session, 1999

A Bill

HOUSE BILL 1108

4
5 By: Representative Madison
6 By: Senator Ross

For An Act To Be Entitled

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10 "AN ACT TO AMEND ARKANSAS CODE 12-12-512 PERTAINING TO
11 APPEALS OF INVESTIGATIVE DETERMINATION OF CHILD
12 MALTREATMENT; AND FOR OTHER PURPOSES."

Subtitle

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15 "TO AMEND ARKANSAS CODE 12-12-512
16 PERTAINING TO APPEALS OF INVESTIGATIVE
17 DETERMINATION OF CHILD MALTREATMENT."

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

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22 SECTION 1. Arkansas Code 12-12-512(c) pertaining to appeals of
23 investigative determinations of child maltreatment is amended to read as
24 follows:

25 "(c)(1)(A) In every case where a report is determined to be true, the
26 department shall notify each subject of the report of the determination.

27 (B) Notification shall be in writing by hand delivery or by
28 certified mail, restricted delivery.

29 (C) Such notification shall include the following:

30 (i) The investigative determination, true or
31 unsubstantiated, exclusive of the source of the notification;

32 (ii) A statement that an adult offender subject of
33 the true report may request an administrative hearing;

34 (iii) A statement that such request must be made to
35 the department within thirty (30) days of receipt of the hand delivery or
36 mailing of the notice of determination; and

1 (iv) The name of the person making notification, his
2 occupation, and where he can be reached.

3 (2) The administrative hearing process must be completed within
4 ninety (90) days from the date of the receipt of the request for a hearing.

5 (3) No action by appeal shall be brought more than two (2) years
6 after the completion of the investigation.

7 (4) When the department conducts such administrative appeal
8 hearings, the chief counsel of the department is authorized to require the
9 attendance of witnesses and the production of books, records, or other
10 documents through the issuance of subpoenas when such testimony or information
11 is necessary to adequately present the position of the Department of Human
12 Services, the investigating protective services agency, or the alleged
13 offender or adult subject of a report.

14 (5) The administrative law judge may overturn the investigator's
15 determination of child maltreatment upon a finding that factors exist which
16 diminish the seriousness of the offense committed by the subject of the
17 report. Upon reaching this finding, the administrative law judge, shall in
18 writing, state the reasons for the finding and shall make the findings a part
19 of the subject's official report.

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

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25 SECTION 3. If any provision of this act or the application thereof to
26 any person or circumstance is held invalid, such invalidity shall not affect
27 other provisions or applications of the act which can be given effect without
28 the invalid provision or application, and to this end the provisions of this
29 act are declared to be severable.

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