

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

A Bill

HOUSE BILL 1112

4
5 By: Representative Madison
6 By: Senator Ross

For An Act To Be Entitled

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9
10 "AN ACT TO AMEND ARKANSAS CODE 12-12-509 TO PROVIDE A
11 NOTIFICATION PROCEDURE IN CASES OF CHILD ABUSE; AND
12 FOR OTHER PURPOSES."

Subtitle

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15 "TO AMEND ARKANSAS CODE 12-12-509 TO
16 PROVIDE A NOTIFICATION PROCEDURE IN
17 CASES OF CHILD ABUSE."

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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 12-12-509 is amended to read as follows:

23 "12-12-509. Investigation - Examinations of children.

24 (a)(1) Unless the provisions of subsection (e) apply, the~~The~~ department
25 shall cause an investigation to be made upon receiving initial notification of
26 suspected child maltreatment.

27 (2)(A) All investigations shall begin within seventy-two (72)
28 hours.

29 (B) However, if the notice contains an allegation of severe
30 maltreatment then the department shall immediately notify law enforcement, and
31 the department shall initiate an investigation in cooperation with law
32 enforcement agencies and the prosecuting attorney within twenty-four (24)
33 hours.

34 (b) The investigation shall seek to ascertain:

35 (1) The existence, cause, nature, and extent of the child
36 maltreatment;

- 1 (2) The existence and extent of previous injuries;
- 2 (3) The identity of the person responsible therefor;
- 3 (4) The names and conditions of other children in the home;
- 4 (5) The circumstances of the parents or caretakers of the child;
- 5 (6) The environment where the child resides;
- 6 (7) The relationship of the child or children with the parents or
- 7 caretakers; and
- 8 (8) All other pertinent data.

9 (c)(1) The investigation shall include interviews with the parents. If
 10 the parents are not the alleged offender, the investigation shall also include
 11 an interview with the alleged offender. The investigation shall include an
 12 interview with any other relevant persons.

13 (2) The investigation shall include an interview with the child
 14 separate and apart from the alleged offender or any representative or attorney
 15 for the alleged offender. However, if the age or abilities of the child render
 16 an interview impossible, the investigation shall include observation of the
 17 child.

18 (3) The investigation may include a physical examination,
 19 radiology procedures, photographs, and a psychological or psychiatric
 20 examination of all children subject to the care, custody, or control of the
 21 same caretaker.

22 (4) If, after exercising reasonable diligence in conducting any
 23 or all interviews, the subjects of the interviews cannot be located or are
 24 unable to communicate, the efforts to conduct such interviews shall be
 25 documented and the investigation shall proceed pursuant to this subchapter.

26 (d) An investigative determination shall be made in each investigation
 27 within thirty (30) days. However, this procedural requirement shall not be
 28 considered as a factor to alter the investigative determination in any
 29 judicial or administrative proceeding.

30 (e)(1) If the investigator determines beyond a reasonable doubt that
 31 the investigator knows all the facts necessary to determine if the report is
 32 true and there is no credible evidence that the report is true, the
 33 investigator shall notify the director or the director's designee who shall,
 34 in writing, either approve or disapprove the determination made by the
 35 investigator. This determination shall be made within forty-eight (48) hours
 36 after receiving the notification of suspected child maltreatment. Upon

1 written approval by the director or the director's designee, the investigation
2 may be closed without complying with subsections (a) - (d) of this section.

3 (2) If the director or the director's designee, disapproves in
4 writing, the investigator's determination of no merit, the investigator shall
5 comply with subsections (a) - (d) of this section."

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

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11 SECTION 3. If any provision of this act or the application thereof to
12 any person or circumstance is held invalid, such invalidity shall not affect
13 other provisions or applications of the act which can be given effect without
14 the invalid provision or application, and to this end the provisions of this
15 act are declared to be severable.

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

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