

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas  
2 83rd General Assembly  
3 Regular Session, 2001  
4

*As Engrossed: H2/22/01*

# A Bill

HOUSE BILL 1692

5 By: Representative Judy  
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## For An Act To Be Entitled

9 AN ACT TO AMEND THE CHILD MALTREATMENT CENTRAL  
10 REGISTRY; AND FOR OTHER PURPOSES.

### Subtitle

13 AN ACT TO AMEND THE CHILD MALTREATMENT  
14 CENTRAL REGISTRY.

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

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19 SECTION 1. Arkansas Code 12-12-505 is amended to read as follows:  
20 12-12-505. Central registry.

21 (a) There is established within the Department of Human Services a  
22 statewide central registry for the collection of records of cases involving  
23 allegations of child maltreatment which are determined to be true pursuant to  
24 this subchapter.

25 (b)(1)(A)(i) Records of all cases where allegations are determined to be  
26 true shall be retained by the central registry.

27 (ii) If an offender is criminally convicted for an  
28 act which is the same act for which the offender is named in the Central  
29 Registry, the offender shall always remain in the Central Registry.

30 (iii) The department shall identify in its policy and  
31 procedures manual the types of child maltreatment which will automatically  
32 result in the removal of the name of an offender from the Central Registry.  
33 If an offender has been entered into the Central Registry as an offender for  
34 these named types of child maltreatment, the offender's name shall be removed  
35 from the Central Registry on reports of this type of child maltreatment when  
36 the offender has not had a subsequent true report of this type for one (1)

1 year, and more than one (1) year has lapsed since the closure of any  
2 protective services or foster care case opened as the result of this report.

3 (iv) The department shall identify in its policy and  
4 procedures manual the types of child maltreatment for which an offender can  
5 request that the offender's name be removed from the Central Registry. If an  
6 offender has been entered into the Central Registry as an offender for these  
7 named types of child maltreatment, the offender may petition the department  
8 requesting that the offender's name be removed from the Central Registry when  
9 the offender has not had a subsequent true report of this type for five (5)  
10 years, and more than five (5) years have lapsed since the closure of any  
11 protective services or foster care case opened as the result of this report.

12 The department shall develop policy and procedures to assist them in  
13 determining whether or not to remove the offender's name from the Central  
14 Registry. If the department denies the request for removal of the name from  
15 the Central Registry, the offender may request an administrative hearing  
16 within thirty (30) days from receipt of the department's decision.

17 (B) Records of all cases where allegations are determined  
18 to be unsubstantiated shall be promptly expunged.

19 (2) The department is permitted to keep information on  
20 unsubstantiated reports in its casework files to assist in future risk and  
21 safety assessment, but this information shall not be subject to disclosure  
22 except as permitted in § 12-12-512(a)(1).

23 (c) The central registry may adopt such rules and regulations as may be  
24 necessary to encourage cooperation with other states in exchanging true  
25 reports, and to effect a national registration system.

26 (d) The Director of the Department of Human Services shall adopt rules  
27 and regulations necessary to carry out the provisions of this subchapter,  
28 pursuant to the Arkansas Administrative Procedure Act, § 25-15-201 et seq.,  
29 except that the director shall not commence the process under the  
30 Administrative Procedure Act until the proposed rules and regulations have  
31 been reviewed by the House Interim Committee on Aging, Children and Youth,  
32 Legislative and Military Affairs, and the Senate Interim Committee on Children  
33 and Youth.

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35 /s/ Judy  
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