

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 85th General Assembly
3 Regular Session, 2005

A Bill

HOUSE BILL 1024

4
5 By: Representative Thyer
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For An Act To Be Entitled

8
9 AN ACT TO PROVIDE THAT AN ADMINISTRATIVE HEARING
10 UNDER THE ARKANSAS CHILD MALTREATMENT ACT SHALL
11 BE IN PERSON; AND FOR OTHER PURPOSES.
12

Subtitle

13
14 TO PROVIDE THAT AN ADMINISTRATIVE
15 HEARING UNDER THE ARKANSAS CHILD
16 MALTREATMENT ACT SHALL BE IN PERSON.
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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21 SECTION 1. Arkansas Code § 12-12-512(c)(1), concerning notifications
22 to the subject of a true report under the Arkansas Child Maltreatment Act, is
23 amended to read as follows:

24 (c)(1)(A)(i) In every case in which a report is determined to be true,
25 the department shall notify each subject of the report of the determination.

26 (ii) If the offender is a juvenile age ten (10) or
27 older and is in foster care, the department shall notify the juvenile's
28 public defender or counsel for the juvenile and the legal parents or legal
29 guardians of the offender.

30 (iii) If the offender is a juvenile age (10) or
31 older, the department shall notify the legal parents or legal guardians of
32 the offender.

33 (B) Notification shall be in writing by certified mail,
34 restricted delivery, or by a process server.

35 (C) Notification shall include the following:

36 (i) The investigative determination, true or



1 unsubstantiated, exclusive of the source of the notification;

2 (ii) A statement that the person named as the
3 offender of the true report may request an administrative hearing;

4 (iii) A statement that the request must be made to
5 the department within thirty (30) days of receipt of the hand delivery or
6 mailing of the notice of determination; ~~and~~

7 (iv) The name of the person making notification, the
8 person's occupation, and where he or she can be reached; and

9 (v) A statement that the administrative hearing may
10 take place in person if requested by the petitioner or the petitioner's
11 attorney within thirty (30) days from the date that the petitioner receives
12 notification under this subsection (c).

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14 SECTION 2. Arkansas Code § 12-12-512, concerning child maltreatment
15 determinations, is amended to add an additional subsection to read as
16 follows:

17 (f) If the petitioner or the petitioner's attorney requests a hearing
18 within thirty (30) days from the date that the petitioner receives
19 notification under this subsection (c), then the child maltreatment
20 administrative hearings shall be conducted in the physical presence of all
21 parties in one (1) of the following cities closest to the petitioner's
22 residence:

23 (1) Little Rock;

24 (2) Fort Smith;

25 (3) Clinton;

26 (4) Jonesboro;

27 (5) Pine Bluff;

28 (6) Hot Springs;

29 (7) Fayetteville;

30 (8) Harrison;

31 (9) Arkadelphia;

32 (10) Monticello; or

33 (11) El Dorado.

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