

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
4

As Engrossed: H1/21/05 S2/3/05

A Bill

HOUSE BILL 1024

5 By: Representative Thyer
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For An Act To Be Entitled

9 AN ACT TO PROVIDE THAT AN ADMINISTRATIVE HEARING
10 UNDER THE ARKANSAS CHILD MALTREATMENT ACT SHALL
11 BE IN *PERSON OR BY VIDEO CONFERENCE*; AND FOR
12 OTHER PURPOSES.
13

Subtitle

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

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

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

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

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



1 (C) Notification shall include the following:

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

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

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

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

11 (v) A statement that the administrative hearing may
12 take place in person if requested by the petitioner or the petitioner's
13 attorney within thirty (30) days from the date that the petitioner receives
14 notification under this subsection (c), provided that the hearing officer may
15 conduct the hearing by video teleconference in lieu of an in-person hearing.
16 If neither party requests that the hearing be conducted in person, then the
17 hearing shall be conducted telephonically.

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19 SECTION 2. Arkansas Code § 12-12-512, concerning child maltreatment
20 determinations, is amended to add two (2) additional subsections to read as
21 follows:

22 (f)(1) The Office of Appeals and Hearings of the Department of Human
23 Services shall designate the sites to be used for videoconference hearings.

24 (2) The office shall designate sites within ten (10) miles of
25 the following cities:

26 (A) Arkadelphia;

27 (B) Booneville;

28 (C) Conway;

29 (D) Fayetteville;

30 (E) Jonesboro;

31 (F) Little Rock; or

32 (G) Warren.

33 (3) The Office of Appeals and Hearings may, in its discretion,
34 designate additional sites for videoconference hearings.

35 (g)(1) If any party requests an in-person hearing within thirty (30)
36 days from the date that the party receives notification under subsection (c)

1 of this section, then the in-person hearing shall be conducted in an office
2 of the Department of Human Services nearest to the petitioner's residence,
3 unless the hearing officer notifies the parties that the hearing will be
4 conducted via videoconference.

5 (2) Sites for videoconference hearings shall include the
6 location designated by the Office of Appeals and Hearings that is nearest to
7 the petitioner's residence.

8 (3) The hearing officer and other parties may agree to appear at
9 the location designated by the Office of Appeals and Hearings or at any other
10 designated hearing locations that are convenient to them.

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/s/ Thyer