

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: H1/25/05 H1/27/05 S3/29/05

A Bill

HOUSE BILL 1102

5 By: Representative T. Hutchinson
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For An Act To Be Entitled

9 AN ACT TO ESTABLISH LIMITATIONS REGARDING
10 DISCLOSURE OF RECORDS OF CHILDREN'S ADVOCACY
11 CENTERS; AND FOR OTHER PURPOSES.
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Subtitle

13 AN ACT TO ESTABLISH LIMITATIONS
14 REGARDING DISCLOSURE OF RECORDS OF
15 CHILDREN'S ADVOCACY CENTERS.
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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 Title 20, Chapter 78, Subchapter 1 is amended
22 to add an additional section to read as follows:

23 20-78-106. Availability of records of children's advocacy centers.

24 (a) Reports, correspondence, memoranda, case histories, medical
25 records, or other materials compiled or gathered by children's advocacy
26 centers performing the services described in § 20-78-105 shall be
27 confidential and shall not be released or otherwise made available except:

28 (1) Medical records may be released to the attorney representing
29 the abused child in a custody or juvenile case;

30 (2) For any audit or similar activity conducted with the
31 administration of any plan or program by any governmental agency which is
32 authorized by law to conduct the audit or activity;

33 (3) To law enforcement agencies, a prosecuting attorney, or the
34 Attorney General;

35 (4) To any licensing or registering authority to the extent
36 necessary to carry out its official responsibilities, but the information



1 shall be maintained as confidential;

2 (5) To a grand jury or court upon a finding that:

3 (A) Information in the record is necessary for the
4 determination of a civil, criminal, or administrative issue before the court
5 or grand jury; and

6 (B) The information cannot be obtained from a person or
7 entity described in subdivision (b)(2) of this section;

8 (6) To the Department of Human Services;

9 (7) To a Court Appointed Special Advocate volunteer with a valid
10 court order;

11 (8) All records may be released to an attorney in any criminal,
12 civil, or administrative proceeding or to a party in a criminal, civil, or
13 administrative proceeding if the party is not represented by an attorney as
14 permitted under criminal, civil, or administrative discovery rules upon a
15 finding that:

16 (A) Information in the record is necessary for the
17 determination of a criminal, civil, or administrative issue before a court or
18 grand jury; and

19 (B) The information cannot be obtained from a person or
20 entity described in subdivision (b)(2) of this section; and

21 (9) Medical records may be released to a person providing
22 medical or psychiatric care or services to the abused child.

23 (b)(1) Except as provided in subdivision (b)(2) of this section, no
24 person or agency to whom disclosure is made may disclose to any other person
25 reports or other information obtained under this section.

26 (2) Law enforcement agencies, a prosecuting attorney, the
27 Department of Human Services, a court of competent jurisdiction, or the
28 Attorney General may release reports or information obtained under this
29 section.

30 (c) Nothing in this section shall deny or diminish the right of an
31 attorney for a party or a party to a criminal, civil, or administrative
32 proceeding to receive discovery as provided in this section in order for the
33 attorney or party to:

34 (1) Prepare for trial;

35 (2) File appropriate pleadings; or

36 (3) Present evidence in court.

1 (d) A disclosure of information in violation of this section is a
2 Class C misdemeanor.

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/s/ T. Hutchinson