

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

A Bill

HOUSE BILL 1215

5 By: Representative Adams
6
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For An Act To Be Entitled

9 AN ACT TO EXPAND THE DEFINITION OF "NEGLECT" FOR
10 THE JUVENILE CODE AND CHILD ABUSE REPORTING; AND
11 FOR OTHER PURPOSES.
12

Subtitle

13 AN ACT TO EXPAND THE DEFINITION OF
14 "NEGLECT" FOR THE JUVENILE CODE AND
15 CHILD ABUSE REPORTING.
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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 § 9-27-303(35), pertaining to the definition
22 of "neglect", is amended to read as follows:

23 (35) "Neglect" means those acts or omissions of a parent,
24 guardian, custodian, foster parent, or any person who is entrusted with the
25 juvenile's care by a parent, custodian, guardian, or foster parent,
26 including, but not limited to, an agent or employee of a public or private
27 residential home, child care facility, public or private school, or any
28 person legally responsible under state law for the juvenile's welfare, which
29 constitute:

30 (A) Failure or refusal to prevent the abuse of the
31 juvenile when the person knows or has reasonable cause to know the juvenile
32 is or has been abused;

33 (B) Failure or refusal to provide the necessary food,
34 clothing, shelter, and education required by law, excluding failure to follow
35 an individualized education program, or medical treatment necessary for the
36 juvenile's well-being, except when the failure or refusal is caused primarily



1 by the financial inability of the person legally responsible and no services
2 for relief have been offered or rejected;

3 (C) Failure to take reasonable action to protect the
4 juvenile from abandonment, abuse, sexual abuse, sexual exploitation, neglect,
5 or parental unfitness where the existence of this condition was known or
6 should have been known;

7 (D) Failure or irremediable inability to provide for the
8 essential and necessary physical, mental, or emotional needs of the juvenile;

9 (E) Failure to provide for the juvenile’s care and
10 maintenance, proper or necessary support, or medical, surgical, or other
11 necessary care;

12 (F) Failure, although able, to assume responsibility for
13 the care and custody of the juvenile or to participate in a plan to assume
14 the responsibility; ~~or~~

15 (G) Failure to appropriately supervise the juvenile which
16 results in the juvenile’s being left alone at an inappropriate age or in
17 inappropriate circumstances which put the juvenile in danger;

18 (H) Failure to prevent the juvenile from being present in
19 a structure or an area where a person or persons are actively attempting to
20 manufacture methamphetamine; or

21 (I) Failure to prevent the juvenile from being present in
22 a structure or an area where a person or persons are actively attempting to
23 collect drug precursors for manufacturing methamphetamine, which are listed
24 by the Department of Health in accordance with § 5-64-415, with the purpose
25 of manufacturing methamphetamine;

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27 SECTION 2. Arkansas Code § 12-12-503(12), pertaining to the definition
28 of “neglect”, is amended to read as follows:

29 (12) "Neglect" means those acts or omissions of a parent,
30 guardian, custodian, foster parent, or any person who is entrusted with the
31 juvenile’s care by a parent, custodian, guardian, or foster parent,
32 including, but not limited to, an agent or employee of a public or private
33 residential home, child care facility, public or private school, or any
34 person legally responsible under state law for the juvenile’s welfare, but
35 excluding the spouse of a minor and the parents of the married minor, which
36 constitute:

1 (A) Failure or refusal to prevent the abuse of the
 2 juvenile when the person knows or has reasonable cause to know the juvenile
 3 is or has been abused;

4 (B) Failure or refusal to provide necessary food,
 5 clothing, shelter, and education required by law, excluding the failure to
 6 follow an individualized educational program, or medical treatment necessary
 7 for the juvenile's well-being, except when the failure or refusal is caused
 8 primarily by the financial inability of the person legally responsible and no
 9 services for relief have been offered or rejected;

10 (C) Failure to take reasonable action to protect the
 11 juvenile from abandonment, abuse, sexual abuse, sexual exploitation, neglect,
 12 or parental unfitness when the existence of the condition was known or should
 13 have been known;

14 (D) Failure or irremediable inability to provide for the
 15 essential and necessary physical, mental, or emotional needs of the juvenile;

16 (E) Failure to provide for the juvenile's care and
 17 maintenance, proper or necessary support, or medical, surgical, or other
 18 necessary care;

19 (F) Failure, although able, to assume responsibility for
 20 the care and custody of the juvenile or to participate in a plan to assume
 21 such responsibility; ~~or~~

22 (G) Failure to appropriately supervise the juvenile that
 23 results in the juvenile's being left alone at an inappropriate age or in
 24 inappropriate circumstances that put the juvenile in danger;

25 (H) Failure to prevent the juvenile from being present in
 26 a structure or an area where a person or persons are actively attempting to
 27 manufacture methamphetamine; or

28 (I) Failure to prevent the juvenile from being present in
 29 a structure or an area where a person or persons are actively attempting to
 30 collect drug precursors for manufacturing methamphetamine, which are listed
 31 by the Department of Health in accordance with § 5-64-415, with the purpose
 32 of manufacturing methamphetamine;

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