

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: H1/26/05

A Bill

HOUSE BILL 1215

5 By: Representative Adams
6 By: *Senator Broadway*
7
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For An Act To Be Entitled

10 AN ACT TO EXPAND THE DEFINITION OF "NEGLECT" FOR
11 THE JUVENILE CODE AND CHILD ABUSE REPORTING; AND
12 FOR OTHER PURPOSES.
13

Subtitle

14 AN ACT TO EXPAND THE DEFINITION OF
15 "NEGLECT" FOR THE JUVENILE CODE AND
16 CHILD ABUSE REPORTING.
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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22 SECTION 1. Arkansas Code § 9-27-303(35), pertaining to the definition
23 of "neglect", is amended to read as follows:

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

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

34 (B) Failure or refusal to provide the necessary food,
35 clothing, shelter, and education required by law, excluding failure to follow
36 an individualized education program, or medical treatment necessary for the



1 juvenile's well-being, except when the failure or refusal is caused primarily
2 by the financial inability of the person legally responsible and no services
3 for relief have been offered or rejected;

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

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

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

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

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

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

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

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

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

1 constitute:

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

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

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

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

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

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

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

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

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

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/s/ Adams

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