

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 86th General Assembly
3 Regular Session, 2007

A Bill

HOUSE BILL 2248

4
5 By: Representative D. Hutchinson
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For An Act To Be Entitled

8
9 AN ACT TO PROTECT THE CONFIDENTIALITY OF JUVENILE
10 RECORDS; AND FOR OTHER PURPOSES.
11

Subtitle

12
13 TO PROTECT THE CONFIDENTIALITY OF
14 JUVENILE RECORDS.
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17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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19 SECTION 1. Arkansas Code Title 9, Chapter 28, Subchapter 2 is amended
20 to add an additional section to read as follows:

21 9-28-217. Juvenile records confidentiality.

22 (a) Except as provided in subsection (c) of this section, reports,
23 correspondence, memoranda, case histories, or other materials, including
24 protected health information, compiled or received by a juvenile detention
25 facility, a community-based provider for the Division of Youth Services of
26 the Department of Health and Human Services, or the division, shall be
27 confidential and shall not be released or otherwise made available except to
28 the following persons or entities and to the extent permitted by federal law:

29 (1) The juvenile;

30 (2) The juvenile's parent, guardian or custodian;

31 (3) The juvenile division of circuit court and court staff;

32 (4) The ombudsman of youth committed to the division;

33 (5) The attorney for the juvenile;

34 (6) The attorney ad litem for the juvenile;

35 (7) A grand jury or a court upon a finding that information in
36 the juvenile's record is necessary for the determination of an issue before



1 the court or the grand jury;

2 (8)(A) Individual federal and state representatives and senators
3 and their staff members in their official capacity;

4 (B) No federal or state representative or senator or their
5 staff members shall make a disclosure to any committee or legislative body of
6 any information that identifies by name or address the juvenile to whom the
7 records pertain;

8 (9) Law enforcement or the prosecuting attorney;

9 (10) Service providers, including health care providers, to
10 assist in the care, evaluation, examination, or treatment of the juvenile;

11 (11) A governmental agency for an audit or similar activity
12 conducted in connection with the administration of any plan or program if the
13 governmental agency is authorized by law to conduct the audit or activity;

14 (12) A court-appointed special advocate upon presentation of an
15 order of appointment;

16 (13) A federal program or federally assisted program that
17 provides assistance, in cash or in kind, or services directly to individuals
18 on the basis of need;

19 (14) A federal, state, or local government entity or any agent
20 of the entity, having a need for the information in order to carry out their
21 responsibilities under law to serve or protect a juvenile delinquent or a
22 juvenile who is a member of a family in need of services; and

23 (15) Any licensing or registering authority, may access to the
24 extent necessary to carry out its official responsibilities.

25 (b)(1) Any person or agency to whom disclosure is made shall not
26 disclose to any other person a report or other information obtained pursuant
27 to this section.

28 (2) Nothing in this subsection shall be construed to prevent
29 subsequent disclosure by the juvenile or the juvenile's attorney.

30 (3) Any person disclosing information in violation of this
31 subsection shall be guilty of a Class C misdemeanor.

32 (c) No information pertaining to a juvenile shall be released by a
33 juvenile detention facility, a community-based provider for the division, or
34 the division after the juvenile reaches eighteen (18) years of age unless:

35 (1) The juvenile remains in the custody of the division;

36 (2) The juvenile consents; or

1 (3) An order requiring release of the information is entered by
2 a court or a grand jury.

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