

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
4

As Engrossed: H3/12/07

A Bill

HOUSE BILL 2248

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

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

11 TO PROTECT THE CONFIDENTIALITY OF
12 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 material that personally
24 identifies a juvenile, including protected health information, compiled or
25 received by a juvenile detention facility, a community-based provider for the
26 Division of Youth Services of the Department of Health and Human Services, or
27 the division, shall be confidential and shall not be released or otherwise
28 made available except to the following persons or entities and to the extent
29 permitted by federal law:

30 (1) The juvenile;

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

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

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

34 (5) The attorney for the juvenile;

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

36 (7) A grand jury or a court upon a finding that information in



1 the juvenile's record is necessary for the determination of an issue before
2 the court or the grand jury;

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

5 (B) However, no disclosure shall be made to any committee or
6 legislative body of any information that identifies any recipient of services
7 by name or address unless the juvenile, the juvenile's attorney, and the
8 juvenile's parent, guardian or custodian agree in writing to waive
9 confidentiality and permit disclosure to the committee or legislative body.

10 (9) Law enforcement or the prosecuting attorney;

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

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

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

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

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

25 (15) Any licensing or registering authority, may access to the
26 extent necessary to carry out its official responsibilities;

27 (16) A multi-disciplinary team coordinating a child maltreatment
28 investigation pursuant to the Child Maltreatment Act pertaining to the
29 juvenile; and

30 (17) The general public about any juvenile fatality if the death
31 occurred when the Division of Youth Services, a detention center or a
32 community-based provider had responsibility for placement and care of the
33 juvenile.

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

1 (2) Nothing in this subsection shall be construed to prevent
2 subsequent disclosure by the parent, guardian or custodian, the juvenile or
3 the juvenile's attorney.

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

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

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

10 (2) The juvenile consents; or

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

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14 /s/ D. Hutchinson
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