

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

# A Bill

SENATE BILL 416

5 By: Senator Madison  
6 By: Representative Webb  
7

## For An Act To Be Entitled

10 AN ACT TO ALLOW EXAMINATIONS OF ALLEGED OFFENDERS  
11 WHILE INVESTIGATING CHILD MALTREATMENT; AND FOR  
12 OTHER PURPOSES.  
13

## Subtitle

14 AN ACT TO ALLOW EXAMINATIONS OF ALLEGED  
15 OFFENDERS WHILE INVESTIGATING CHILD  
16 MALTREATMENT.  
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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 § 12-12-509(c), regarding the investigation  
23 and examination of children who are suspected as being the victim of child  
24 maltreatment, is amended to read as follows:

25 (c)(1)(A) The investigation shall include interviews with the parents,  
26 both custodial and noncustodial.

27 (B) If neither parent is the alleged offender, the  
28 investigation shall also include an interview with the alleged offender.

29 (C) The investigation shall include an interview with any  
30 other relevant persons.

31 (2)(A) The investigation shall include an interview with the  
32 child separate and apart from the alleged offender or any representative or  
33 attorney for the alleged offender.

34 (B) However, if the age or abilities of the child render  
35 an interview impossible, the investigation shall include observation of the  
36 child.



1 (3) The investigation may include a physical examination,  
2 radiology procedures, photographs, and a psychological or psychiatric  
3 examination of all children subject to the care, custody, or control of the  
4 alleged offender.

5 (4) If, after exercising reasonable diligence in conducting any  
6 or all interviews, the subjects of the interviews cannot be located or are  
7 unable to communicate, the efforts to conduct such interviews shall be  
8 documented and the investigation shall proceed pursuant to this subchapter.

9 (5) The alleged offender may be subject to a physical  
10 examination, drug testing, photographing, fingerprinting, or a psychological  
11 or psychiatric examination as part of the investigation.

12 (d)(1) An investigative determination shall be made in each  
13 investigation within thirty (30) days regardless of whether the investigation  
14 is conducted by the Department of Health and Human Services, the Crimes  
15 Against Children Division of the Department of Arkansas State Police, or  
16 local law enforcement.

17 (2) However, this procedural requirement shall not be considered  
18 as a factor to alter the investigative determination in any judicial or  
19 administrative proceeding.

20 (3) An investigation involving an out-of-home alleged offender  
21 that is determined to be true may be extended up to thirty (30) additional  
22 days to allow an investigator to ascertain:

23 (A) The names and conditions of any minor children of the  
24 alleged offender;

25 (B) Whether minor children of the alleged offender have  
26 been maltreated or are at risk of maltreatment; and

27 (C) To the extent practicable, whether children previously  
28 or currently under the care of the alleged offender have been sexually abused  
29 or are at risk of sexual abuse.

30 (4) No investigation shall be transferred to inactive status  
31 because an investigator is awaiting documentary evidence.

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33 SECTION 2. Arkansas Code § 12-12-509(b), regarding investigative  
34 powers in child maltreatment matters, is amended to read as follows:

35 (b)(1) If necessary access or admission is denied, the Department of  
36 Health and Human Services may petition the proper juvenile division of

1 circuit court for an ex parte order of investigation requiring the parent,  
2 caretaker, or persons denying access to any place where the child may be to  
3 allow entrance for the interviews, examinations, and investigations.

4 (2) If an alleged offender refuses to submit to a physical  
5 examination, drug testing, photographing, fingerprinting, or a psychological  
6 or psychiatric examination, the department may petition the proper juvenile  
7 division of circuit court for an ex parte order of investigation requiring  
8 the alleged offender to submit to the physical examination, drug testing,  
9 photographing, fingerprinting, or psychological or psychiatric examination.

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11 SECTION 3. Arkansas Code § 12-12-509(c), regarding investigative  
12 powers in child maltreatment matters, is amended to read as follows:

13 (c)(1) However, upon application to the court by the parents,  
14 caretaker, or persons denying access to the child showing good cause, the  
15 court may issue a written order to stay the order of investigation under  
16 subdivision (b)(1) of this section pending a hearing to be held within  
17 seventy-two (72) hours.

18 (2) However, upon application to the court by the alleged  
19 offender, the court may issue a written order to stay the order of  
20 investigation pending a hearing to be held within seventy-two (72) hours.

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