

State of Arkansas
87th General Assembly
Regular Session, 2009

A Bill

SENATE BILL 493

By: Senator D. Johnson
By: Representative Harrelson

For An Act To Be Entitled

AN ACT TO CLARIFY THE PROCEDURE FOR PUBLIC
DISCLOSURE OF INFORMATION RELATED TO CHILD
FATALITIES OR NEAR-FATALITIES; TO CLARIFY
REPORTING REQUIREMENTS OF THE DIVISION OF
CHILDREN AND FAMILY SERVICES; AND FOR OTHER
PURPOSES.

Subtitle

TO CLARIFY THE PROCEDURE FOR PUBLIC
DISCLOSURE OF INFORMATION RELATED TO
CHILD FATALITIES OR NEAR-FATALITIES AND
THE REPORTING REQUIREMENTS OF THE
DIVISION OF CHILDREN AND FAMILY
SERVICES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code Title 9, Chapter 28, Subchapter 4 is amended
to add an additional section to read as follows:

9-28-414. Public disclosure of information on deaths and maltreatment.

(a)(1) The Department of Human Services shall place a notice on the
department's web page when a fatality or near fatality of a child is reported
to the Child Abuse Hotline under the Child Maltreatment Act within seventy-
two (72) hours of receipt of a report from the Child Abuse Hotline.

(2) The notice of a reported fatality or near fatality of a
child shall state:



1 (A) Age, race, and gender of the child;
 2 (B) Date of the child's death or incident;
 3 (C) Allegations or preliminary cause of death or incident;
 4 (D) County and placement of the child at time of incident;
 5 (E) Generic relationship of alleged offender to child;
 6 (F) Agency conducting investigation;
 7 (G) Legal action by the department; and
 8 (H) Services offered or provided by the department now and
 9 in the past.

10 (3) The notice of a fatality of a child shall also include the
 11 name of the child.

12 (4) The Department of Human Services shall not put on the web
 13 page any:

14 (A) Information on siblings of the child; or

15 (B) Attorney-client communications;

16 (5) The department may elect not to place notice on the
 17 department's web page if:

18 (A) A law enforcement agency is actively investigating a
 19 case that is subject to the notice provisions of this section; and

20 (B) The law enforcement agency reasonably believes that
 21 the investigation will result in the subsequent arrest of a person.

22 (b)(1) Upon request, the department shall release the following
 23 information to the general public when a Child Abuse Hotline report is
 24 received on a child in the custody of the department:

25 (A) Age, race, and gender of the child;

26 (B) Allegations of maltreatment;

27 (C) County and placement of the child at time of incident;

28 (D) Generic relationship of alleged offender to the
 29 child; and

30 (E) Action taken by the department.

31 (2) The Department of Human Services shall not release:

32 (A) Information on siblings of the child; or

33 (B) Attorney-client communications; or

34 (3) The Department of Human Services shall not release any
 35 information if:

36 (A) A law enforcement agency is actively investigating a

case that is subject to the notice provisions of this section; and

(B) The law enforcement agency reasonably believes that the investigation will result in the subsequent arrest of a person.

(c)(1) Upon request, the department shall release the following information when a child dies if that child was in an out-of-home placement as defined under § 9-27-303(39):

(A) Age, race and gender of the child;

(B) Date of the child's death;

(C) Preliminary cause of death;

(D) County and placement of the child at time of incident;

(E) Action by the department.

(2) The Department of Human Services shall not release:

(A) Information on siblings of the child;

(B) Attorney-client communications;

(3) The Department of Human Services shall not release any information if:

(A) A law enforcement agency is actively investigating a case that is subject to the notice provisions of this section; and

(B) The law enforcement agency reasonably believes that the investigation will result in the subsequent arrest of a person.

SECTION 2. Arkansas Code § 9-32-203, regarding quarterly performance reports of the Division of Children and Family Services of the Department of Human Services, is amended to add additional subsections to read as follows:

(e)(1) The Division of Children and Family Services of the Department of Human Services shall report on the fatality or near fatality of a child that is reported to the Child Abuse Hotline under the Child Maltreatment Act.

(2) The data on a reported fatality and near fatality shall include:

(A) Age, race and gender of the child;

(B) Date of the child's death or incident;

(C) Allegations or preliminary cause of death or incident;

(D) County and placement of the child at time of incident;

(E) Generic relationship of alleged offender to child;

(F) Agency conducting investigation;

(G) Legal action by the department; and

1 (H) Services offered or provided by the department now and
 2 in the past.

3 (3) The data of a fatality shall also include the name of the
 4 child.

5 (f)(1) The Department of Human Services shall report Child Abuse
 6 Hotline reports received on a child in the custody of the department.

7 (2) The data on reports of maltreatment on foster children shall
 8 include:

9 (A) Age, race, and gender of the child;

10 (B) Allegations of maltreatment;

11 (C) County and placement of the child at time of incident;

12 (D) Generic relationship of alleged offender to the child;

13 and

14 (E) Action taken by the department.

15 (g)(1) The Department of Human Services shall report when a child dies
 16 if that child was in an out-of-home placement as defined under § 9-27-
 17 303(39).

18 (2) The data on the deaths of children in an out-of-home
 19 placement shall include:

20 (A) Age, race, and gender of the child;

21 (B) Date of the child's death;

22 (C) Preliminary cause of death;

23 (D) County and placement of the child at time of incident;

24 and

25 (F) Action by the department.

26 (h) The Department of Human Services shall report any noncase-specific
 27 recommendations of the department's Child Death Review Committee.

28
 29 SECTION 3. Arkansas Code § 9-32-204, regarding annual performance
 30 reports known as the "Arkansas Child Welfare Report Card", is amended to add
 31 additional subsections to read as follows:

32 (d)(1) The Division of Children and Family Services of the Department
 33 of Human Services shall report on the fatality or near fatality of a child
 34 that is reported to the Child Abuse Hotline under the Child Maltreatment Act.

35 (2) The data on a reported fatality or near fatality shall
 36 include:

1 (A) Age, race, and gender of the child;
 2 (B) Date of the child's death or incident;
 3 (C) Allegations or preliminary cause of death or incident;
 4 (D) County and placement of the child at time of incident;
 5 (E) Generic relationship of alleged offender to child;
 6 (F) Agency conducting investigation;
 7 (G) Legal action by the department; and
 8 (H) Services offered or provided by the department now and
 9 in the past.

10 (3) The data of a fatality shall also include the name of the
 11 child.

12 (e)(1) The Department of Human Services shall report hotline
 13 reports received on a child in the custody of the department.

14 (2) The data on reports of maltreatment on foster children shall
 15 include:

16 (A) Age, race, and gender of the child;
 17 (B) Allegations of maltreatment;
 18 (C) County and placement of the child at time of incident;
 19 (D) Generic relationship of alleged offender to the child;
 20 and

21 (E) Action taken by the department.

22 (f)(1) The Department of Human Services shall report when a child dies
 23 if that child was in an out-of-home placement as defined under § 9-27-
 24 303(39).

25 (2) The data on the deaths of children in an out-of-home
 26 placement shall include:

27 (A) Age, race and gender of the child;
 28 (B) Date of the child's death;
 29 (C) Preliminary cause of death;
 30 (D) County and placement of the child at time of incident;
 31 and

32 (F) Action by the department.

33 (g) The Department of Human Services shall place any noncase-specific
 34 recommendations of the department's Child Death Review Committee on the
 35 department's web page.