

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 87th General Assembly
3 Regular Session, 2009
4

As Engrossed: S3/19/09 S3/31/09

A Bill

SENATE BILL 779

5 By: Senator P. Malone
6 By: Representative D. Hutchinson
7

For An Act To Be Entitled

8
9 AN ACT TO AMEND THE LAW REGARDING THE
10 AVAILABILITY OF RECORDS OF CHILDREN'S ADVOCACY
11 CENTERS; AND FOR OTHER PURPOSES.
12

Subtitle

13
14 TO AMEND THE LAW REGARDING THE
15 AVAILABILITY OF RECORDS OF CHILDREN'S
16 ADVOCACY CENTERS.
17

18
19
20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
21

22 20-78-106. Availability of records of children's advocacy centers.

23 (a) Reports, correspondence, memoranda, case histories, medical
24 records, or other materials compiled or gathered by children's advocacy
25 centers performing the services described in § 20-78-105 shall be
26 confidential and shall not be released or otherwise made available except:

27 (1) Medical records may be released to the attorney representing
28 the abused child in a custody or juvenile case;

29 (2) For any audit or similar activity conducted with the
30 administration of any plan or program by any governmental agency which is
31 authorized by law to conduct the audit or activity;

32 (3) To law enforcement agencies, a prosecuting attorney, or the
33 Attorney General;

34 (4) To any licensing or registering authority to the extent
35 necessary to carry out its official responsibilities, but the information
36 shall be maintained as confidential;



1 (5) To a grand jury or court upon a finding that:

2 (A) Information in the record is necessary for the
3 determination of a civil, criminal, or administrative issue before the court
4 or grand jury; and

5 (B) The information cannot be obtained from a person or
6 entity described in subdivision (b)(2) of this section;

7 (6) To the Department of Human Services;

8 (7) To a court-appointed special advocate volunteer with a valid
9 court order;

10 (8) All records may be released to an attorney in any criminal,
11 civil, or administrative proceeding or to a party in a criminal, civil, or
12 administrative proceeding if the party is not represented by an attorney as
13 permitted under criminal, civil, or administrative discovery rules upon a
14 finding by the court that:

15 (A) Information in the record is necessary for the
16 determination of a criminal, civil, or administrative issue before a court or
17 grand jury; and

18 (B) The information cannot be obtained from a person or
19 entity described in subdivision (b)(2) of this section; and

20 (9) Medical records may be released to a person providing
21 medical or psychiatric care or services to the abused child.

22 (b)(1) Except as provided in subdivision (b)(2) of this section, no
23 person or agency to whom disclosure is made may disclose to any other person
24 reports or other information obtained under this section.

25 (2) Law enforcement agencies, a prosecuting attorney, the
26 department, a court of competent jurisdiction, or the Attorney General may
27 release reports or information obtained under this section. However, any
28 report or information released under this subsection shall remain
29 confidential.

30 (c)(1) Nothing in this section shall deny or diminish the right of an
31 attorney for a party or a party to a criminal, civil, or administrative
32 proceeding to receive discovery as provided in this section in order for the
33 attorney or party to:

34 ~~(1)(A)~~ Prepare for trial;

35 ~~(2)(B)~~ File appropriate pleadings; or

36 ~~(3)(C)~~ Present evidence in court.

