

1 State of Arkansas  
2 90th General Assembly  
3 Regular Session, 2015  
4  
5 By: Senator S. Flowers  
6

# A Bill

SENATE BILL 786

## For An Act To Be Entitled

8 AN ACT TO AMEND THE LAW CONCERNING THE REPORT OF A  
9 DEATH OF A CHILD; AND FOR OTHER PURPOSES.

### Subtitle

12 TO AMEND THE LAW CONCERNING THE REPORT OF  
13 A DEATH OF A CHILD.

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16  
17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

18  
19 SECTION 1. Arkansas Code § 12-18-103(8), concerning the definition of  
20 "department" for the Child Maltreatment Act, is amended to read as follows:

21 (8) "Department" means the Department of Human Services and the  
22 Department of Arkansas State Police;

23  
24 SECTION 2. Arkansas Code § 12-18-303(a), concerning reports to the  
25 Child Abuse Hotline, is amended to read as follows:

26 (a) Except as otherwise provided in this section, the Child Abuse  
27 Hotline shall accept a report ~~of child maltreatment or suspected child~~  
28 ~~maltreatment~~ if:

29 (1) The report is of:

30 (A) The allegations An allegation of child maltreatment or  
31 suspected child maltreatment that if found to be true, if true, would  
32 constitute child maltreatment as defined under this chapter;

33 (B) The death of a child that:

34 (i) Is sudden and unexpected; and

35 (ii) Was not caused by a known disease or illness  
36 for which the child was under a physician's care at the time of death; or



1                    (C) The death of a child reported by a coroner or county  
 2 sheriff under § 20-15-502;

3                    (2) Sufficient identifying information is provided to identify  
 4 and locate the child or the child’s family; and

5                    (3) The child or the child’s family is present in Arkansas or  
 6 the incident occurred in Arkansas.

7  
 8                    SECTION 3. Arkansas Code § 12-18-402(a)(1), concerning reports of  
 9 child maltreatment, is amended to add an additional subdivision to read as  
 10 follows:

11                    (C)(i) Died suddenly and unexpectedly.

12                    (ii) As used in subdivision (a)(1)(C)(i) of this  
 13 section, "died suddenly and unexpectedly" means a child death that was not  
 14 caused by a known disease or illness for which the child was under a  
 15 physician’s care at the time of death, including without limitation child  
 16 deaths as a result of the following:

- 17                    (a) Sudden infant death syndrome;
- 18                    (b) Sudden unexplained infant death;
- 19                    (c) An accident;
- 20                    (d) A suicide;
- 21                    (e) A homicide; or
- 22                    (f) Other undetermined circumstance; or

23  
 24                    SECTION 4. Arkansas Code § 12-18-602 is amended to read as follows:  
 25 12-18-602. Initiation of the investigation.

26                    (a)~~(1)~~ The Department of Human Services and the Department of Arkansas  
 27 State Police shall cause an investigation to be made upon receiving initial  
 28 notification of suspected child maltreatment or notification of a child  
 29 death.

30                    (b)(1) All investigations shall begin within seventy-two (72) hours.

31                    (2) However, the investigation shall begin within twenty-four  
 32 (24) hours if:

33                    (A) The allegation is severe maltreatment, excluding an  
 34 allegation of sexual abuse if the most recent allegation of sexual abuse was  
 35 more than one (1) year ago or the alleged victim does not currently have  
 36 contact with the alleged offender; ~~or~~

1 (B) The allegation is that a child has been subjected to  
2 neglect as defined in § 12-18-103(13)(B)~~+~~; or

3 (C)(i) A child has died suddenly and unexpectedly.

4 (ii) As used in subdivision (b)(1)(C)(i) of this  
5 section, "died suddenly and unexpectedly" means a child death that was not  
6 caused by a known disease or illness for which the child was under a  
7 physician's care at the time of death, including without limitation child  
8 deaths as a result of the following:

9 (a) Sudden infant death syndrome;

10 (b) Sudden unexplained infant death;

11 (c) An accident;

12 (d) A suicide;

13 (e) A homicide; or

14 (f) Other undetermined circumstance.

15 (c) At the initial time of contact with the alleged offender, the  
16 person conducting the investigation shall advise the alleged offender of the  
17 allegations made against the alleged offender in a manner that is consistent  
18 with the laws protecting the rights of the person who made the report.

19 (d) The department shall:

20 (1) Develop policy and procedures to follow when a child dies  
21 suddenly and unexpectedly to use in a child death investigation;

22 (2) Determine during the department's investigation whether the  
23 child's death was caused by child maltreatment; and

24 (3) Assess the home to ensure the safety of surviving siblings  
25 or children in the home.

26 ~~(d)~~(e) Upon initiation of the investigation, the primary focus of the  
27 investigation shall be whether or not the alleged offender has access to  
28 children and whether or not children are at risk such that children need to  
29 be protected.

30  
31 SECTION 5. Arkansas Code § 20-15-502(c), concerning the duty to report  
32 a death of a child, is amended to read as follows:

33 (c) Upon receipt of the report, the county coroner, or the county  
34 sheriff if the county coroner is unavailable, shall report the death to the  
35 Department of Health and the Child Abuse Hotline.