

1 State of Arkansas
2 91st General Assembly
3 Regular Session, 2017
4

A Bill

HOUSE BILL 1913

5 By: Representatives Gates, G. Hodges, M. Gray, Ballinger
6 By: Senators A. Clark, J. Cooper
7

For An Act To Be Entitled

9 AN ACT TO REQUIRE CHILD MALTREATMENT INVESTIGATORS TO
10 PROVIDE CERTAIN NOTICES TO ALLEGED OFFENDERS,
11 PARENTS, AND GUARDIANS; AND FOR OTHER PURPOSES.
12
13

Subtitle

14 TO REQUIRE CHILD MALTREATMENT
15 INVESTIGATORS TO PROVIDE CERTAIN NOTICES
16 TO ALLEGED OFFENDERS, PARENTS, AND
17 GUARDIANS.
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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23 SECTION 1. Arkansas Code § 12-18-602(c), concerning the initial
24 contact between the alleged offender and the person conducting the
25 investigation of reported child maltreatment, is amended to read as follows:

26 (c)(1) At the initial time of contact with the alleged offender, the
27 person conducting the investigation shall advise the alleged offender of the
28 allegations made against the alleged offender in a manner that is consistent
29 with the laws protecting the rights of the person who made the report and any
30 other subject of the report.

31 (2) At the initial time of contact with and before questioning
32 an alleged offender or a parent or guardian of a child who is named as a
33 victim on a report of child maltreatment, the person conducting the
34 investigation shall provide the parent, guardian, or alleged offender with
35 the following notice:

36 "Notice to Parents, Guardians, and Alleged Offender



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1. You [are/are not] accused of child maltreatment. While the investigator assigned to investigate the report of child maltreatment by the Department of Human Services is not a law enforcement officer, some types of child maltreatment may be charged as a crime.

2. The reported offense(s) alleged against you include(s):

_____.

3. The alleged victim(s) is/are:

_____.

4. You are not required to speak with the assigned investigator at this time. You may remain silent. Any statements you make to the assigned investigator may be used against you in a civil or criminal proceeding.

5. The assigned investigator does not have the authority to enter your home without a warrant. Your consent is required before an assigned investigator may enter your home without a warrant for any purpose. If you consent to the assigned investigator entering your home, you may limit your consent to a specific location. Additionally, you may limit your consent of any action taken by the assigned investigator while he or she is in your home. You may withdraw your consent at any time. You may indicate your consent and the scope of your consent in the space provided at the end of this notice.

6. You have the right to seek the advice of an attorney and to have an attorney present during any questioning by the assigned investigator.

7. Failure to cooperate with the assigned investigator may result in serious consequences, including but not limited to the filing of a petition for access to the location of the alleged victim and the removal of the alleged victim from your custody. Therefore, if you choose not to speak with the assigned investigator, it is recommended that you seek the advice of an attorney immediately.

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2 8. The assigned investigator is not an attorney and cannot
3 provide you with legal advice.
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5 9. You may contact Center for Arkansas Legal Services at Toll Free: 1-
6 800-LAW-AID (1-800-952-9243) or go to <http://www.arlegalservices.org>.
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8 I, _____ have received this notice and
9 I [consent/do not consent] to the assigned investigator's entering
10 _____ for the following purpose(s):
11 _____.

12 I, _____ am the legal guardian of the
13 alleged
14 victim(s), _____
15 , and I [consent/do not consent] to the assigned investigator's access to the
16 alleged victim(s) for the purpose(s) of _____.

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18 _____ / ____ /20____
19 Parent/Guardian [did/did not sign]"

20 (3)(A) The person conducting the investigation shall request
21 that the parent, guardian, or alleged offender sign and date the notice
22 required under subdivision (c)(2) of this section as evidence of the receipt
23 of the notice by the parent, guardian, or alleged offender.

24 (B)(i) If the parent, guardian, or alleged offender does
25 not sign the notice required under subdivision (c)(2) of this section upon
26 the request of the person conducting the investigation, then the person
27 conducting the investigation shall sign the form and indicate the refusal of
28 the parent, guardian, or alleged offender to sign the notice.

29 (ii) Immediately after the parent, guardian, or
30 alleged offender signs the notice, the person conducting the investigation
31 shall provide a copy of the signed notice to the parent, guardian, or alleged
32 offender.

33 (ii) If the parent, guardian, or alleged offender
34 does not sign the notice, then immediately after the person conducting the
35 investigation signs the notice, the person conducting the investigation shall
36 provide a copy of the signed notice to the parent, guardian, or alleged

1 offender.

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 3 SECTION 2. Arkansas Code § 12-18-602, concerning the initiation of
 4 investigations under the Child Maltreatment Act, is amended to add an
 5 additional subsection to read as follows:

6 (f) An employee of the Department of Human Services or the Department
 7 of Arkansas State Police shall take a video and audio recording of any in-
 8 person interaction or verbal communication between the employee and a parent,
 9 child, relative, or other relevant person who is contacted during an
 10 investigation of a report of child maltreatment if any details of the in-
 11 person interaction or verbal communication will be included in the case file
 12 or offered as evidence in a court proceeding.