

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

A Bill

HOUSE BILL 1914

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

For An Act To Be Entitled

9 AN ACT TO AMEND THE LAW CONCERNING THE DISCLOSURE OF
10 INFORMATION RELATING TO A REPORT OF CHILD
11 MALTREATMENT; AND FOR OTHER PURPOSES.
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Subtitle

15 TO AMEND THE LAW CONCERNING THE
16 DISCLOSURE OF INFORMATION RELATING TO A
17 REPORT OF CHILD 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 § 12-18-208 is amended to read as follows:
23 12-18-208. Subsequent disclosure by a subject of a report.

24 (a) This chapter does not prevent subsequent disclosure by a subject
25 of the report, regardless of the stage of the proceeding concerning the
26 report of child maltreatment.

27 (b)(1) There is a presumption that the free and open disclosure of
28 facts and the transparency of proceedings related to a report of child
29 maltreatment serves the interests of justice when a parent, guardian, or
30 legal custodian who is the subject of the report is a party to a judicial
31 proceeding in which a fundamental liberty interest of a subject of the report
32 is an issue.

33 (2)(A) The presumption described under subdivision (b)(1) of
34 this section may be rebutted if there is clear and convincing evidence that
35 the child who is the subject of the report is likely to suffer substantial
36 harm if facts related to a report of child maltreatment are disclosed.



1 (B) Family separation, separation from a familiar
2 environment, and other changes that are reasonably expected when a child
3 becomes the ward of the state are insufficient to constitute substantial
4 harm.

5 (C)(i) If the presumption described under subdivision
6 (b)(1) of this section is rebutted, then a court order prohibiting the
7 disclosure of facts related to a report of child maltreatment shall list the
8 specific information prohibited from disclosure.

9 (ii) The court shall not issue an order that broadly
10 prohibits the disclosure of all information concerning the facts of or
11 proceedings related to a report of child maltreatment.

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