

Stricken language would be deleted from and underlined language would be added to present law.
Act 1211 of the Regular Session

State of Arkansas
90th General Assembly
Regular Session, 2015

As Engrossed: H3/26/15
A Bill

SENATE BILL 786

By: Senator S. Flowers
By: Representative Blake

For An Act To Be Entitled

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

Subtitle

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

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

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

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

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

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

(1) The report is of:

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

(B) The death of a child that:

(i) Is sudden and unexpected; and

(ii) Was not caused by a known disease or illness



for which the child was under a physician's care at the time of death; or

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

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

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

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

(C)(i) Died suddenly and unexpectedly.

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

(a) Sudden infant death syndrome;

(b) Sudden unexplained infant death;

(c) An accident;

(d) A suicide;

(e) A homicide; or

(f) Other undetermined circumstance; or

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

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

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

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

(A) The allegation is severe maltreatment, excluding an allegation of sexual abuse if the most recent allegation of sexual abuse was more than one (1) year ago or the alleged victim does not currently have

contact with the alleged offender; ~~or~~

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

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

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

(a) Sudden infant death syndrome;

(b) Sudden unexplained infant death;

(c) An accident;

(d) A suicide;

(e) A homicide; or

(f) Other undetermined circumstance.

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

(d) The department shall:

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

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

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

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

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

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

/s/S. Flowers

APPROVED: 04/07/2015