

State of Arkansas
90th General Assembly
Regular Session, 2015

As Engrossed: H3/26/15
A Bill

SENATE BILL 787

By: Senator S. Flowers
By: Representative Baine

For An Act To Be Entitled

AN ACT TO PERMIT A DEPARTMENT OF ARKANSAS STATE
POLICE INVESTIGATOR TO DETERMINE A REPORT OF CHILD
ABUSE HAS NO MERIT; AND FOR OTHER PURPOSES.

Subtitle

TO PERMIT A DEPARTMENT OF ARKANSAS STATE
POLICE INVESTIGATOR TO DETERMINE A REPORT
OF CHILD ABUSE HAS NO MERIT.

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

SECTION 1. Arkansas Code Title 12, Chapter 18, Subchapter 6, is amended to add an additional section to read as follows:

12-18-621. No merit investigations.

(a) A Department of Arkansas State Police investigator may close an investigation of a report of child maltreatment as unsubstantiated without complying with the requirements of this subchapter if:

(1) The child identified as the victim:

(A) Has been:

(i) Interviewed separate and apart from the alleged offender or any representative or attorney for the alleged offender when the child is of the age or ability to be interviewed; or

(ii) Observed separate and apart from the alleged offender or any representative or attorney for the alleged offender when the child is not of the age or ability to be interviewed; and

(B) Credibly denies the allegation of child maltreatment;



(2) The child identified as the victim does not have the physical injuries or physical conditions that were alleged in the report of child maltreatment;

(3) The person identified as the alleged offender has been interviewed and credibly denies the allegation of child maltreatment;

(4) The person identified as the alleged offender resides in the home or is a family member of the child identified as the victim, the department investigator has ascertained the environment in which the child resides and determined there is no merit to the report of child maltreatment as it pertains to the home environment;

(5) The department investigator:

(A) Has interviewed the person who made the report to the Child Abuse Hotline; or

(B) Has made a good faith effort to contact the person who made the report to the hotline but is unable to interview the person; and

(C) Has not identified another maltreatment or health or safety factor regarding the victim child; and

(6) The department investigator interviewed a collateral witness and reviewed medical, school, and mental health records that are related to the allegations when the child was unable to effectively communicate.

(b) The Child Advocacy Centers shall conduct forensic interviews, forensic medical examinations, and forensic mental health examinations if available and appropriate during the course of a child maltreatment investigations as is required by the memorandum of understanding authorized under § 9-5-110.

(c) All records under this section shall be released under §§ 12-18-620 and 12-18-910.

(d) This section does not apply if the alleged victim is in the custody of the Department of Human Services and the alleged act or omission occurred while the child was in the custody of the Department of Human Services.

/s/S. Flowers

APPROVED: 04/07/2015