

State of Arkansas
92nd General Assembly
Regular Session, 2019

A Bill

HOUSE BILL 1470

By: Representative C. Fite

By: Senator Rice

For An Act To Be Entitled

AN ACT CONCERNING MANDATED REPORTERS UNDER THE ADULT AND LONG-TERM CARE FACILITY RESIDENT MALTREATMENT ACT AND THE CHILD MALTREATMENT ACT; AMENDING THE LAW ON PROTECTIVE CUSTODY; TO AMEND THE LAW ON INVESTIGATIVE DETERMINATIONS; AND FOR OTHER PURPOSES.

Subtitle

CONCERNING MANDATED REPORTERS UNDER THE ADULT AND LONG-TERM CARE FACILITY RESIDENT MALTREATMENT ACT AND THE CHILD MALTREATMENT ACT; AMENDING THE LAW ON PROTECTIVE CUSTODY; AND TO AMEND THE LAW ON INVESTIGATIVE DETERMINATIONS.

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

SECTION 1. Arkansas Code § 9-27-313(c)(1), concerning when a juvenile may be taken into custody, is amended to read as follows:

(c) When ~~a police officer, law enforcement, or designated employee of the Department of Human Services takes custody of~~ a juvenile is taken into protective custody under § 12-18-1001, ~~he or she~~ the person exercising protective custody shall:

(1)(A) Notify the department and make every effort possible to notify the custodial parent, guardian, or custodian of the juvenile's location.

(B) The notification to the custodial parent, noncustodial



parent, guardian, or custodian of the juvenile shall be in writing and shall include a notice:

- (i) That the juvenile has been taken into foster care;
- (ii) Of the name, location, and phone number of the person at the department whom the custodial parent, noncustodial parent, guardian, or custodian of the juvenile can contact about the juvenile;
- (iii) Of the rights of the juvenile and the rights of the custodial parent, noncustodial parent, guardian, or custodian of the juvenile to receive a copy of any petition filed under this subchapter;
- (iv) Of the location and telephone number of the court; and
- (v) Of the procedure for obtaining a hearing; or

SECTION 2. Arkansas Code § 12-12-1708(a)(1), concerning persons who are required to report adult or long-term care facility resident maltreatment, is amended to add an additional subdivision to read as follows:

(AA) An employee working under contract for, or a contractor of, the Department of Human Services when acting within the scope of his or her contract or employment.

SECTION 3. Arkansas Code § 12-18-402(b)(10), concerning the Division of Youth Services of the Department of Human Services as a mandated reporter, is amended to read as follows:

(10) An employee working under contract for ~~the Division of Youth Services of,~~ or a contractor of, the Department of Human Services when acting within the scope of his or her contract or employment;

SECTION 4. Arkansas Code § 12-18-813(c)(1), concerning persons to whom the Department of Human Services or the Department of Arkansas State Police is required to send notice of an investigative determination under the Child Maltreatment Act, is amended to add an additional subdivision to read as follows:

(E) The custodial parent, custodian, or guardian of a child who is or may be currently cared for or supervised by the offender.

SECTION 5. Arkansas Code § 12-18-909(g), concerning the confidentiality and the disclosure of a true report of child maltreatment under the Child Maltreatment Act, is amended to add an additional subdivision to read as follows:

(26) The custodial parent, custodian, or guardian of a child who is or may be currently cared for or supervised by the offender.

SECTION 6. Arkansas Code § 12-18-1001, concerning protective custody generally under the Child Maltreatment Act, is amended to add an additional subsection to read as follows:

(f) The department shall:

(1) Assume custody of every child who is taken into custody under this subchapter;

(2) Assess the health and safety of each child who is taken into custody under this subchapter to determine whether to continue or release custody of the child;

(3) Release custody of a child who is taken into custody under this subchapter if the department determines that custody is no longer required under this section; and

(4) Notify the circuit court if the department releases custody of a child whom the circuit court has taken into custody under this subchapter.

SECTION 7. Arkansas Code § 12-18-1004 is amended to read as follows:
12-18-1004. Notice when custody is invoked.

In any case in which custody is invoked under this subchapter, the individual taking the child into custody shall immediately notify the Department of Human Services ~~in order that a child protective proceeding may be initiated within the time specified in this subchapter.~~

SECTION 8. Arkansas Code § 12-18-1006 is amended to read as follows:
12-18-1006. Custody of children generally – Health and safety of the child.

(a)(1) During the course of any child maltreatment investigation, whether conducted by the Department of Human Services, or the Department of Arkansas State Police, ~~or local law enforcement~~, the Department of Human

Services shall assess the health and safety of a child who is subject to the child maltreatment investigation and determine whether or not the child can safely remain in the home custody under this subchapter is required.

(2) If the Department of Arkansas State Police is the investigative agency, it shall disclose information as needed for the Department of Human Services to ~~make an assessment regarding whether a child can safely remain in the home~~ assess the health and safety of a child subject to the child maltreatment investigation and determine whether or not custody under this subchapter is required.

(b) The child's health and safety shall be the paramount concern in determining whether or not to ~~remove a child from the custody of his or her parents~~ exercise custody under this subchapter.

SECTION 9. Arkansas Code § 12-18-1008(a), concerning the removal of a child by the Department of Human Services if an investigation determines that the child cannot safely remain at home, is amended to read as follows:

(a) ~~If an investigation under this chapter~~ the Department of Human Services determines that ~~the child cannot safely remain at home, the Department of Human Services~~ custody under this subchapter is required, the department shall take steps to remove the child under custody as outlined in this chapter or pursuant to the Arkansas Juvenile Code of 1989, § 9-27-301 et seq.

APPROVED: 3/20/19