

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
91st General Assembly
Regular Session, 2017

A Bill

HOUSE BILL 1372

By: Representative C. Fite

By: Senator D. Wallace

For An Act To Be Entitled

AN ACT TO PROVIDE NOTICE OF CHILD MALTREATMENT
REPORTS TO MILITARY ORGANIZATIONS; AND FOR OTHER
PURPOSES.

Subtitle

TO PROVIDE NOTICE OF CHILD MALTREATMENT
REPORTS TO MILITARY ORGANIZATIONS.

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

SECTION 1. Arkansas Code Title 12, Chapter 18, Subchapter 5, is amended to add an additional section to read as follows:

12-18-508. Notice to United States military organizations of alleged child maltreatment – Definitions.

(a) As used in this section:

(1) "Active duty service member" means a military member on full-time duty in the United States Army, United States Marine Corps, United States Navy, or United States Air Force;

(2) "Child" means a biological child, adopted child, stepchild, foster child, or ward of an active duty service member; and

(3) "Family advocacy program" means a congressionally mandated United States Department of Defense activity implemented through branches of the United States Armed Forces to address domestic abuse and child abuse through prevention, response, clinical assessment, treatment, and related services for active duty service members and their families.

(b) When the Child Abuse Hotline accepts a report involving as an



alleged victim a child of an active duty service member, the Department of Human Services or the Department of Arkansas State Police shall immediately notify the applicable family advocacy program or other person or entity designated by the military authority for the military installation associated with the service member.

(c) When the Child Abuse Hotline accepts a report involving as an alleged offender a person who is an active duty service member, the Department of Human Services or the Department of Arkansas State Police shall immediately notify the applicable family advocacy program or other person or entity designated by the military authority for the military installation associated with the service member.

(d)(1) When the Child Abuse Hotline accepts a report alleging child maltreatment that occurred during an activity conducted or sanctioned by the United States Department of Defense or its subdivisions, or occurred at a facility operated by the United States Department of Defense or its subdivisions, the Department of Human Services or the Department of Arkansas State Police shall immediately notify the applicable family advocacy program or other person or entity designated by the military authority for the military installation associated with the activity or facility.

(2) Facilities covered under the notification requirement in subdivision (d)(1) of this section include without limitation all military installations and recruiting locations, as well as schools, daycares, and youth programs operated by the United States Department of Defense or its subdivisions, and schools, daycares, and youth programs that are allowed to operate on military installations, recruiting locations, or other military facilities.

(e) The notice required under this section shall include notice of the Child Abuse Hotline's receipt of a report of suspected child maltreatment.

(f) The Department of Human Services and the Department of Arkansas State Police may promulgate rules and enter into memoranda of understanding with the United States Department of Defense and its subdivisions to ensure that the notification required under this section is provided.

SECTION 2. Arkansas Code § 12-18-620(e), concerning release of information on a pending investigation, is amended to add an additional subdivision to read as follows:

(e) Information on a pending investigation, including protected health information, shall be released upon request to:

(1) The department, excluding pending investigations on an employee or spouse of the Division of Children and Family Services of the Department of Human Services;

(2) Law enforcement;

(3) The prosecuting attorney;

(4) The responsible multidisciplinary team;

(5) Attorney ad litem of the alleged victim or offender;

(6) Court Appointed Special Advocates volunteer for the alleged victim or offender;

(7) Any licensing or registering authority to the extent necessary to carry out its official responsibilities;

(8) Any department division director or facility director receiving notice of a Child Abuse Hotline report pursuant to this chapter;

(9) Any facility director receiving notice of a Child Abuse Hotline report pursuant to this chapter; ~~and~~

(10) Any family advocacy program or other person designated by the military authority for the military installation receiving notice of a Child Abuse Hotline report under § 12-18-508; and

~~(10)(A)~~(11)(A) Acting in their official capacities, individual United States and Arkansas senators and representatives and their authorized staff members but only if they agree not to permit any redisclosure of the information.

(B) However, disclosure shall not be made to any committee or legislative body.

SECTION 3. Arkansas Code § 12-18-709, concerning confidentiality, is amended to add an additional subsection to read as follows:

(g) The Department of Human Services and the Department of Arkansas State Police shall notify any family advocacy program or other person or entity designated by the military authority for the military installation to which notice must be given of child maltreatment investigations under § 12-18-508 of the investigation determination whether true or unsubstantiated.

SECTION 4. Arkansas Code § 12-18-710(e), concerning release of

information on a true investigative determination pending due process, is amended to add an additional subdivision to read as follows:

(e) Information on a completed investigation, including protected health information, pending due process shall be released upon request to:

- (1) The alleged offender;
- (2) The department, excluding pending investigations on an employee or spouse of the Division of Children and Family Services of the Department of Human Services;
- (3) Law enforcement;
- (4) The prosecuting attorney;
- (5) The responsible multidisciplinary team;
- (6) Attorney ad litem for the victim or offender;
- (7) Court Appointed Special Advocates volunteer for the victim or offender;
- (8) Any licensing or registering authority to the extent necessary to carry out its official responsibilities;
- (9) Any department division director or facility director receiving notice of a Child Abuse Hotline report under this chapter;
- (10) Any facility director receiving notice of a Child Abuse Hotline report under this chapter; ~~and~~
- (11) Any family advocacy program or other person designated by the military authority for the military installation receiving notice of a Child Abuse Hotline report under § 12-18-508; and

~~(11)(A)~~(12)(A) Acting in their official capacities, individual United States and Arkansas senators and representatives and their authorized staff members but only if they agree not to permit any redisclosure of the information.

(B) However, disclosure shall not be made to any committee or legislative body.

SECTION 5. Arkansas Code § 12-18-813(f), concerning notice of an investigative determination upon satisfaction of due process, is amended to add an additional subdivision to read as follows:

(12) Any family advocacy program or other person designated by the military authority for the military installation receiving notice of a Child Abuse Hotline report under § 12-18-508.

SECTION 6. Arkansas Code § 12-18-909(g), concerning availability of true reports of child maltreatment from the central registry, is amended to add an additional subdivision to read as follows:

(25) Any family advocacy program or other person designated by the military authority for the military installation receiving notice of a Child Abuse Hotline report under § 12-18-508.

SECTION 7. Arkansas Code § 12-18-910(f), concerning availability of screened-out and unsubstantiated reports, is amended to add an additional subdivision to read as follows:

(15) Any family advocacy program or other person designated by the military authority for the military installation receiving notice of a Child Abuse Hotline report under § 12-18-508.