

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

SENATE BILL 8

By: Senator A. Clark

For An Act To Be Entitled

AN ACT TO AMEND CONFIDENTIALITY AND NONDISCLOSURE PROVISIONS OF THE CHILD MALTREATMENT ACT; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND CONFIDENTIALITY AND NONDISCLOSURE PROVISIONS OF THE CHILD MALTREATMENT ACT.

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

SECTION 1. Arkansas Code § 12-18-103, concerning defined terms used throughout the Child Maltreatment Act, is amended to add an additional subdivision to read as follows:

(27) "Waiver of confidentiality" means a release of the confidential information related to a completed investigation of child maltreatment that is:

(A) Signed by every subject of the report of child maltreatment; and

(B) Signed by the custodian of the confidential information to be released.

SECTION 2. Arkansas Code § 12-18-208 is amended to read as follows:
12-18-208. Subsequent disclosure or waiver of confidentiality by a subject of a report.

This chapter does not prevent subsequent disclosure or subsequent execution of a waiver of confidentiality by a subject of the report.



SECTION 3. Arkansas Code § 12-18-620(e)(10), concerning the release of information on a pending investigation of child maltreatment, is amended to read as follows:

(10)(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 that is not authorized under this chapter.

(B) However, disclosure of a pending investigation of child maltreatment shall not be made to any committee or legislative body.

SECTION 4. Arkansas Code § 12-18-710(e)(11), concerning the release of information on a true investigative determination pending due process, is amended to read as follows:

(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 that is not authorized under this chapter.

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

(i) A waiver of confidentiality has been obtained;

(ii) The confidential information authorized to be disclosed does not contain information that identifies a reporter of alleged child maltreatment; and

(iii) The confidential information authorized to be disclosed does not contain information that if released would jeopardize a criminal investigation, administrative hearing, or civil proceeding.

SECTION 5. Arkansas Code § 12-18-909(d)(4), concerning the availability of true reports of child maltreatment from the central registry, is amended to read as follows:

(4) Nothing in this chapter shall be construed to prevent subsequent disclosure or subsequent execution of a waiver of confidentiality by the subject of the report.

SECTION 6. Arkansas Code § 12-18-910(d)(3), concerning the

availability of screened-out and unsubstantiated reports of child maltreatment, is amended to read as follows:

(3) Nothing in this chapter shall be construed to prevent subsequent disclosure or subsequent execution of a waiver of confidentiality by the subject of the report.