

1 State of Arkansas
2 92nd General Assembly
3 Regular Session, 2019

A Bill

SENATE BILL 12

4
5 By: Senator A. Clark
6

For An Act To Be Entitled

8 AN ACT TO AMEND THE DEFINITION OF "NEGLECT" AND THE
9 LAW CONCERNING CLOSURES OF CHILD MALTREATMENT
10 INVESTIGATIONS; TO MAKE CERTAIN ACTS OF A PARENT,
11 GUARDIAN, CUSTODIAN, OR FOSTER PARENT NONCRIMINAL;
12 AND FOR OTHER PURPOSES.
13

Subtitle

14
15
16 TO AMEND THE DEFINITION OF "NEGLECT" AND
17 THE LAW CONCERNING CLOSURES OF CHILD
18 MALTREATMENT INVESTIGATIONS; AND TO MAKE
19 CERTAIN ACTS OF A PARENT, GUARDIAN,
20 CUSTODIAN, OR FOSTER PARENT NONCRIMINAL.
21

22
23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
24

25 SECTION 1. TEMPORARY LANGUAGE. DO NOT CODIFY. Legislative findings.
26 The General Assembly finds that:

27 (1) Everyone desires the safety of all children;

28 (2) A child raised under constant adult supervision misses
29 opportunities for growth and, as a result, may end up stunted developmentally
30 and physically;

31 (3) The alarming rise of obesity and diabetes in childhood is
32 almost certainly linked to the insistence of parents and guardians on driving
33 their children to school and activities instead of allowing their children to
34 walk;

35 (4) As measured by incidences of mental health difficulties,
36 today's over-supervised youth experience more difficulties upon reaching

1 adulthood than earlier generations;

2 (5) Earlier generations learned resilience by walking,
3 bicycling, playing, helping out, and solving problems without constant adult
4 intervention;

5 (6) Parents and guardians often are in the best position to
6 weigh the risks and make decisions concerning the safety of children under
7 their care, including where their children may go, with whom, and when; and

8 (7) The excessive prosecution of parents and guardians who have
9 done nothing more than briefly and safely permit their children to remain
10 unsupervised has introduced unnecessary governmental intrusion into the homes
11 of families and diverted valuable public resources to inconsequential and
12 trivial matters.

13
14 SECTION 2. TEMPORARY LANGUAGE. DO NOT CODIFY. Legislative intent.

15 It is the intent of the General Assembly that this act:

16 (1) Protect and promote a parent or guardian's inherent right to
17 raise his or her children; and

18 (2) Protect a parent or guardian's decision to grant his or her
19 children unsupervised time to engage in activities that include without
20 limitation playing outside, walking to school, bicycling, remaining briefly
21 in a vehicle, and remaining at home.

22
23 SECTION 3. Arkansas Code Title 5, Chapter 27, Subchapter 1, is amended
24 to add an additional section to read as follows:

25 5-27-101. Noncriminal acts of parents, custodians, guardians, and
26 foster parents.

27 An act of a parent, custodian, guardian, or foster parent described
28 under § 12-18-103(14)(C) is not a criminal offense.

29
30 SECTION 4. Arkansas Code § 12-18-103(14), concerning the definition of
31 "neglect" under the Child Maltreatment Act, is amended to add an additional
32 subdivision to read as follows:

33 (C) "Neglect" does not include a parent, custodian,
34 guardian, or foster parent who permits his or her child to perform the
35 following actions unsupervised if the child is of sufficient capacity to
36 avoid immediate danger and a significant risk of harm:

1 (i) Travel to and from school including without
2 limitation traveling by walking, running, or bicycling;

3 (ii) Engage in outdoor play;

4 (iii) Remain for less than fifteen (15) minutes in a
5 vehicle if the temperature inside the vehicle is not or will not become
6 dangerously hot or cold; or

7 (iv) Remain at home before and after school if the
8 parent, custodian, guardian, or foster parent:

9 (a) Returns home on the same day on which the
10 parent, custodian, guardian, or foster parent gives the child permission to
11 remain at home;

12 (b) Makes provisions for the child to be able
13 to contact the parent, custodian, guardian, or foster parent on the same day
14 on which the parent, custodian, guardian, or foster parent gives the child
15 permission to remain at home; and

16 (c) Makes provisions for any reasonably
17 foreseeable emergencies that may arise on the same day on which the parent,
18 custodian, guardian, or foster parent gives the child permission to remain at
19 home;

20
21 SECTION 5. Arkansas Code § 12-18-619, concerning the closure of child
22 maltreatment investigations by the Department of Human Services and the
23 Department of Arkansas State Police, is amended to add an additional
24 subsection to read as follows:

25 (d) The Department of Human Services and the Department of Arkansas
26 State Police shall close a child maltreatment investigation against a parent,
27 custodian, guardian, or foster parent who is alleged to have committed an act
28 described under § 12-18-103(14)(C).