

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

State of Arkansas  
92nd General Assembly  
Regular Session, 2019

# A Bill

SENATE BILL 12

By: Senator A. Clark

## For An Act To Be Entitled

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

## Subtitle

TO AMEND THE DEFINITION OF "NEGLECT" AND THE LAW CONCERNING CLOSURES OF CHILD MALTREATMENT INVESTIGATIONS; AND TO MAKE CERTAIN ACTS OF A PARENT, GUARDIAN, CUSTODIAN, OR FOSTER PARENT NONCRIMINAL.

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

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

- (1) Everyone desires the safety of all children;
- (2) A child raised under constant adult supervision misses opportunities for growth and, as a result, may end up stunted developmentally and physically;
- (3) The alarming rise of obesity and diabetes in childhood is almost certainly linked to the insistence of parents and guardians on driving their children to school and activities instead of allowing their children to walk;
- (4) As measured by incidences of mental health difficulties, today's over-supervised youth experience more difficulties upon reaching



adulthood than earlier generations;

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

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

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

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

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

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

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

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

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

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

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

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

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

(ii) Engage in outdoor play;

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

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

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

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

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

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

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