

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

State of Arkansas
92nd General Assembly
Regular Session, 2019

As Engrossed: H3/25/19
A Bill

SENATE BILL 288

By: Senator A. Clark
By: Representative Burch

For An Act To Be Entitled

AN ACT TO AMEND THE LAW CONCERNING CHILD MALTREATMENT INVESTIGATION TIME FRAMES; TO CLARIFY THE REQUIREMENTS FOR A CHILD MALTREATMENT INVESTIGATION; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND THE LAW CONCERNING CHILD MALTREATMENT INVESTIGATION TIME FRAMES; AND TO CLARIFY THE REQUIREMENTS FOR A CHILD MALTREATMENT INVESTIGATION.

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

SECTION 1. Arkansas Code § 12-18-103, concerning definitions applicable to the Child Maltreatment Act, is amended to add additional subdivisions to read as follows:

(28) "Family member" means a person within the fifth degree of consanguinity by virtue of blood or adoption; and

(29) "Fictive kin" means a person who:

(A) Is not related to a child by blood or marriage; and

(B) Has a strong, positive, and emotional tie or role in

the:

(i) Life of the child; or

(ii) Life of the parent of the child if the child is

an infant.



SECTION 2. Arkansas Code § 12-18-602(b), concerning the initiation of an investigation under the Child Maltreatment Act, is amended to read as follows:

(b)(1) All investigations shall begin within seventy-two (72) hours.

(2) However, the investigation shall begin within twenty-four (24) hours if:

(A) The allegation is severe maltreatment, excluding an allegation of:

(i) ~~Sexual~~ Of sexual abuse if the most recent allegation of sexual abuse was more than one (1) year ago or the alleged victim does not currently have contact with the alleged offender;

(ii) ~~Abandonment~~ Of abandonment and the child is in a facility; ~~or~~

(iii) ~~Cuts,~~ Of cuts, welts, bruises, or suffocation if the most recent allegation was more than one (1) year ago and the alleged victim is in the custody of the Department of Human Services; or

(iv) In which the alleged victim is in a facility and does not currently have contact with the alleged offender;

(B) The allegation is that a child has been subjected to neglect as defined in § 12-18-103(14)(B); or

(C) A child has died suddenly and unexpectedly.

SECTION 3. Arkansas Code § 12-18-606 is amended to read as follows:

12-18-606. When the alleged offender is a family member, a fictive kin, or lives in the home with the alleged victim.

If the alleged offender is a family member, fictive kin, or lives in the home with the alleged victim, an investigation under this chapter shall seek to ascertain:

(1) The existence, cause, nature, and extent of the child maltreatment;

(2) The existence and extent of previous injuries;

(3) The identity of the person responsible for the child maltreatment;

(4) The names and conditions of other children in the home;

(5) The circumstances of the parents or caretakers of the child;

(6) The environment where the child resides;

(7) The relationship of the child or children with the parents or caretakers; and

(8) All other pertinent data.

SECTION 4. Arkansas Code § 12-18-607 is amended to read as follows:

12-18-607. When the alleged offender is ~~not a family member or~~ neither a family member nor a fictive kin and not living in the home with the alleged victim.

If the alleged offender is not a family member ~~nor~~ living in the home with the alleged victim, the investigation under this chapter shall seek to ascertain:

(1) The existence, cause, nature, and extent of child maltreatment;

(2) The identity of the person responsible for the child maltreatment;

(3) The existence and extent of previous child maltreatment perpetrated by the alleged offender;

(4) If the report is determined to be true, the names and conditions of any children of the alleged offender and whether these children have been maltreated or are at risk of child maltreatment unless the investigating agency has determined that there is no indication of risk to the children;

(5) If the report is determined to be true and is a report of sexual abuse, sexual contact, or sexual exploitation, an assessment of any other children previously or currently under the care of the alleged offender, to the extent practical, and whether these children have been maltreated or are at risk of maltreatment unless the investigating agency has determined that there is no indication of risk to the children; and

(6) All other pertinent and relevant data.

/s/A. Clark