

1 State of Arkansas
2 91st General Assembly
3 Regular Session, 2017
4

A Bill

HOUSE BILL 1372

5 By: Representative C. Fite
6 By: Senator D. Wallace
7

For An Act To Be Entitled

9 AN ACT TO PROVIDE NOTICE OF CHILD MALTREATMENT
10 REPORTS TO MILITARY ORGANIZATIONS; AND FOR OTHER
11 PURPOSES.
12
13

Subtitle

15 TO PROVIDE NOTICE OF CHILD MALTREATMENT
16 REPORTS TO MILITARY ORGANIZATIONS.
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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21 SECTION 1. Arkansas Code Title 12, Chapter 18, Subchapter 5, is
22 amended to add an additional section to read as follows:

23 12-18-508. Notice to United States military organizations of alleged
24 child maltreatment – Definitions.

25 (a) As used in this section:

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

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

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

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



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

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

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

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

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

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

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

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

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

6 (2) Law enforcement;

7 (3) The prosecuting attorney;

8 (4) The responsible multidisciplinary team;

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

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

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

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

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

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

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

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

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

30 (g) The Department of Human Services and the Department of Arkansas
 31 State Police shall notify any family advocacy program or other person or
 32 entity designated by the military authority for the military installation to
 33 which notice must be given of child maltreatment investigations under § 12-
 34 18-508 of the investigation determination whether true or unsubstantiated.

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

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

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

5 (1) The alleged offender;

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

9 (3) Law enforcement;

10 (4) The prosecuting attorney;

11 (5) The responsible multidisciplinary team;

12 (6) Attorney ad litem for the victim or offender;

13 (7) Court Appointed Special Advocates volunteer for the victim
 14 or offender;

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

17 (9) Any department division director or facility director
 18 receiving notice of a Child Abuse Hotline report under this chapter;

19 (10) Any facility director receiving notice of a Child Abuse
 20 Hotline report under this chapter; ~~and~~

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

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

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

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

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

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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.

APPROVED: 03/20/2017