

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.  
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## 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.