

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 86th General Assembly
3 Regular Session, 2007
4

As Engrossed: S3/20/07

A Bill

SENATE BILL 303

5 By: Senators Malone, Madison, Hill, Capps, Salmon, J. Jeffress, G. Jeffress, Broadway, Horn, Critcher,
6 Bookout, Wilkins, Glover, Bryles
7
8

For An Act To Be Entitled

10 AN ACT TO IMPLEMENT THE FINDINGS OF THE ARKANSAS
11 LEGISLATIVE TASK FORCE ON ABUSED AND NEGLECTED
12 CHILDREN; TO PROTECT CHILD VICTIMS OF ABUSE AND
13 NEGLECT; TO *ENHANCE THE CONFIDENTIALITY OF* ITEMS
14 THAT DEPICT THE SEXUAL EXPLOITATION OF A CHILD BY
15 CLASSIFYING THEM AS CONTRABAND; TO REQUIRE THE
16 DEPARTMENT OF ARKANSAS STATE POLICE TO
17 INVESTIGATE ALL CASES OF SEVERE CHILD
18 *MALTREATMENT; TO CREATE CHILD SAFETY CENTERS; TO*
19 IMPROVE OPERATIONS OF THE ABUSE AND NEGLECT HOT
20 LINE; TO IMPROVE ENFORCEMENT OF CHILD ABUSE AND
21 NEGLECT LAWS; AND FOR OTHER PURPOSES.
22

Subtitle

23 AN ACT TO IMPLEMENT THE FINDINGS OF THE
24 ARKANSAS LEGISLATIVE TASK FORCE ON
25 ABUSED AND NEGLECTED CHILDREN AND TO
26 PROTECT CHILD VICTIMS OF ABUSE AND
27 NEGLECT THROUGH NEW AND EXPANDED
28 PROGRAMS.
29
30
31

32 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
33

34 SECTION 1. Arkansas Code § 5-5-101(b), concerning the disposition of
35 contraband and seized property, is amended to read as follows:

36 (b) "Contraband" includes any:



- 1 (1) Article possessed under a circumstance prohibited by law;
 2 (2) Weapon or other instrumentality used in the commission or
 3 attempted commission of a felony; ~~and~~
 4 (3) Visual, print, or electronic medium that depicts sexually
 5 explicit conduct involving a child prohibited under § 5-27-304;
 6 (4) Visual, print, or electronic medium that contains a sexual
 7 performance of a child prohibited under § 5-27-403;
 8 (5) Item the possession of which is prohibited by § 5-27-602;
 9 (6) Item the production of which is prohibited by § 5-27-603;
 10 (7) Item the production of which is prohibited by § 5-27-605; or
 11 ~~(3)~~(8) Other article designated "contraband" by law, but shall
 12 not include a visual, a print, or an electronic medium created, obtained, or
 13 possessed by licensed medical personnel or a regulated medical facility for
 14 the purpose of treatment or documentation of injuries to a child.

15
 16 SECTION 2. Arkansas Code § 5-5-101(c), regarding the disposition of
 17 contraband and seized property, is amended to read as follows:

- 18 (c)(1) Contraband shall be destroyed.
 19 (2) ~~However~~ Except as limited under subdivision (c)(3) of this
 20 section, in the discretion of the court having jurisdiction, any contraband
 21 capable of lawful use may be:
 22 (A) Retained for use by the law enforcement agency
 23 responsible for the arrest; or
 24 (B) Sold and the proceeds disposed of in the manner
 25 provided by subsections (e)-(g) of this section.
 26 (3) Contraband described in subdivisions (b)(3)-(8) of this
 27 section and having no lawful use shall not be retained.

28
 29 SECTION 3. Arkansas Code Title 6, Chapter 61, Subtitle 1 is amended to
 30 add an additional section to read as follows:

- 31 6-21-131. Training for mandatory reporters.
 32 For each degree program at an institution of higher learning in this
 33 state that is a prerequisite for licensure or certification in a profession
 34 in which the professional is a child maltreatment mandated reporter under the
 35 Child Maltreatment Act, § 12-1-2-501 et seq., the Department of Higher
 36 Education shall coordinate with all the higher education institutions to

1 ensure that before receiving a degree each graduate receives, including
2 without limitation, training in:

3 (1) Recognizing the signs and symptoms of child abuse and
4 neglect;

5 (2) The legal requirements of the Child Maltreatment Act, §
6 12-1-2-501 et seq., and the duties of mandated reporters under the act; and

7 (3) Methods for managing disclosures regarding child
8 victims.

9
10 SECTION 4. Arkansas Code Title 6, Chapter 64, Subchapter 4 is amended
11 to add additional sections to read as follows:

12 6-64-418. College of Public Health collaboration.

13 It is recommended that the Health Behavior/Health Education Department
14 of the Fay W. Boozman College of Public Health of the University of Arkansas
15 for Medical Sciences collaborate with each education service cooperative,
16 community health agencies, school nurses, counselors, and educators to
17 introduce age-appropriate, research-supported, child abuse prevention
18 curriculum to the children of Arkansas in the public schools.

19
20 SECTION 5. Arkansas Code Title 9, Chapter 5 is amended to add an
21 additional chapter to read as follows:

22 9-5-101. Title.

23 This chapter shall be known and may be cited as the "Arkansas Child
24 Safety Center Act".

25
26
27 9-5-102. Statewide purpose.

28 The statewide purpose of this chapter is to establish a program that
29 provides a comprehensive, multidisciplinary, nonprofit, and coordinated
30 response to the investigation of sexual abuse of children and serious
31 physical abuse of children in a child-focused and child-friendly facility
32 known as a child safety center.

33
34 9-5-103. Definitions.

35 As used in this chapter:

36 (1) "Child safety center" means a not for profit child friendly

1 facility that provides a location for forensic interviews and forensic
2 medical examinations and forensic mental health examinations during the
3 course of a child maltreatment investigation; and

4 (2) "Commission" means the Arkansas Child Abuse/Rape/Domestic
5 Violence Commission.

6
7 9-5-104. Duties of the Arkansas Child Abuse/Rape/Domestic Violence
8 Commission.

9 (a) Regarding the administration of the Arkansas Children's Advocacy
10 Center Fund and an entity receiving funding under this chapter, the Arkansas
11 Child Abuse/Rape/Domestic Violence Commission or its designee, to the extent
12 funding is appropriated and available, shall:

13 (1) Annually evaluate each child safety center for compliance
14 with the program, fiscal, and training requirements under this chapter;

15 (2) Promulgate rules and procedures to implement this subchapter
16 and forms for the evaluation of each child safety center;

17 (3) Adopt a uniform system of recordkeeping and reporting to
18 ensure the proper handling of funds by child safety centers and to ensure
19 uniformity and accountability by child safety centers; and

20 (4) Provide training and technical assistance to child
21 safety centers to ensure best practice standards for forensic interviews and
22 forensic medical examinations.

23 (b) The commission may enter into contracts with any entity to fulfill
24 its duties under this chapter.

25
26 9-5-105. Receipt of money.

27 Under this chapter and in the administration of the Arkansas Children's
28 Advocacy Center Fund, the Arkansas Child Abuse/Rape/Domestic Violence
29 Commission shall not accept money or other assistance from the federal
30 government or any other entity or individual if the acceptance would
31 obligate the State of Arkansas except to the extent that money is available
32 in the fund.

33
34 9-5-106. Disbursement of funds.

35 (a) The Arkansas Child Abuse/Rape/Domestic Violence Commission may
36 disburse money appropriated from the Children's Advocacy Center Fund

1 exclusively for the following purposes:

2 (1) To satisfy contractual obligations made to perform its
3 duties under this section;

4 (2) To make grants to *child safety centers* that meet the
5 requirements of this section; and

6 (3) To compensate the commission or its designee for
7 administration costs associated with the performance of duties under this
8 chapter.

9 (b)(1) The commission may disburse funds, to the extent appropriated
10 and available, from the Children's Advocacy Center Fund to a qualified
11 medical entity or a qualified mental health entity for education, peer
12 review, and consultation to medical service examiners and mental health
13 service examiners qualified under this section for children interviewed and
14 examined at the child safety centers.

15 (2) A medical entity selected shall have physicians who:

16 (A) Have:

17 (i) Subspecialty training in pediatric medicine,
18 emergency medicine, pediatric gynecology, family practice, or obstetrics and
19 gynecology; and

20 (ii) Specialized training in the evaluation of child
21 sexual abuse cases;

22 (B) Provide initial evaluations of *allegedly abused and*
23 assaulted children and adolescents, perform second opinion examinations for
24 less experienced examiners, and review photographs and videotapes for other
25 examiners;

26 (C) Hold a teaching position or a faculty position at a
27 college of medicine and provide training and workshops on child sexual abuse-
28 related issues;

29 (D) Hold membership in professional organizations on child
30 abuse-related and neglect related issues;

31 (E) Work for or are affiliated with a regional center for
32 the medical evaluation of *allegedly sexually abused children*; and

33 (F) Regularly testify in cases of *alleged child sexual*
34 abuse.

35 (3) A mental health entity shall have professionals who:

36 (A) Are licensed mental health professionals;

- 1 (B) Have:
2 (i) Specialized training in assessment and treatment
3 of children and families; and
4 (ii) Specialized training in trauma and child abuse;
5 (C) Provide assessment and treatment of allegedly abused
6 children and adolescents;
7 (D) Provide consultation and training for other providers
8 and multidisciplinary teams;
9 (E) Hold a teaching or faculty position;
10 (F) Hold membership in professional organizations on child
11 abuse-related and neglect-related issues;
12 (G) Work for or are affiliated with a regional center for
13 the medical evaluation of allegedly sexually abused children; and
14 (H) Regularly testify in cases of alleged child sexual
15 abuse.

16
17 9-5-107. Program requirements.

18 Each child safety center shall:

- 19 (1) Provide a comfortable, private, child-friendly setting that
20 is both physically and psychologically safe for diverse populations of
21 children and their families;
22 (2) Be a part of a multidisciplinary team;
23 (3) Have a not-for-profit entity responsible for program, fiscal
24 operations established, and implement best administrative practices;
25 (4) Promote policies, practices, and procedures that are
26 culturally competent;
27 (5) Promote forensic interviews that are:
28 (A) Legally sound;
29 (B) Of a neutral, fact-finding nature; and
30 (C) Coordinated to avoid duplicative interviewing;
31 (6) Provide or provide access to, or both, specialized medical
32 evaluations and treatment services to all child safety center clients;
33 (7) Provide team discussion and information sharing regarding
34 the investigation, case and status needed on a routine basis by the child and
35 family; and
36 (8) Develop and implement a system for monitoring case progress

1 and tracking case outcomes.

2
3 9-5-108. Access to specialized medical examinations and psychological
4 examinations.

5 (a) The child safety centers shall provide or provide access to
6 specialized medical examinations and psychological examinations for their
7 clients, to the extent funding is appropriated and available.

8 (b) Medical providers operating under this chapter shall be
9 capable of performing:

10 (A) A complete medical history;

11 (B) An evaluation of a child or an adolescent for evidence
12 of sexual abuse or sexual assault including photo documentation of
13 examination findings for recognition of genital and anal findings that are
14 clearly normal or normal variants and common patterns of healed injuries;

15 (C) Collection of forensic evidence;

16 (D) Evaluation for sexually transmitted diseases,
17 pregnancy, and other related sexual abuse and assault;

18 (E) Performance of tests and treatment as appropriate; and

19 (F) Testimony in court as to the findings.

20
21 9-5-109. Eligibility for contracts.

22 (a) A public entity or a nonprofit entity is eligible for a contract
23 under § 9-5-107 if the entity:

24 (1) Has a signed memorandum of understanding as provided by § 9-
25 5-109;

26 (2) Operates under the authority of a governing board;

27 (3) Participates on a multidisciplinary team of persons involved
28 in the investigation or prosecution of child abuse cases;

29 (4) Has developed a method of statistical information gathering
30 on children receiving services through the child safety center and shares the
31 statistical information with the statewide organization, the Department of
32 Health and Human Services, and the Attorney General upon request;

33 (5) Has a volunteer program;

34 (6) Employs an executive director who is answerable to the board
35 of directors of the public or nonprofit entity and who is not the exclusive
36 salaried employee of any public agency partner;

1 (7) Provides for ongoing training for child safety center staff
2 to provide best practices in forensic interviewing and medical and mental
3 examinations to children who are examined at child safety centers; and

4 (8) Operates under a working protocol that includes, at a
5 minimum, a statement of:

6 (A) The child safety center's mission;

7 (B) Each agency's role and commitment to the center;

8 (C) The type of cases to be handled by the child safety
9 center;

10 (D) The child safety center's procedures for conducting
11 case reviews and forensic interviews and for ensuring access to specialized
12 medical services and mental health services; and

13 (E) The child safety center's policies regarding
14 confidentiality and conflict resolution.

15 (b)(1) The commission may waive the requirements specified in
16 subsection (a) of this section if the commission determines that the waiver
17 will not adversely affect the center's ability to carry out its duties under
18 this chapter.

19 (2) Any waiver that is granted under subdivision (b)(1) of this
20 section shall be identified in the written contract with the child safety
21 center.

22 (c) Funds shall be withheld from an established child safety center
23 that no longer meet the standards for funding.

24
25 9-5-111. Interagency memorandum of understanding.

26 (a) Before a child safety center may be established under this
27 chapter, a memorandum of understanding regarding the agreement on the levels
28 of participation of each entity shall be executed among:

29 (1) The Division of Children and Family Services of the
30 Department of Health and Human Services;

31 (2) The Crimes Against Children Division of the Department of
32 Arkansas State Police;

33 (3) Representatives of county and municipal law enforcement
34 agencies that investigate child abuse in the area to be served by the child
35 safety center; and

36 (4) The prosecuting attorney.

1 (b) A memorandum of understanding executed under this section shall
2 include the agreement on the levels of each entity's participation and
3 cooperation in:

4 (1) Developing a cooperative, multidisciplinary-team approach to
5 investigations of child abuse;

6 (2) Reducing, to the greatest extent possible, the number of
7 interviews required of a victim of child abuse with the goal of minimizing
8 the negative impact of the investigation on the child; and

9 (3) Developing, maintaining, and supporting, through the center,
10 an environment that emphasizes the best interests of children and that
11 provides best practices in child abuse investigations.

12 (c) A memorandum of understanding executed under this section may
13 include the agreement of one (1) or more participating entities to provide
14 office space and administrative services necessary for the child safety
15 center's operation.

16
17 9-5-112. Fiscal requirements.

18 Every child safety center shall:

19 (1) Incorporate in this state as a private nonprofit corporation
20 that is exempt from taxation under § 501(c)(3) of the Internal Revenue Code
21 of 1986, 26 U.S.C. § 501 (c)(3), as it existed on January 1, 2007, and that
22 has the primary purpose of providing services to child victims of child
23 abuse;

24 (2) Be governed by a board of directors;

25 (3) Develop and implement written personnel policies that state
26 the child safety centers employment practices;

27 (4) Develop and implement written procedures that conform with
28 the uniform system of recordkeeping developed by the Arkansas Child
29 Abuse/Rape/Domestic Violence Commission or its designee to ensure proper
30 handling of funds; and

31 (5) Provide the commission or its designee with statistical data
32 that states the following:

33 (A) The type of investigative services and the number of
34 children served by each type of investigative service provided by the child
35 safety centers;

36 (B) The number, race, age, and gender of the children

1 served each year; and

2 (C) The outcomes of services to children provided by the
3 child safety centers, including without limitation:

4 (i) The number of founded maltreatment reports; and

5 (ii) The number of unfounded maltreatment reports
6 and the ratio between founded and unfounded reports for each year.

7
8 9-5-113. Right of entry.

9 The Arkansas Child Abuse/Rape/Domestic Violence Commission or its
10 designee may enter the premises of a child safety center at any time to
11 ensure compliance with this chapter and the rules promulgated by the
12 commission under this chapter.

13
14 9-5-114. Reports.

15 The Arkansas Child Abuse/Rape/Domestic Violence Commission or its
16 designee shall provide an annual report by March 1 of each year to the Chair
17 of the Senate Interim Committee on Children and Youth and the Chair of the
18 House Interim Committee on Aging, Children and Youth, Legislative and
19 Military Affairs containing the following information:

20 (1) The incidence of child abuse in this state based on
21 information obtained from child safety centers under this chapter;

22 (2) A description of centers that meet the requirements of and
23 receive funding from the commission or its designee under this chapter;

24 (3) The number of children receiving investigative services by
25 the child safety centers that receive funding from the commission or its
26 designee under this chapter; and

27 (4) Outcome data provided by the child safety centers.

28
29 9-5-115. Admissibility of statements by an alleged child victim

30 Nothing in this subchapter precludes the admissibility of statements by
31 an alleged child victim outside the scope of the forensic interview conducted
32 at a child safety center provided sufficient safeguards are present to
33 satisfy the admissibility requirements set forth in the Arkansas Rules of
34 Evidence, relevant case law and constitutional requirements.

35
36 9-5-116. Immunity from civil liability.

1 The Arkansas Child Abuse/Rape/Domestic Violence Commission, its
2 employees in their official capacities shall be immune from civil liability
3 for performing their duties under this chapter.
4

5 SECTION 6. Arkansas Code Title 9, Chapter 28, Subchapter 4 is amended
6 to add an additional section to read as follows:

7 9-28-412. Smoking in the presence of foster children.

8 The Department of Health and Human Services shall not place or permit a
9 child to remain in a foster home if the foster parent or any other member of
10 the family or household smokes or allows an individual to smoke in the
11 presence of a foster child unless it is in the child's best interests to be
12 placed in or to remain in the foster home.
13

14 SECTION 7. Arkansas Code § 12-8-502(b), concerning the two sections of
15 the Crimes Against Children Division, is amended to read as follows:

16 (b) The division shall consist of two (2) sections:

17 (1)(A) The Investigation Section, which shall be staffed with
18 civilian personnel and shall be responsible for the investigation of
19 allegations of child abuse in accordance with the Arkansas Child Maltreatment
20 Act, § 12-12-501 et seq.

21 (B) ~~If~~ Unless the case involves alleged severe
22 maltreatment, if at any point during the investigation of alleged child
23 maltreatment the information gathered becomes sufficient for a possible
24 criminal prosecution, then the case shall be referred for further
25 investigation to the appropriate law enforcement agency; ~~and.~~

26 (C) The Investigation Section shall complete an
27 investigation of all cases assigned to the Investigation Section and refer
28 the case to a local law enforcement agency or a prosecuting attorney for
29 possible criminal prosecution; and

30 (2) The Child Abuse Hotline Section, which shall administer
31 twenty-four-hour toll-free inward wide-area telephone services (INWATS) to
32 report to the Department of Arkansas State Police information regarding
33 possible incidents of child abuse.
34

35 SECTION 8. Arkansas Code § 12-8-509(a), concerning required child
36 abuse hotline reporting, is amended to read as follows:

1 (a) The state agency or entity responsible for administering the
 2 twenty-four-hour toll-free child abuse hotline or investigating an incident
 3 of neglect as defined under § 12-12-503(12)(B) shall:

4 (1) Develop and maintain statewide statistics of the incidents
 5 of neglect reported or investigated under § 12-12-503(12)(B); ~~and~~

6 (2)(A) Annually report no later than October 1 to the following:

7 (i) The Senate Interim Committee on Children and
 8 Youth;

9 (ii) The House Interim Committee on Aging, Children
 10 and Youth, Legislative and Military Affairs;

11 (iii) The Senate Interim Committee on Public Health,
 12 Welfare, and Labor; and

13 (iv) The House Interim Committee on Public Health,
 14 Welfare, and Labor.

15 (B) The annual report under this section shall include all
 16 findings and statistics regarding incidents of neglect reported or
 17 investigated under § 12-12-503(12)(B), including, but not limited to, the
 18 following information:

19 (i) The age of the mother;

20 (ii) The type of illegal substance to which the
 21 newborn child was exposed prenatally;

22 (iii) The estimated gestational age of the newborn
 23 child at the time of birth; and

24 (iv) The newborn child's health problems; and

25 (3)(A) Notify each mandatory reporter who makes a call to the
 26 hotline if the mandatory reporter's call is not accepted or is screened out
 27 on a subsequent hotline supervisor review.

28 (B) The notification required under subdivision (a)(3)(A)
 29 of this section shall be made within forty-eight (48) hours excluding
 30 weekends and holidays after a mandatory reporter makes a call to the hotline
 31 that is not accepted or is screened out on a subsequent hotline supervisor
 32 review.

33
 34 *SECTION 9. Arkansas Code § 12-12-507(b), concerning reports of*
 35 *suspected abuse or neglect, is amended to read as follows:*

36 ~~(b) When any of the following has reasonable cause to suspect that a~~

~~child has been subjected to child maltreatment or has died as a result of child maltreatment or observes a child being subjected to conditions or circumstances that would reasonably result in child maltreatment, he or she shall immediately notify the child abuse hotline:~~

(b)(1) When any individual listed in subdivision (b)(4) of this section has reasonable cause to suspect that a child has been subjected to child maltreatment or has died as a result of child maltreatment or observes a child being subjected to conditions or circumstances that would reasonably result in child maltreatment, he or she shall immediately notify the child abuse hotline by telephone call, facsimile transmission, or online reporting.

(2) The Child Abuse Hotline shall review the information received under subdivision (b)(1) of this section to determine if the information rises to the minimum standards for investigation under this subchapter.

(3)(A) Facsimile transmission and online reporting may be used in non-emergency situations by an identified reporter who provides the following contact information:

(i) Name and phone number; and

(ii) In the case of online reporting, the email address of the identified reporter.

(B) The hotline shall provide confirmation of the receipt of a facsimile transmission via a return facsimile transmission or via online receipt.

(C) A mandated reporter who wishes to remain anonymous shall make the report through the child abuse hot line toll-free telephone system.

(4) The following individuals are mandated reporters under this subsection:

~~(1)(A)~~ Any child care worker or foster care worker;

~~(2)(B)~~ A coroner;

~~(3)(C)~~ A day care center worker;

~~(4)(D)~~ A dentist;

~~(5)(E)~~ A dental hygienist;

~~(6)(F)~~ A domestic abuse advocate;

~~(7)(G)~~ A domestic violence shelter employee;

~~(8)(H)~~ A domestic violence shelter volunteer;

- 1 ~~(9)~~(I) An employee of the Department of Health and Human
2 Services;
- 3 ~~(10)~~(J) An employee working under contract for the Division of
4 Youth Services of the Department of Health and Human Services;
- 5 ~~(11)~~(K) Any foster parent;
- 6 ~~(12)~~(L) A judge;
- 7 ~~(13)~~(M) A law enforcement official;
- 8 ~~(14)~~(N) A licensed nurse;
- 9 ~~(15)~~(O) Any medical personnel who may be engaged in the
10 admission, examination, care, or treatment of persons;
- 11 ~~(16)~~(P) A mental health professional;
- 12 ~~(17)~~(Q) An osteopath;
- 13 ~~(18)~~(R) A peace officer;
- 14 ~~(19)~~(S) A physician;
- 15 ~~(20)~~(T) A prosecuting attorney;
- 16 ~~(21)~~(U) A resident intern;
- 17 ~~(22)~~(V) A school counselor;
- 18 ~~(23)~~(W) A school official;
- 19 ~~(24)~~(X) A social worker;
- 20 ~~(25)~~(Y) A surgeon;
- 21 ~~(26)~~(Z) A teacher;
- 22 ~~(27)~~(AA) A court-appointed special advocate program staff member
23 or volunteer;
- 24 ~~(28)~~(BB) A juvenile intake or probation officer; or
- 25 ~~(29)~~(CC) Any clergyman, which includes a minister, priest,
26 rabbi, accredited Christian Science practitioner, or other similar
27 functionary of a religious organization, or an individual reasonably believed
28 to be so by the person consulting him or her, except to the extent he or she:
- 29 ~~(A)~~(i) Has acquired knowledge of suspected maltreatment
30 through communications required to be kept confidential pursuant to the
31 religious discipline of the relevant denomination or faith; or
- 32 ~~(B)~~(ii) Received the knowledge of the suspected
33 maltreatment from the offender in the context of a statement of admission.
34
- 35 SECTION 10. Arkansas Code § 12-12-507(c), concerning prohibitions on
36 interference with reports of child abuse, is amended to read as follows:

1 (c)(1) No privilege or contract shall prevent anyone from reporting
2 child maltreatment when he or she is a mandated reporter as required by this
3 section.

4 (2) No school, Head Start program, or day care facility shall
5 prohibit an employee or volunteer from directly reporting child maltreatment
6 to the child abuse hotline.

7 (3) No school, Head Start program, or day care facility shall
8 require an employee or volunteer to obtain permission or notify any person,
9 including an employee or supervisor, before reporting child maltreatment to
10 the child abuse hotline.

11
12 *SECTION 11. Arkansas Code § 12-12-507(e)(2), concerning investigations*
13 *of allegations of child abuse or neglect, is amended to read as follows:*

14 (2)(A) Such procedures shall include referral of allegations to
15 the Department of Arkansas State Police ~~or~~ and any other appropriate law
16 enforcement agency should the allegation involve severe maltreatment.

17 (B) The Department of Arkansas State Police shall
18 investigate the allegations.

19 ~~(B)(C)~~ (C) The investigating agency shall immediately notify
20 local law enforcement of all reports of severe maltreatment.

21
22 *SECTION 12. Arkansas Code § 12-12-516(a), regarding child protective*
23 *custody, is amended to add an additional subdivision to read as follows:*

24 (3) A sheriff or chief of police may place a child in a
25 Department of Health and Human Services foster home if:

26 (A) The sheriff or chief of police contacts the on-call
27 worker for the Department of Health and Human Services and does not get a
28 return phone call within thirty (30) minutes;

29 (B) The sheriff or chief of police contacts the Department
30 of Health and Human Services Emergency Notification Line and does not get a
31 return phone call within fifteen (15) minutes;

32 (C) The foster parent is personally well-known to the
33 sheriff or the chief of police;

34 (D) The sheriff or chief of police has:

35 (i) Determined that the foster parent's home is safe
36 and provides adequate accommodations for the child; and

1 (ii) Performed a criminal record and child
2 maltreatment check on the foster parent as required under § 9-28-409; and
3 (E) On the next business day, the sheriff or chief of
4 police immediately notifies the Department of Health and Human Services of
5 the time and date that the child was placed in the foster parent's home.
6

7 SECTION 13. Arkansas Code Title 16, Chapter 10, Subchapter 1 is
8 amended to add an additional section to read as follows:

9 16-10-138. Mandatory reporter training.

10 (a) The Administrative Office of the Courts shall develop a web based
11 curriculum concerning mandatory reporter training that will include without
12 limitation:

13 (1) The signs and symptoms of abuse;

14 (2) Training on the specifics that are required to be reported
15 under law and rules; and

16 (3) The managing of disclosures.

17 (b) The Department of Health and Human Services shall serve as the
18 host for the web based curriculum developed by the Administrative Office of
19 the Courts.
20

21 SECTION 15. Arkansas Code Title 16, Chapter 43 is amended to add an
22 additional subchapter to read as follows:

23 16-43-1201. Title.

24 This subchapter shall be known and may be cited as "Safeguards for
25 Abused and Neglected Children Act".
26

27 16-43-1202. Safeguards for child victims testifying in judicial and
28 administrative proceedings.

29 In order to facilitate testimony that is fair and accurate, the
30 following safeguards should be followed:

31 (1) The prosecuting attorney, victim-witness coordinator,
32 attorney ad litem, or Office of the Chief Counsel attorney shall inform the
33 child about the nature of the judicial proceeding or administrative
34 proceeding;

35 (2) The prosecuting attorney, victim-witness coordinator,
36 attorney ad litem, or Office of Chief Counsel attorney shall explain:

1 (A) The oath that will be administered to the child; and

2 (B) That the judge will determine whether the child is
3 competent to testify;

4 (3) The prosecuting attorney, victim-witness coordinator,
5 attorney ad litem, or Office of Chief Counsel attorney shall explain to the
6 child that if, the child does not understand a question while testifying in
7 the judicial proceeding or administrative proceeding, the child has a right
8 to say that he or she does not understand the question;

9 (4) The prosecuting attorney, attorney ad litem, or Office of
10 Chief Counsel attorney may file a motion to have the child testify at a time
11 of day when the child is most alert and best able to understand questions
12 posed in court;

13 (5) If it is in the child's best interests, the prosecuting
14 attorney, attorney ad litem, or Office of Chief Counsel attorney may file a
15 motion for the child to have a comfort item when testifying in a judicial or
16 administrative proceeding;

17 (6) If it is in the child's best interests, the prosecuting
18 attorney, attorney ad litem, or Office of Chief Counsel attorney may file a
19 motion for the child to have a support person present when the child
20 testifies in a judicial proceeding or administrative proceeding; and

21 (7) The prosecuting attorney, attorney ad litem, or Office of
22 Chief Counsel attorney shall consider the effect upon the child when the
23 child is subjected to argumentative or harassing questions and shall make the
24 proper objections when appropriate to ensure the child is not subjected to
25 argumentative or harassing questioning.

26

27 SECTION 16. Arkansas Code Title 17, Chapter 1 is amended to add an
28 additional section to read as follows:

29 17-1-105. Notification of mandatory reporters.

30 Each board, commission, or other entity that licenses mandatory
31 reporters of child abuse and neglect shall provide notice to each licensee
32 concerning the online and web-based child abuse reporting program required
33 under § 6-13-1027.

34

35 SECTION 17. Arkansas Code § 20-82-208. is amended to read as follows:
36 20-82-208. Community Grants for ~~Advocacy~~ Safety Centers Program.

1 (a) Findings and Purpose. (1) The General Assembly finds and
2 determines that:

3 (A) Abused children often have to describe their sexual
4 or physical abuse several times to different professionals at different
5 locations;

6 (B) Many child abuse investigations are conducted with
7 little collaboration between the agencies involved in the cases;

8 (C) Each agency's child abuse professionals are housed in
9 different facilities and, as a result, interface during the investigation and
10 management of cases is limited;

11 (D) Sexual and physical abuse medical examinations are
12 commonly performed in hospital emergency rooms and other sites that are
13 frightening to children, lack the proper equipment, and often are staffed by
14 physicians uncomfortable with these exams; and

15 (E) Child ~~advocacy~~ safety centers provide:

16 (i) A more child-friendly atmosphere;

17 (ii) Reduced trauma to the children and families;

18 (iii) Improved investigations and management;

19 (iv) More effective utilization of multiagency
20 information;

21 (v) Greater protection of children;

22 (vi) Increased prosecution of perpetrators; and

23 (vii) Less unnecessary family intervention.

24 (2) The purpose of this section is to encourage the use of
25 existing child ~~advocacy~~ safety centers and the development of new centers
26 providing the benefits under one (1) roof.

27 (b) Establishment and Authority. (1) There is established the
28 Community Grants for Child ~~Advocacy~~ Safety Centers Program.

29 (2) The Arkansas Child Abuse/Rape/Domestic Violence Commission
30 shall advise the Child Abuse/Rape/Domestic Violence Section within the office
31 of the Chancellor of the University of Arkansas for Medical Sciences on the
32 administration and monitoring of this grant program for the operation of
33 existing child ~~advocacy~~ safety centers and the development of new centers in
34 the State of Arkansas.

35
36 SECTION 18. Arkansas Code Title 20, Chapter 82, Subchapter 2 is

1 *amended to add two additional sections to read as follows:*

2 20-82-209. Multidisciplinary teams – Protocols created –
3 Responsibilities.

4 (a) As used in this section, “multidisciplinary team” means a local
5 team operating under a statewide model protocol developed by the Arkansas
6 Child Abuse/Rape/Domestic Violence Commission governing the roles,
7 responsibilities, and procedures of the multidisciplinary team.

8 (b) The commission shall:

9 (1)(A) Prepare and issue a statewide model protocol for local
10 multidisciplinary teams regarding investigations, provision of safety and
11 services of child abuse.

12 (B) The statewide model protocol shall describe
13 coordinated investigation or coordinated services, or both, of state and
14 local law enforcement, the Department of Health and Human Services, and
15 medical, mental health, and child safety centers; and

16 (2) Review and approve a protocol prepared by each local
17 multidisciplinary team.

18 (c) Each multidisciplinary team shall:

19 (1) Develop a protocol consistent with the statewide model
20 protocol issued by the commission; and

21 (2) Submit the protocol to the commission for review and
22 approval.

23
24 20-82-210. Subcommittee on Child Safety Centers – Members – Duty to
25 oversee child safety centers.

26 (a) The Arkansas Child Abuse/Rape/Domestic Violence Commission shall
27 establish a Subcommittee on Child Safety Centers.

28 (b) The committee shall consist of seven (7) members appointed as
29 follows:

30 (1) Three (3) members appointed by the commission; and

31 (2) Four (4) members appointed by the Arkansas Legislative Task
32 Force on Abused and Neglected Children.

33 (c) The subcommittee shall oversee the operations of the child safety
34 centers with regard to child abuse.

35
36 /s/ Malone