

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

A Bill

SENATE BILL 8

5 By: Senator A. Clark
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For An Act To Be Entitled

8 AN ACT TO AMEND CONFIDENTIALITY AND NONDISCLOSURE
9 PROVISIONS OF THE CHILD MALTREATMENT ACT; AND FOR
10 OTHER PURPOSES.
11

Subtitle

12 TO AMEND CONFIDENTIALITY AND
13 NONDISCLOSURE PROVISIONS OF THE CHILD
14 MALTREATMENT ACT.
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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 § 12-18-103, concerning defined terms used
22 throughout the Child Maltreatment Act, is amended to add an additional
23 subdivision to read as follows:

24 (27) "Waiver of confidentiality" means a release of the
25 confidential information related to a completed investigation of child
26 maltreatment that is:

27 (A) Signed by every subject of the report of child
28 maltreatment; and

29 (B) Signed by the custodian of the confidential
30 information to be released.
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32 SECTION 2. Arkansas Code § 12-18-208 is amended to read as follows:

33 12-18-208. Subsequent disclosure or waiver of confidentiality by a
34 subject of a report.

35 This chapter does not prevent subsequent disclosure or subsequent
36 execution of a waiver of confidentiality by a subject of the report.



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SECTION 3. Arkansas Code § 12-18-620(e)(10), concerning the release of information on a pending investigation of child maltreatment, is amended to read as follows:

(10)(A) Acting in their official capacities, individual United States and Arkansas senators and representatives and their authorized staff members but only if they agree not to permit any redisclosure of the information that is not authorized under this chapter.

(B) However, disclosure of a pending investigation of child maltreatment shall not be made to any committee or legislative body.

SECTION 4. Arkansas Code § 12-18-710(e)(11), concerning the release of information on a true investigative determination pending due process, is amended to read as follows:

(11)(A) Acting in their official capacities, individual United States and Arkansas senators and representatives and their authorized staff members, but only if they agree not to permit any redisclosure of the information that is not authorized under this chapter.

(B) However, disclosure shall not be made to any committee or legislative body unless:

- (i) A waiver of confidentiality has been obtained;
- (ii) The confidential information authorized to be disclosed does not contain information that identifies a reporter of alleged child maltreatment; and
- (iii) The confidential information authorized to be disclosed does not contain information that if released would jeopardize a criminal investigation, administrative hearing, or civil proceeding.

SECTION 5. Arkansas Code § 12-18-909(d)(4), concerning the availability of true reports of child maltreatment from the central registry, is amended to read as follows:

(4) Nothing in this chapter shall be construed to prevent subsequent disclosure or subsequent execution of a waiver of confidentiality by the subject of the report.

SECTION 6. Arkansas Code § 12-18-910(d)(3), concerning the

1 availability of screened-out and unsubstantiated reports of child
2 maltreatment, is amended to read as follows:

3 (3) Nothing in this chapter shall be construed to prevent
4 subsequent disclosure or subsequent execution of a waiver of confidentiality
5 by the subject of the report.

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