

A.C.A. § 12-12-507



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Title 12. Law Enforcement, Emergency Management, and Military Affairs

Subtitle 2. Law Enforcement Agencies and Programs (Chapters 6 to 24)

[Chapter 12](#). Crime Reporting and Investigations

[Subchapter 5](#). Child Abuse Reporting ([Refs & Annos](#))

➔ § 12-12-507. Reports of suspected abuse or neglect

(a) Any person with reasonable cause to suspect child maltreatment or that a child has died as a result of child maltreatment, or who observes a child being subjected to conditions or circumstances that would reasonably result in child maltreatment, may immediately notify the child abuse hotline.

(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:

- (1) Any child care worker or foster care worker;
- (2) A coroner;
- (3) A day care center worker;
- (4) A dentist;
- (5) A domestic abuse advocate;
- (6) A domestic violence shelter employee;
- (7) A domestic violence shelter volunteer;
- (8) An employee of the Department of Human Services;
- (9) An employee working under contract for the Division of Youth Services of the Department of Human Services;
- (10) Any foster parent;
- (11) A judge;
- (12) A law enforcement official;
- (13) A licensed nurse;
- (14) Any medical personnel who may be engaged in the admission, examination, care, or treatment of persons;
- (15) A mental health professional;

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(16) An osteopath;

(17) A peace officer;

(18) A physician;

(19) A prosecuting attorney;

(20) A resident intern;

(21) A school counselor;

(22) A school official;

(23) A social worker;

(24) A surgeon;

(25) A teacher;

(26) A court-appointed special advocate program staff member or volunteer;

(27) A juvenile intake or probation officer; or

(28) Any clergyman, which includes a minister, priest, rabbi, accredited Christian Science practitioner, or other similar functionary of a religious organization, or an individual reasonably believed to be so by the person consulting him or her, except to the extent he or she:

(A) Has acquired knowledge of suspected maltreatment through communications required to be kept confidential pursuant to the religious discipline of the relevant denomination or faith; or

(B) Received the knowledge of the suspected maltreatment from the offender in the context of a statement of admission.

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

(d) In the event that the child abuse hotline receives notification that a client or a resident of any facility licensed or registered by the State of Arkansas has been subjected to child maltreatment while at such a facility, the Department of Human Services shall immediately notify that facility's licensing or registering authority of its receipt of initial notification of suspected maltreatment.

(e)(1) When a person, agency, corporation, or partnership then providing substitute care for any child in the custody of the Department of Human Services or a Department of Human Services employee or employee's spouse or other person residing in the home is reported as being suspected of child maltreatment, the investigation shall be conducted pursuant to procedures established by the Department of Human Services.

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

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

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(f)(1) The child abuse hotline shall accept a report when the allegations, if true, would constitute child maltreatment as defined in [§ 12-12-503\(6\)](#) and as long as sufficient identifying information is provided to identify and locate the child or the family.

(2) The child abuse hotline shall accept a report of physical abuse if any of the following intentional or knowing acts are alleged to occur, but the report shall not be determined to be true unless the child suffered an injury as the result of the act:

(A) Throwing, kicking, burning, biting, or cutting a child;

(B) Striking a child with a closed fist;

(C) Shaking a child age four (4) or older; or

(D) Striking a child age seven (7) or older on the face or on the head.

(3) The child abuse hotline shall accept a report of physical abuse if any of the following intentional or knowing acts are alleged to occur:

(A) Shaking a child age three (3) or younger;

(B) Striking a child age six (6) or younger on the face or on the head;

(C) Interfering with a child's breathing; or

(D) Pinching or striking a child in the genital area.

(4)(A) The child abuse hotline shall accept a report of physical abuse if a child suffers an injury as the result of a restraint.

(B) The report shall be determined not to be true if the injury is a minor temporary mark or causes transient pain and was an acceptable restraint as provided in [§ 12-12-503\(2\)\(C\)\(ii\)](#).

(g)(1) The child abuse hotline shall accept a report if the child or the child's family is present in Arkansas or the incident occurred in Arkansas.

(2) If the child or the child's family resides in another state, the hotline shall screen out the report, transfer the report to the hotline of the state where the child or the child's family resides or the incident occurred, and send a copy to the appropriate investigating agency in Arkansas to initiate courtesy interviews.

(3) If the incident occurred in Arkansas and the victim, offender, or parents no longer reside in Arkansas, the hotline shall accept the report and the Arkansas investigating agency shall contact the other state and request a courtesy interview with the out-of-state subject of the report.

(4)(A) If the hotline receives a report and the alleged offender is a resident of the State of Arkansas and the report of child maltreatment in the state or country in which the act occurred would also be child maltreatment in Arkansas at the time the incident occurred, the hotline shall refer the report to the appropriate investigating agency within the state so that the Arkansas investigative agency can investigate, alone or in concert with the investigative agency of any other state or country that may be involved.

(B) The Arkansas investigating agency shall make an investigative determination and shall provide notice to the alleged offender that, if the allegation is determined to be true, the offender's name will be placed in the central

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registry.

(C) The other state may also conduct an investigation in this state that results in the offender's being named in a true report in that state and placed in the Central Registry of that state.

(h) The child abuse hotline shall accept telephone calls or other communications alleging that a child is dependent-neglected, as defined in [§ 9-27-303\(17\)](#), and shall immediately refer this information to the Department of Human Services.

[Acts of 1991, Act 1208, § § 3, 4](#); [Acts of 1993, Act 1126, § 6, eff. Sept. 1, 1993](#); [Acts of 1995, Act 1341, § § 7, 8](#); [Acts of 1999, Act 214, § 1, eff. July 30, 1999](#); [Acts of 2001, Act 1236, § 1, eff. Aug. 13, 2001](#); [Acts of 2001, Act 1210, § 5, eff. Aug. 13, 2001](#); [Acts of 2003, Act 758, § § 7 to 9, eff. July 16, 2003](#); [Acts of 2003, Act 1039, § 1, eff. July 16, 2003](#).

CROSS REFERENCES

Abortion, parental notification, exception for victims of child abuse or neglect, see [§ 20-16-805](#).

Criminal offenses, sexual assault, professional in position of trust or authority over victim, see [§ § 5-14-124 to 5-14-126](#).

Sexual assault, procedures governing medical treatment, reporting of injuries to victims under eighteen years of age, see [§ 12-12-402](#).

LIBRARY REFERENCES

Infants k13.5.

Westlaw Key Number Search: 211k13.5.

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[1](#). Construction with other provisions

Child Abuse Reporting Act section requiring certain named individuals to report sexual abuse imposes a compelling duty on classes of persons named therein to act when they have "reasonable cause to suspect" sexual abuse, defined elsewhere in Act as including "sexual activity" and any deviate sexual activity. [A.C.A. § § 12-12-504, 12-12-504\(c\)](#). [Cundiff v. Crider, 1990, 303 Ark. 120, 792 S.W.2d 604](#). Infants  13

[2](#). Admissibility of evidence

Examining physician's testimony that victim had identified defendant as the person who raped her was admissible in rape prosecution, under hearsay exception for statements made for purposes of medical diagnosis or treatment; victim was 14-year-old child, victim was responding to physician's questions, physician was treating and diagnosing child's injuries, defendant was victim's stepfather and therefore was member of her household, victim was not attempting to shift blame, and victim's identification of defendant allowed physician to take steps to prevent further abuse of victim by defendant, allowed physician to treat the emotional and psychological injuries which

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accompanied the rape, and allowed physician to fulfill his legislatively imposed duty of calling the **child-abuse** hotline and **reporting** the crime, even if the victim did not manifest an understanding of the importance of her statements to the treating physician. A.C.A. § 12-12-507; [Rules of Evid., Rule 803\(4\)](#). [Hawkins v. State, 2002, 72 S.W.3d 493, 348 Ark. 384](#). Criminal Law  367

3. Questions of law or fact

Evidence that child's life could have been saved if doctor had reported potential child abuse presented question for jury on issue of proximate cause for purposes of medical malpractice claim. [A.C.A. § 16-114-206\(a\)](#). [Stecker v. First Commercial Trust Co., 1998, 962 S.W.2d 792, 331 Ark. 452](#). Health  826

Evidence in action against family practitioner was for jury on issue of whether practitioner failed to report reasonably suspected child abuse as required under statute. A.C.A. § 12-12-507. [First Commercial Trust Co. v. Rank, 1996, 915 S.W.2d 262, 323 Ark. 390](#), opinion supplemented on denial of rehearing [917 S.W.2d 167, 323 Ark. 390](#). Health  825

4. Argument and conduct of counsel

Repeated closing argument references to "protection of the children" in medical malpractice action against physician for failing to report potential child abuse did not necessarily evidence improper "send a message to the community" theme when punitive damages had not been sought, in light of discussion on standard of care and other points in closing argument making it plausible that remarks permissibly concerned issue of degree of certainty about abuse required to trigger duty of physician to make report. [Stecker v. First Commercial Trust Co., 1998, 962 S.W.2d 792, 331 Ark. 452](#). Trial  125(1)

5. Contempt

Employees of Department of Human Services did not act in good faith in taking minor child into custody so as to preclude criminal contempt citation for violation of court order granting father visitation of child, where employees were aware of alleged sexual abuse of child by father months before divorce proceeding in which visitation order was issued and never filed any kind of action alleging that child should be removed from mother's home, but unilaterally removed child and placed him in foster care for three days after court ordered visitation with father. A.C.A. § 12-12-507(b). [Henry v. Eberhard, 1992, 309 Ark. 336, 832 S.W.2d 467](#). Child Custody  854

6. Immunity from suit

Employees of human development center were protected by qualified privilege under **Child Abuse Reporting Act** and immune from suit by mother of mentally retarded and autistic resident of center for **reporting** employees' observations of mother kissing and embracing her daughter which resulted in investigative unit determining that credible evidence of sexual abuse and neglect existed, even though administrative review determined that there was not sufficient evidence of abuse and neglect and absolved mother of any criminal activity; there was no evidence that the employees acted spitefully or in bad faith in **reporting** their observations. [A.C.A. § 12-12-504](#). [Cundiff v. Crider, 1990, 303 Ark. 120, 792 S.W.2d 604](#). Infants  13

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Current through 2003 Second Extraordinary Session and the November 2, 2004, General Election, and including Revisor changes received through March 2005.

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