

Arkansas Child Abuse Reporting

Who do I contact to report an incident in Arkansas?

Contact the Child Abuse Hotline at the Department of Human Services.

Phone: 1-800-482-5964

How much time do I have to report an incident?

Arkansas requests immediate reporting of incidences of suspected child abuse.

A mandated reporter shall **immediately** notify the Child Abuse Hotline. **Ark. Code Ann. § 12-18-402.**

- (a)** A person may **immediately** notify the Child Abuse Hotline if he or she;
1. Has reasonable cause to suspect that;
 - A. Child maltreatment has occurred; or
 - B. A child has died as a result of child maltreatment; or
 2. Observes a child being subjected to conditions or circumstances that would reasonably result in child maltreatment.
- (b)** A person who in good faith notifies the hotline in accordance with subsection (a) of this section is immune from civil and criminal liability. **Ark. Code Ann. § 12-18-401.**

What is “child maltreatment” in Arkansas?

“Child maltreatment” includes “abuse¹, sexual abuse², neglect³, sexual exploitation⁴

¹ “Abuse” means any of the following acts or omissions by a parent, guardian, custodian, foster parent, person eighteen years of age or older living in the home with a child whether related or unrelated to the child, or any person who is entrusted with the child’s care by a parent, guardian, custodian, or foster parent, including but not limited to, an agent or employee of a public or private residential home, child care facility, public or private school, a significant other of the child’s parent, or any personal legally responsible for the child’s welfare, but excluding the spouse of a minor:

- extreme or repeated cruelty to a child; Engaging in conduct creating a realistic and serious threat of death, permanent or temporary disfigurement, or impairment of any bodily organ; Injury to a child's intellectual, emotional, or psychological development as evidenced by observable and substantial impairment of the child's ability to function within the child's normal range of performance and behavior; Any injury that is at variance with the history given; Any nonaccidental physical injury; Any of the following intentional or knowing acts, with physical injury and without justifiable cause: Throwing, kicking, burning, biting, or cutting a child; Striking a child with a closed fist; Shaking a child; or Striking a child on the face or head; or Any of the following intentional or knowing acts, with or without physical injury: Striking a child six (6) years of age or younger on the face or head; Shaking a child three (3) years of age or younger; Interfering with a child's breathing; Pinching, biting, or striking a child in the genital area; Tying a child to a fixed or heavy object or binding or tying a child's limbs together;

Giving a child or permitting a child to consume or inhale a poisonous or noxious substance not prescribed by a physician that has the capacity to interfere with normal physiological functions; Giving a child or permitting a child to consume or inhale a substance not prescribed by a physician that has the capacity to alter the mood of the child, including, but not limited to, the following: Marijuana; Alcohol, excluding alcohol given to a child during a recognized and established religious ceremony or service; A narcotic; or An over-the-counter drug if a person purposely administers an overdose to a child or purposely gives an inappropriate over-the-counter drug to a child and the child is detrimentally impacted by the overdose or the over-the-counter drug; Exposing a child to a chemical that has the capacity to interfere with normal physiological functions, including, but not limited to, a chemical used or generated during the manufacture of methamphetamine; or Subjecting a child to Munchausen syndrome by proxy or a factitious illness by proxy if the incident is confirmed by medical personnel. Recruiting, harboring, transporting, or obtaining a child for labor services, through force, fraud, or coercion, for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.

Ark. Code Ann. § 12-18-103(3)(A).

The list is subdivision (3)(A) of this section is illustrative of unreasonable action and is not intended to be exclusive.

² “Sexual Abuse” means:

- (A) By a person fourteen (14) years of age or older to a person eighteen (1) years of age:
 - i. Sexual intercourse, deviate sexual activity, or sexual contact by forcible compulsion;
 - ii. Attempted sexual intercourse, deviate sexual activity, or sexual contact by forcible compulsion;
 - iii. Indecent exposure; or
 - iv. Forcing the watching of pornography or live sexual activity;
- (B) By a person eighteen (18) years of age or older to a person not his or her spouse who is younger than fifteen (15) years of age;
 - i. Sexual intercourse, deviate sexual activity, or sexual contact;
 - ii. Attempted sexual intercourse, deviate sexual activity, or sexual contact; or
 - iii. Solicitation of sexual intercourse, deviate sexual activity, or sexual contact;
- (C) By a person twenty (20) years of age or older to a person not his or her spouse who is younger than sixteen (16) years of age:
 - i. Sexual intercourse, deviate sexual activity, or sexual contact;
 - ii. Attempted sexual intercourse, deviate sexual activity, or sexual contact;
 - iii. Solicitation of sexual intercourse, deviate sexual activity, or sexual contact;
- (D) By a caretaker to a person younger than eighteen (18) years of age:

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- i. Sexual intercourse, deviate sexual activity, or sexual contact;
 - ii. Attempted sexual intercourse, deviate sexual activity, or sexual contact;
 - iii. Forcing or encouraging the watching of pornography;
 - iv. Forcing, permitting, or encouraging the watching of live sexual activity;
 - i. Forcing the listening to a phone sex line;
 - ii. An act of voyeurism; or
 - iii. Solicitation of sexual intercourse, deviate sexual activity, or sexual contact;
 - (E) By a person younger than fourteen (14) years of age to a person younger than eighteen (18) years of age:
 - i. Sexual intercourse, deviate sexual activity, or sexual contact by forcible compulsion;
 - ii. Attempted sexual intercourse, deviate sexual activity, or sexual contact by forcible compulsion
 - (F) By a person eighteen (18) years of age or older to a person who is younger than eighteen (18) years of age, the recruiting, harboring, transporting, obtaining, patronizing, or soliciting of a child for the purpose of a commercial sex act. **Ark. Code Ann. § 12-18-103 (20).**

³ “Neglect” means those acts or omissions of a parent, guardian, custodian, foster parent, or any person who is entrusted with the child’s care by a parent, custodian, guardian, or foster parent, including but not limited to, an agent or employee of a public or private residential home, child care facility, public or private school, or any person legally responsible under state law for the child’s welfare, but excluding the spouse of a minor and the parents of the married minor, which constitute:

- (i) Failure or refusal to prevent the abuse of the child when the person knows or has reasonable cause to know the child is or has been abused;
- (ii) Failure or refusal to provide necessary food, clothing, shelter, or medical treatment necessary for the child’s well-being, except when the failure or refusal is caused primarily by the financial inability of the person legally responsible and no services for relief have been offered;
- (iii) Failure to take reasonable action to protect the child from abandonment, abuse, sexual abuse, sexual exploitation, neglect, or parental unfitness when the existence of the condition was known or should have been known;
- (iv) Failure or irremediable inability to provide for the essential and necessary physical, mental, or emotional needs of the child, including the failure to provide a shelter that does not pose a risk to the health or safety of the child;
- (v) Failure to provide for the child’s care and maintenance, proper or necessary support, or medical, surgical, or other necessary care;
- (vi) Failure, although able, to assume responsibility for the care and custody of the child or to participate in a plan to assume such responsibility;
- (vii) Failure to appropriately supervise the child that results in the child’s being left alone: (a) at an inappropriate age creating a dangerous situation that puts the child at risk of harm; or (b) In inappropriate circumstances creating a dangerous situation or a situation that puts the child at risk of harm;
- (viii) Failure to appropriately supervise the child that results in the child’s being place in: (a) Inappropriate circumstances creating a dangerous situation; or (b) A situation that puts the child at risk of harm;
- (ix) Failure to ensure a child between six (6) years of age and seventeen (17) years of age is enrolled in school or is being legally home-schooled; or
- (x) An at or omission by the parent, custodian, or guardian of the child that results in the child’s being habitually and without justification absent from school.

Neglect shall also include:

- (a) Causing a child to be born with an illegal substance present in the child’s bodily fluids or bodily substances as a result of the pregnant mother’s knowingly using an illegal substance before the birth of the child; or
- (G) At the time of the birth of a child, the presence of an illegal substance in the mother’s bodily fluids or bodily substances as a result of the pregnant mother’s knowingly using an illegal substance before the birth of the child. **Ark. Code Ann. § 12-18-103 (14).**

or abandonment⁵ “**Ark. Code Ann. § 12-18-103 (7)**”

Who is a mandatory reporter in Arkansas?

A child care worker or foster care worker; A coroner; A day care center worker; A dentist; A dental hygienist; A domestic abuse advocate; A domestic violence shelter employee; A domestic violence shelter volunteer; An employee of the Department of Human Services; An employee working under contract for, or a contractor of, the Department of Human Services when acting within the scope of his or her contract or employment; A foster parent; A judge; A law enforcement official; A licensed nurse; Medical personnel who may be engaged in the admission, examination, care, or treatment of persons; A mental health professional or paraprofessional; An osteopath; A peace officer; A physician; A prosecuting attorney; A resident intern; A public or private school counselor; A school official, including without limitation institutions of higher education; A social worker; A surgeon; A teacher; A court-appointed special advocate program staff member or volunteer; A juvenile intake or probation officer; A clergy member, 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 the clergy member: (A) Has acquired knowledge of suspected child 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 child maltreatment from the alleged offender in the context of a statement of admission; An employee of a child advocacy center or a child safety center; An attorney ad litem in the course of his or her duties as an attorney ad litem; A sexual abuse advocate or sexual abuse volunteer who works with a victim of sexual abuse as an employee of a community-based victim service or mental health agency such as Safe Places, United Family Services, or Centers for Youth and Families; A sexual abuse advocate or

⁴ Sexual exploitation means:

- A. The following by a person eighteen (18) years of age or older who is not his or her spouse:
 - i. Allowing, permitting, or encouraging participation or depiction of the child in: Prostitution, obscene photography, or obscene filming or
 - ii. Obscenely depicting, obscenely posing, or obscenely posturing the child for any use or purpose.
- B. The following by a caretaker to a child:
 - i. Allowing, permitting, or encouraging participation or depiction of the child in: Prostitution, obscene photography, or obscene filming or
 - ii. Obscenely depicting, obscenely posing, or obscenely posturing the child for any use or purpose. **Ark. Code Ann. § 12-18-103 (22).**

⁵ Abandonment means:

- i. The failure of a parent to provide reasonable support and to maintain regular contact with a child through statement or contact when the failure is accompanied by an intention on the part of the parent to permit the condition to continue for an indefinite period in the future or the failure of a parent to support or maintain regular contact with a child without just cause; or
- ii. An articulated intent to forego parental responsibility. **Ark. Code Ann. § 12-18-103 (1).**

sexual abuse volunteer includes a paid or volunteer sexual abuse advocate who is based with a local law enforcement agency; A rape crisis advocate or rape crisis volunteer; A child abuse advocate or child abuse volunteer who works with a child victim of abuse or maltreatment as an employee of a community-based victim service or a mental health agency such as Safe Places, United Family Services, or Centers for Youth and Families; A child abuse advocate or child abuse volunteer includes a paid or volunteer sexual abuse advocate who is based with a local law enforcement agency; A victim/witness coordinator; A victim assistance professional or victim assistance volunteer; An employee of the Crimes Against Children Division of the Department of Arkansas State Police; An employee of a reproductive healthcare facility; and A volunteer at a reproductive healthcare facility; An individual not otherwise identified in this subsection who is engaged in performing his or her employment duties with a nonprofit charitable organization other than a nonprofit hospital; and A Child Welfare Ombudsman. **Ark. Code Ann. §12-18-402(b).**

Are Clergy mandatory reporters in Arkansas?

Yes. **Ark. Code Ann. §12-18-402(b)(29).**

Is there an exception for penitential communication in Arkansas?

Yes.

Clergy are required to report, except to the extent the clergy member

- (A) Has acquired knowledge of suspected child 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 child maltreatment from the alleged offender in the context of a statement of admission **Ark. Code Ann. §12-18-402(b)(29).**

If there is a penitential communication in Arkansas, how do you define such a communication?

Arkansas defines penitential communication as that communication between a minister and a person confessing to or being counseled by the minister. **Ark. Code Ann. §12-18-803(b).**

The privilege may not apply if Clergy become aware of the abuse outside of the private communication.

Where can I find Arkansas law on child abuse?

<https://advance.lexis.com/container?config=00JAA3ZTU0NTIzYy0zZDEyLTRhYmQtYmRmMS1iMWIxNDgxYWMxZTQKAFBvZENhdGFsb2cubRW4ifTiwi5vLw6cI1uX&crid=25b04ee4-c4bc-46a0-bf08-3359abbe9f9d&prid=26ff392e-f623-4dc1-858f-867db9429bdd>