

## **Arkansas Dependent Adult Abuse Reporting**

Arkansas has reporting regulations on suspected abuse, neglect, exploitation, sexual abuse, and other adult maltreatment involving endangered or impaired adults, including long term care residents who depend on others for protection of their health, safety, and financial resources.

### **Who do I contact to report an incident in Arkansas?**

Arkansas Adult Protective Services, through the Department of Human Services, operates an Adult Abuse Hotline to take reports about suspected abuse, neglect, or exploitation of endangered or impaired adults living in the community or in facilities.

To report concerns about an endangered or impaired adult in Arkansas, call the Adult Maltreatment Hotline at 800-482-8049.

### **How much time do I have to report an incident?**

Mandatory reporters who, in professional capacity or within the scope of employment, observe adult maltreatment of an endangered or impaired adult or have reasonable cause to suspect maltreatment must report the known or suspected maltreatment immediately after the observation or after suspicion arises. **Ark. Code Ann. § 12-12-1708**

### **What is an “endangered person” and an “impaired person” in Arkansas?**

An “endangered person” is an adult age eighteen or older who lives in conditions where health or safety faces danger and who lacks capacity to understand the risk or to remove the danger, including any long-term care facility resident who faces imminent risk of serious harm. **Ark. Code Ann. § 12-12-1703**

An “impaired person” is an adult age eighteen or older with a mental or physical impairment who is unable to protect health, safety, or financial resources from abuse, neglect, or exploitation, including any long-term care facility resident. **Ark. Code Ann. § 12-12-1703**

### **What is “abuse,” “neglect,” “exploitation,” and “sexual abuse” of an endangered or impaired adult in Arkansas?**

“Adult maltreatment” is the umbrella term Arkansas uses for abuse, exploitation, neglect, physical abuse, or sexual abuse of an endangered or impaired adult. **Ark. Code Ann. §§ 9-20-103(2), 12-12-1703(2)**

“Abuse” of an endangered or impaired adult means any intentional and unnecessary physical act that inflicts pain or causes injury, any intentional act that a reasonable person would believe subjects the adult to ridicule or psychological injury in a way likely to provoke fear or alarm, or any intentional threat that a reasonable person would find credible and not frivolous to inflict pain or injury. Acts in the course of medical treatment or for a justifiable reason are excluded. **Ark. Code Ann. § 12-12-1703(1)**

“Neglect” means an act or omission by an endangered or impaired adult, including self-neglect, or an act or omission by a caregiver that fails to supply treatment, care, food, clothing, shelter, supervision, or medical services necessary to avoid physical harm or mental anguish, or fails to report health problems or changes in condition, so that the adult’s health or safety is placed in danger. **Ark. Code Ann. §§ 9-20-103(11), 12-12-1703(17)**

“Exploitation” means the illegal or unauthorized use or management of an adult’s funds, assets, property, or other resources for the profit or advantage of another person. Ark. Code Ann. §§ 9-20-103(8), 12-12-1703(8)

“Sexual abuse” means deviate sexual activity, sexual contact, or sexual intercourse with an adult who cannot consent under law, or sexual activity obtained by forcible compulsion, threat, or intimidation. Ark. Code Ann. §§ 9-20-103(18), 12-12-1703(21)

### **Who is a mandatory reporter in Arkansas?**

A person who works as a licensed health care provider, mental health professional, social worker, law enforcement officer, employee of the Department of Human Services, staff member of a long term care facility, staff member of another licensed facility that provides care to adults, or as a volunteer for a Department of Human Services funded program with direct contact with adults is a mandatory reporter of adult maltreatment involving endangered or impaired adults. Any other person who has reasonable cause to suspect adult maltreatment also has authority to make a report. Ark. Code Ann. § 12-12-1708

### **Are Clergy mandatory reporters in Arkansas?**

Yes. Ark. Code Ann. § 12-12-1708(a)(1)(Z)

### **Is there an exception for confidential religious communication in Arkansas?**

Yes. Arkansas law states that a clergy member who is a mandatory reporter for adult maltreatment does not have to report suspected maltreatment when the information comes only from communications that religious discipline requires the clergy member to keep confidential or from a statement of admission by the offender. Ark. Code Ann. § 12-12-1708(a)(1)(Z)

### **If there is a confidential religious communication in Arkansas, how do you define such a communication?**

A confidential religious communication is a private communication made to a clergyman in a spiritual advisory role that the person does not intend to be disclosed beyond those present to further the purpose of the conversation. Arkansas evidence law calls a communication “confidential” when it is made privately to a clergyman in the clergyman’s professional character as a spiritual adviser and not intended for further disclosure. For adult maltreatment reporting, the exception applies when the communication is one that the religious discipline or practice treats as secret and the clergy member learns of suspected maltreatment only in that setting. Ark. R. Evid. 505(a), Ark. Code Ann. § 12-12-1708(a)(1)(Z)

### **Where can I find Arkansas law on elder and dependent adult abuse?**

Arkansas laws on abuse, neglect, and exploitation of endangered and impaired adults appear in the Adult and Long-Term Care Facility Resident Maltreatment Act in Title 12, Chapter 12, Subchapter 17 of the Arkansas Code, and in the Adult Maltreatment Custody Act in Title 9, Chapter 20 of the Arkansas Code.