

# Mandatory Reporting Requirements: Children Arkansas

*Last Updated: March 2020*

Question	Answer
Who is required to report?	<ul style="list-style-type: none"><li>• Any child care worker or foster care worker;</li><li>• Coroners;</li><li>• Day care center workers;</li><li>• Dentists;</li><li>• Dental hygienists;</li><li>• Domestic abuse advocates;</li><li>• Domestic violence shelter employees;</li><li>• Domestic violence shelter volunteers;</li><li>• Employees of the Department of Human Services;</li><li>• Employees 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;</li><li>• Any foster parent;</li><li>• Judges;</li><li>• Law enforcement officials;</li><li>• Licensed nurses;</li><li>• Any medical personnel who may be engaged in the admission, examination, care, or treatment of persons;</li><li>• Mental health professionals or paraprofessionals;</li><li>• Osteopaths;</li><li>• Peace officer;</li><li>• Physicians;</li><li>• Prosecuting attorneys;</li><li>• Resident interns;</li><li>• Public or private school counselors;</li><li>• School officials, including, without limitation, institutions of higher education;</li><li>• Social workers;</li><li>• Surgeons;</li><li>• Teachers;</li><li>• Court-appointed special advocate program staff members or volunteers;</li><li>• Juvenile intake or probation officers;</li><li>• Any clergy member, which includes ministers, priests, rabbis, accredited Christian Science practitioners, or other similar functionaries of a religious organization or a person reasonably believed to be so by the person consulting him or her;</li></ul>

- Except to the extent that the clergy member has acquired knowledge of the suspected child maltreatment through communication required to be kept confidential pursuant to the religious discipline of the relevant denomination or faith or received the knowledge of the suspected child maltreatment from the alleged offender in the context of a statement of admission.
- Employees of a child advocacy center or child safety center;
- Attorneys ad litem in the course of their duties as attorney ad litem;
- Sexual abuse advocates and sexual abuse volunteers who work with a victim of sexual abuse as an employee of a community-based victim service or mental health agency (including a paid or volunteer advocate who is based with a local law enforcement agency);
- Rape crisis advocates and rape crisis volunteers;
- Child abuse advocates and child abuse volunteers who work with a child victim of abuse or maltreatment as an employee of a community-based victim service or mental health agency (including a paid or volunteer advocate who is based with a local law enforcement agency);
- Victim/witness coordinators;
- Victim assistance professionals and victim assistance volunteers;
- Employees of the Crimes Against Children Division of the Department of Arkansas State Police;
- Employees of reproductive healthcare facilities;
- Volunteers at reproductive healthcare facilities; and
- An individual not otherwise identified above who is engaged in performing his or her employment duties with a nonprofit charitable organization other than a nonprofit hospital.

When is a report required and where does it go?

**When is a report required?**

- An individual who is a “mandated reporter” under Arkansas law must immediately notify the Child Abuse Hotline if he or she:
  - Has reasonable cause to suspect that a child has:
    - Been subject to child maltreatment;
    - Died as a result of child maltreatment; or
    - Died suddenly and unexpectedly.
  - Observes a child being subject to conditions or circumstances that would reasonably result in child maltreatment.

**Where does it go?**

- Reports must be made to the Child Abuse Hotline (1-800-482-5964) established by the Department of Human Services.
- Facsimile transmission and online reporting (no website currently available) may be used in non-emergency situations by an identified mandatory reporter who provides their name and phone number and, in the case of online reporting, their email address.

What definitions are important to know?

- **“Abandonment”** means:
  - 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
  - An articulated intent to forego parental responsibility.
- **“Abuse”** means any of the following acts or omissions by a parent, guardian, custodian, foster parent, person 18 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 person 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 non-accidental 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 certain established religious ceremonies), a narcotic or an over-the-counter drug if a person purposefully administers an overdose to a child or purposefully gives an inappropriate over-the-counter drug to a child and the child is detrimentally impacted by the overdoes of 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;
- Subjecting a child to Munchausen syndrome by proxy or a factitious illness by proxy if the incident is confirmed by medical personnel; or
- Recruiting, harboring, transporting, or obtaining a child for labor or services, through force, fraud, or coercion, for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.
- “Abuse” does not include physical discipline of a child when it is reasonable and moderate and is inflicted by a parent or guardian for purposes of restraining or correcting the child.
- **“Child”** means a person under the age of 18.
- **“Child maltreatment”** means abuse, sexual abuse, neglect, sexual exploitation, or abandonment.
- **“Sexual Abuse”** means:
  - By a person 14 years of age or older to a person younger than 18 years of age:
    - Sexual intercourse, deviate sexual activity, or sexual contact by forcible compulsion;
    - Attempted sexual intercourse, deviate sexual activity, or sexual contact by forcible compulsion;
    - Indecent exposure; or
    - Forcing the watching of pornography or live sexual activity;
  - By a person 18 years of age or older to a person not his or her spouse who is younger than 15 years of age:
    - Sexual intercourse, deviate sexual activity, or sexual contact;
    - Attempted sexual intercourse, deviate sexual activity, or sexual contact; or
    - Solicitation of sexual intercourse, deviate sexual activity, or sexual contact;
  - By a person 20 years of age or older to a person not his or her spouse who is younger than 16 years of age:
    - Sexual intercourse, deviate sexual activity, or sexual contact;
    - Attempted sexual intercourse, deviate sexual activity, or sexual contact; or
    - Solicitation of sexual intercourse, deviate sexual activity, or sexual contact;
  - By a caretaker to a person younger than 18 years of age:
    - Sexual intercourse, deviate sexual activity, or sexual contact;
    - Attempted sexual intercourse, deviate sexual activity, or sexual contact;
    - Forcing or encouraging the watching of pornography;
    - Forcing, permitting, or encouraging the watching of live sexual activity;
    - Forcing the listening to a phone sex line; or
    - An act of voyeurism;
  - By a person younger than 14 years of age to a person younger than 18 years of age:
    - Sexual intercourse, deviate sexual activity, or sexual contact by forcible compulsion; or
    - Attempted sexual intercourse, deviate sexual activity, or sexual contact by forcible compulsion; or
  - By a person eighteen (18) years of age or older to a *person who is younger than eighteen (18)*

	<p><i>years of age:</i></p> <ul style="list-style-type: none"> <li>• <i>Recruiting, harboring, transporting, obtaining, patronizing, or soliciting of a child for the purpose of a commercial sex act.</i></li> <li>• <b>“Sexual Exploitation”</b> means allowing, permitting, or encouraging participation or depiction of the child in prostitution, obscene photography or filming, or obscenely depicting, posing, or posturing a child for any use or purpose.</li> </ul>
<p>What timing and procedural requirements apply to reports?</p>	<ul style="list-style-type: none"> <li>• Reports must be made immediately.</li> </ul>
<p>What information must a report include?</p>	<ul style="list-style-type: none"> <li>• Not specified by statute. However, the Child Abuse Hotline must accept a report that is of: <ul style="list-style-type: none"> <li>• An allegation of child maltreatment or suspected child maltreatment that if found to be true, would constitute child maltreatment as defined;</li> <li>• The death of a child that: <ul style="list-style-type: none"> <li>• Is sudden and unexpected; and</li> <li>• Was not caused by a known disease or illness for which the child was under a physician's care at the time of death; or</li> <li>• Is reported by a coroner or county sheriff under section 20-15-502.</li> </ul> </li> <li>• Sufficient identifying information is provided to identify and locate the child or the child's family; and</li> <li>• The child or the child's family is present in Arkansas or the incident occurred in Arkansas.</li> <li>• Reporters to the Child Abuse Hotline may remain anonymous.</li> </ul> </li> <li>• A report that does not meet these requirements shall not be accepted by the Child Abuse Hotline</li> </ul>
<p>Anything else I should know?</p>	<ul style="list-style-type: none"> <li>• A privilege or contract shall not prevent a person from reporting child maltreatment when he or she is a mandated reporter and required to report.</li> <li>• An employer or supervisor of an employee identified as a mandated reporter shall not prohibit an employee or a volunteer from directly reporting child maltreatment to the Child Abuse Hotline.</li> <li>• An employer or supervisor of an employee identified as a mandated reporter shall not require an employee or a volunteer to obtain permission or notify any person, including an employee or a supervisor, before reporting child maltreatment to the Child Abuse Hotline.</li> <li>• A mandated reporter who knowingly fails to notify the Child Abuse Hotline of child maltreatment or suspected child maltreatment commits a Class A misdemeanor.</li> <li>• A mandated reporter who recklessly fails to notify the Child Abuse Hotline of child maltreatment or suspected child maltreatment commits a Class C misdemeanor.</li> <li>• A mandated reporter who purposefully fails to notify the Child Abuse Hotline of child maltreatment is civilly liable for damages proximately caused by such failure.</li> <li>• A mandated reporter who in good faith notifies the Child Abuse Hotline is immune from civil and criminal liability.</li> </ul>

Statutory  
citation(s):

- Arkansas Child Maltreatment Act, Ark. Code Ann. §§ 12-18-103, 12-18-201, 12-18-202, 12-18-206, 12-18-302, 12-18-402.