

# Mandatory Reporting Requirements: Children Arkansas

*Last Updated: April 2023*

| Question                   | Answer  |
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| 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>• A full-time or part-time employee of a public school or private school, including, without limitation:<ul style="list-style-type: none"><li>• A school counselor;</li><li>• A school official</li><li>• A teacher;</li><li>• A coach or director of a public or private athletic organization, team, or club;</li><li>• A coach or director of a public or private nonathletic organization, team, or club;</li></ul></li><li>• A person who is at least twenty-one (21) years of age and volunteers in a public school or private school:<ul style="list-style-type: none"><li>• As a coach or director of a public or private athletic organization, team, or club; or</li><li>• As a coach or director of a public or private nonathletic organization, team, or club;</li></ul></li><li>• A person employed as a school official in an institution of higher education</li></ul> |

- Social workers;
- Surgeons;
- Court-appointed special advocate program staff members or volunteers;
- Juvenile intake or probation officers;
- 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 (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;
- 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;
- A Child Welfare Ombudsman;
- A licensed massage therapist; or
- A person who is 18 years of age or older and observes abuse, sexual abuse or sexual exploitation of a child.

When is a report required and where does it go?

**When is a report required?**

- When the mandated reporter:
  - 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; or
  - 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 established by the Department of Human Services by telephone call (1-800-482-5964) or online reporting at the Arkansas Mandated Reporter Portal (<https://mandatedreporter.arkansas.gov/>). All persons whether a mandated reporter or not may use the Child Abuse Hotline to report.
- Online reporting may be used in non-emergency situations by an identified mandatory reporter who provides their name, phone number and email address.
- If the alleged offender resides in another state and the incident occurred in another state or country, the Child Abuse Hotline will document receipt of the report, transfer the report to the Child Abuse Hotline of the state or country where the alleged offender resides or the incident occurred, and, if child protection is an issue, forward the report to the Department of Human Services or the equivalent governmental agency of the state or country where the alleged offender resides.

What definitions are important to know?

- **“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.
- **“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; or female genital mutilation.
- "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.
- **"Grooming"** means to knowingly disseminate (i.e., allow to view, expose, furnish, present, sell, or otherwise distribute, including on an electronic device or virtual platform, and is not limited to an act that takes place in the physical presence of a child) to a child 13 years of age or younger with or without consideration a visual or print medium depicting sexually explicit content with the purpose to entice, induce, or groom the child to engage in the following with a person: sexual intercourse; sexually explicit conduct; or deviate sexual activity;
- **"Imminent harm"** means an act of harm that is a danger:
  - To the physical, mental, or emotional health of a child;
  - That is constrained by time; and;
  - That may only be prevented by immediate intervention by a court.
- **"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:
    - 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;
    - 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;

- Failure to take reasonable action to protect the child from abandonment, abuse, sexual abuse, sexual exploitation, or neglect when the existence of the condition was known or should have been known, and, if for abuse or neglect, the failure to take reasonable action to protect the juvenile causes serious bodily injury;
  - 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;
  - Failure to provide for the child's care and maintenance, proper or necessary support, or medical, surgical, or other necessary care;
  - Failure, although able, to assume responsibility for the care and custody of the child or to participate in a plan to assume such responsibility;
  - Failure to appropriately supervise the child that results in the child's being left alone:
    - At an inappropriate age creating a dangerous situation; or
    - In inappropriate circumstances creating a dangerous situation;
  - Failure to appropriately supervise the child that results in the child's being placed in inappropriate circumstances creating a dangerous situation;
  - 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
  - An act 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;
  - Causing a child to be born with an illegal substance (i.e., a drug that is prohibited to be used or possessed without a prescription under Arkansas law) 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
  - 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.
- **“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) years of age*:
  - *Recruiting, harboring, transporting, obtaining, patronizing*, or soliciting of a child for the purpose of a commercial sex act.
- Grooming, by:
  - A person 18 years of age or older to a person not his or her spouse who is younger than 14 years of age; or
  - A caretaker to a person younger than 14 years of age.
- **“Sexual Exploitation”** means:
  - The following by a person eighteen (18) years of age or older to a child who is not his or her spouse:
    - (A) allowing, permitting, or encouraging participation or depiction of the child in:
      - prostitution;
      - obscene photography; or
      - obscene filming; or
    - (B) obscenely depicting, obscenely posing, or obscenely posturing a child for any use or purpose.
  - The following by a caretaker to a child:
    - Allowing, permitting, or encouraging participation or depiction of the child in prostitution; obscene photography or obscene filming; or
    - Obscenely depicting, obscenely posing, or obscenely posturing the child for any use or purpose.

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| What timing and procedural requirements apply to reports? | <ul style="list-style-type: none"> <li>• Reports must be made immediately.</li> </ul>  |
| What information must a report include?                   | <ul style="list-style-type: none"> <li>• Not specified by statute. However, the Child Abuse Hotline must accept a report if: <ul style="list-style-type: none"> <li>• The report 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; or</li> <li>• The death of a child that is sudden and unexpected, or 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> </ul> </li> <li>• Reporters to the Child Abuse Hotline may <u>not</u> remain anonymous.</li> </ul>  |
| Anything else I should know?                              | <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> <li>• A publicly supported school, facility, or institution acting in good faith by cooperating with the investigative agency shall be immune from civil and criminal liability.</li> </ul> |
| Statutory citation(s):                                    | <ul style="list-style-type: none"> <li>• 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.</li> </ul>   |