

1 State of Arkansas As Engrossed: S2/11/19 H2/13/19

2 92nd General Assembly

A Bill

3 Regular Session, 2019

SENATE BILL 7

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5 By: Senator A. Clark

6 By: Representative Sullivan

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For An Act To Be Entitled

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AN ACT TO ALLOW MEMBERS OF THE GENERAL ASSEMBLY TO

10

ATTEND HEARINGS HELD UNDER THE ARKANSAS JUVENILE CODE

11

OF 1989; AND FOR OTHER PURPOSES.

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Subtitle

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TO ALLOW MEMBERS OF THE GENERAL ASSEMBLY

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TO ATTEND HEARINGS HELD UNDER THE

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ARKANSAS JUVENILE CODE OF 1989.

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BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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SECTION 1. DO NOT CODIFY. Legislative intent.

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The General Assembly recognizes:

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(1) That it is the duty of the General Assembly to initiate

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intelligent legislative reform that benefits the citizens of Arkansas;

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(2) That many families in Arkansas are involved in child welfare

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cases with the Department of Human Services;

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(3) That these families sometimes turn to members of the General

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Assembly for assistance when their families are negatively affected by

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certain limitations in the child welfare process;

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(4) That it is important to preserve a family unit when

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possible;

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(5) That the General Assembly's ability to initiate legislative

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reform with regard to child welfare is impeded by the nontransparent nature

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of child welfare proceedings, closed juvenile hearings, and other protections

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that prevent the General Assembly from adequately observing and reviewing the



1 child welfare process; and

2 (6) That in order to intelligently initiate reform, the General
3 Assembly requires an expansion of its ability to observe and review all
4 aspects of the child welfare process.

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6 SECTION 2. Arkansas Code § 9-9-217(a)(1), concerning the
7 confidentiality of hearings and records under the Revised Uniform Adoption
8 Act, is amended to read as follows:

9 (1)(A) All hearings held in proceedings under this subchapter
10 shall be held in closed court without admittance of any person other than
11 essential officers of the court, the parties, their witnesses, counsel,
12 persons who have not previously consented to the adoption but are required to
13 consent, and representatives of the agencies present to perform their
14 official duties.

15 (B)(i) A member of the General Assembly may attend an
16 adoption hearing related to a juvenile case that is held under the Arkansas
17 Juvenile Code of 1989, § 9-27-301 et seq., unless the court excludes the
18 member of the General Assembly based on the:

19 (a) Best interest of the child; or

20 (b) Court's authority under the Arkansas Rules
21 of Civil Procedure or the Arkansas Rules of Evidence.

22 (ii) Except as otherwise provided by law, a member
23 of the General Assembly who attends a hearing in accordance with subdivision
24 (a)(1)(B)(i) of this section shall not redisclose information obtained during
25 his or her attendance at the hearing.

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27 SECTION 3. Arkansas Code § 9-27-325(i)(1), concerning hearings held
28 under the Arkansas Juvenile Code of 1989, is amended to read as follows:

29 (i)(1)(A) All hearings involving allegations and reports of child
30 maltreatment and all hearings involving cases of children in foster care
31 shall be closed.

32 (B)(i) A member of the General Assembly may attend any
33 hearing held under the Arkansas Juvenile Code of 1989, § 9-27-301 et seq.,
34 including a closed hearing, unless the court excludes the member of the
35 General Assembly based on the:

36 (a) Best interest of the child; or

1 (b) Court's authority under the Arkansas Rules
2 of Civil Procedure or the Arkansas Rules of Evidence.

3 (ii) Except as otherwise provided by law, a member
4 of the General Assembly who attends a hearing in accordance with subdivision
5 (i)(1)(B)(i) of this section shall not redisclose information obtained during
6 his or her attendance at the hearing.

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9 /s/A. Clark

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12 **APPROVED: 3/7/19**
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