

1 State of Arkansas
2 91st General Assembly
3 Regular Session, 2017
4

As Engrossed: S3/9/17
A Bill

SENATE BILL 556

5 By: Senator A. Clark
6

7 **For An Act To Be Entitled**

8 AN ACT TO CREATE THE CHILD MALTREATMENT
9 INVESTIGATIONS OVERSIGHT COMMITTEE; TO REPEAL THE
10 OVERSIGHT SYSTEM CONCERNING THE CHILD ABUSE HOTLINE;
11 TO AMEND THE LAW CONCERNING OPEN PUBLIC MEETINGS
12 UNDER THE FREEDOM OF INFORMATION ACT OF 1967; TO
13 AMEND CONFIDENTIALITY PROVISIONS CONTAINED IN THE
14 CHILD MALTREATMENT ACT; AND FOR OTHER PURPOSES.
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17 **Subtitle**

18 TO CREATE THE CHILD MALTREATMENT
19 INVESTIGATIONS OVERSIGHT COMMITTEE; TO
20 AMEND THE FREEDOM OF INFORMATION ACT; AND
21 TO AMEND PROVISIONS CONTAINED IN THE
22 CHILD MALTREATMENT ACT.
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25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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27 SECTION 1. Arkansas Code Title 10, Chapter 3, is amended to add an
28 additional subchapter to read as follows:

29 Subchapter 32 –

30 Child Maltreatment Investigations Oversight Committee

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32 10-3-3201. Legislative intent.

33 The General Assembly intends to establish the Child Maltreatment
34 Investigations Oversight Committee as a mechanism to promote transparency and
35 efficiency concerning procedures of child maltreatment investigations in this
36 state.



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2 10-3-3202. Child Maltreatment Investigations Oversight Committee –
3 Creation – Membership – Meetings.

4 (a)(1) There is created a legislative committee to be known as the
5 "Child Maltreatment Investigations Oversight Committee" that shall review and
6 evaluate:

7 (A) The conduct of child maltreatment investigations
8 completed by the Division of Children and Family Services of the Department
9 of Human Services or the Crimes Against Children Division of the Department
10 of Arkansas State Police; and

11 (B) Service delivery to children and families involved in
12 an investigation of child maltreatment.

13 (2) All cases that are reviewed and evaluated under this section
14 shall:

15 (A) Be completed investigations of child maltreatment; and

16 (B) Not be associated with a pending dependency-neglect
17 case.

18 (b)(1) The Child Maltreatment Investigations Oversight Committee
19 shall be composed of eighteen (18) members, and unless otherwise provided
20 under this section, the members shall be selected by the Chair of the House
21 Committee on Aging, Children and Youth, Legislative and Military Affairs and
22 the Chair of the Senate Interim Committee on Children and Youth in
23 consultation with members of the House Committee on Aging, Children and
24 Youth, Legislative and Military Affairs and the Senate Interim Committee on
25 Children and Youth.

26 (2) Membership of the Child Maltreatment Investigations
27 Oversight Committee shall include:

28 (A) The Director of the Division of Children and Family
29 Services of the Department of Human Services, or his or her designee;

30 (B) The Commander of the Crimes Against Children Division
31 of the Department of Arkansas State Police, or his or her designee;

32 (C) One (1) representative from the Governor's office, as
33 selected by the Governor;

34 (D) One (1) attorney who is employed as parent counsel;

35 (E) One (1) dependency-neglect attorney ad litem;

36 (F) One (1) attorney who:

1 (i) Has experience representing parents in child
2 welfare cases ; and

3 (ii) Is not contracted by the state;

4 (G) One (1) judge or justice, who may be a retired judge
5 or justice;

6 (H) One (1) current or former representative from the
7 court-appointed special advocate program;

8 (I) One (1) representative from a child advocacy center;

9 (J)(i) One (1) parent who was previously designated as a
10 subject of the report.

11 (ii) As used in subdivision (b)(2)(I)(i) of this
12 section, "subject of the report" means:

13 (a) The offender;

14 (b) The custodial and noncustodial parents,
15 guardians,` and legal custodians of the child who is subject to suspected
16 maltreatment; and

17 (c) The child who is the subject of suspected
18 maltreatment;

19 (K) One (1) adult who was previously in the custody of the
20 state as a foster child due to a true finding of child maltreatment or
21 neglect;

22 (L) One (1) current foster parent;

23 (M) The Chair of the House Committee on Aging, Children
24 and Youth, Legislative and Military Affairs or his or her designee and the
25 Chair of the Senate Interim Committee on Children and Youth or his or her
26 designee;

27 (N)(i) Two (2) designees of the Chair of the House
28 Committee on Aging, Children and Youth, Legislative and Military Affairs and
29 the Chair of the Senate Interim Committee on Children and Youth.

30 (ii) The designees under subdivision (b)(2)(M)(i) of
31 this section shall be members of the General Assembly who are members of the
32 House Committee on Aging, Children and Youth, Legislative and Military
33 Affairs or the Senate Interim Committee on Children and Youth; and

34 (O)(i) One (1) current or former member of the General
35 Assembly who is a current or former member of the House Committee on Aging,
36 Children and Youth, Legislative and Military Affairs or the Senate Interim

1 Committee on Children and Youth.

2 (ii) The current or former member of the General
3 Assembly under subdivision (b)(2)(N)(i) of this section shall be appointed by
4 the Governor.

5 (c)(1)(A) Members of the Child Maltreatment Investigations Oversight
6 Committee shall serve three-year staggered terms.

7 (B)(i) A current or former legislative member of the Child
8 Maltreatment Investigations Oversight Committee shall serve for a term that
9 expires following the general election that occurs after he or she is chosen
10 to serve on the oversight committee, and until his or her replacement is
11 selected or appointed under this section.

12 (ii) A current or former legislative member of the
13 oversight committee under subdivision (c)(1)(B)(i) of this section may be
14 appointed or selected to serve consecutive terms.

15 (d)(1) The Chair of the Child Maltreatment Investigations Oversight
16 Committee shall guide the Child Maltreatment Investigations Oversight
17 Committee in its discussion, evaluation, and review of the:

18 (A) Conduct of child maltreatment investigations completed
19 by the Division of Children and Family Services of the Department of Human
20 Services or the Crimes Against Children Division of the Department of
21 Arkansas State Police; and

22 (B) Service delivery to children and families involved in
23 an investigation of child maltreatment.

24 (2) Guidance from the Chair of the Child Maltreatment
25 Investigations Oversight Committee under subdivision (d)(1) of this section
26 shall include without limitation:

27 (A) Selection of closed child maltreatment cases to be
28 considered by the oversight committee; and

29 (B) Criteria by which to evaluate the conduct of child
30 maltreatment investigations and service delivery under subdivisions (d)(1)(A)
31 and (B) of this section.

32 (e) Staff for the meetings of the Child Maltreatment Investigations
33 Oversight Committee shall be provided by the Bureau of Legislative Research.

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35 10-3-3203. Confidentiality – Unlawful disclosure.

36 (a) Meetings of the Child Maltreatment Investigations Oversight

1 Committee are closed and are exempt from public observance under the Freedom
2 of Information Act of 1967, § 25-19-101 et seq.

3 (b) Correspondence between Child Maltreatment Investigations Oversight
4 Committee members and information considered by the Child Maltreatment
5 Investigations Oversight Committee in furtherance of the goals of the Child
6 Maltreatment Investigations Oversight Committee are exempt from public
7 inspection and copying under the Freedom of Information Act of 1967, § 25-19-
8 101 et seq.

9 (c)(1) Except as provided under subdivision (c)(2) of this section,
10 members of the Child Maltreatment Investigations Oversight Committee shall
11 not disclose to any other person any confidential information obtained during
12 or in relation to a meeting of the Child Maltreatment Investigations
13 Oversight Committee.

14 (2) A legislative member of the Child Maltreatment
15 Investigations Oversight Committee, acting in his or her official capacity,
16 may disclose confidential information obtained under this section to:

17 (A)(i) Members of the General Assembly.

18 (ii) However, disclosure shall not be made to any
19 public committee or legislative body; and

20 (B) The Governor and the Governor's authorized staff
21 members.

22 (d)(1) A person commits the offense of unlawful disclosure of data or
23 information under this subchapter if the person knowingly discloses data or
24 information to a person to whom disclosure is not permitted by this
25 subchapter.

26 (2) Unlawful disclosure of data or information under this
27 subchapter is a Class A misdemeanor.

28
29 10-3-3204. Report.

30 (a) The Child Maltreatment Investigations Oversight Committee shall
31 submit its findings and recommendations contained in a report at least
32 annually to the House Committee on Aging, Children and Youth, Legislative and
33 Military Affairs and the Senate Interim Committee on Children and Youth.

34 (b) The report shall not contain information that identifies:

35 (1) A subject of a report of child maltreatment; or

36 (2) The person who made the report of child maltreatment.

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SECTION 2. TEMPORARY LANGUAGE. DO NOT CODIFY.

(a) The membership of the Child Maltreatment Investigations Oversight Committee shall be determined within sixty (60) days of the effective date of this act.

(b) The Chair of the House Committee on Aging, Children and Youth, Legislative and Military Affairs and the Chair of the Senate Interim Committee on Children and Youth shall call the first meeting.

(c) At the first meeting, the initial members of the Child Maltreatment Investigations Oversight Committee shall:

(1) Determine by lot their respective staggered terms; and

(2) Elect from its legislative membership the Chair of the Child Maltreatment Investigations Oversight Committee.

SECTION 3. Arkansas Code § 12-8-506 is repealed.

~~12-8-506. Oversight.~~

~~(a)(1)(A) When the Department of Arkansas State Police assumes responsibility for the Child Abuse Hotline and child abuse investigations under this subchapter, either through transfer or by contract, an oversight system shall be created to review:~~

~~(i) The administration of the Child Abuse Hotline;~~

~~(ii) The conduct of child abuse investigations;~~

~~(iii) Interagency cooperation in regard to the allocation of responsibility for various types of child abuse investigations; and~~

~~(iv) Service delivery to children and families.~~

~~(B) The oversight system shall utilize the same criteria by which the Division of Children and Family Services of the Department of Human Services has been measured as stipulated in the settlement of Angela R. v. State of Arkansas.~~

~~(2) The House Subcommittee on Children and Youth of the House Committee on Aging, Children and Youth, Legislative and Military Affairs and the Senate Interim Committee on Children and Youth shall conduct the review and evaluation with the assistance of six (6) ex officio members with professional experience in the performance of activities involving child abuse and neglect, to be appointed jointly by the chairs of the House~~

1 ~~Subcommittee on Children and Youth of the House Committee on Aging, Children~~
2 ~~and Youth, Legislative and Military Affairs and the Senate Interim Committee~~
3 ~~on Children and Youth from a list of nominees submitted by the professional~~
4 ~~associations of the respective members, as follows:~~

5 ~~(A) One (1) ex officio member shall be a pediatrician;~~

6 ~~(B) One (1) ex officio member shall be a social worker;~~

7 ~~(C) One (1) ex officio member shall be a guardian ad~~

8 ~~litem;~~

9 ~~(D) One (1) ex officio member shall be a foster parent;~~

10 ~~(E) One (1) ex officio member shall be an educator; and~~

11 ~~(F) One (1) ex officio member shall be a law~~

12 ~~enforcement officer.~~

13 ~~(b)(1) The oversight system established in subsection (a) of this~~
14 ~~section shall commence within one (1) month of the assumption of the~~
15 ~~responsibility for the Child Abuse Hotline and child abuse investigations by~~
16 ~~the Department of Arkansas State Police, either by contract or through~~
17 ~~transfer.~~

18 ~~(2) The Department of Arkansas State Police shall submit reports~~
19 ~~regarding the administration of the Child Abuse Hotline and the conduct of~~
20 ~~child abuse investigations at least quarterly or more often as determined by~~
21 ~~the House Subcommittee on Children and Youth of the House Committee on Aging,~~
22 ~~Children and Youth, Legislative and Military Affairs and the Senate Interim~~
23 ~~Committee on Children and Youth.~~

24
25 SECTION 4. Arkansas Code § 12-18-104, concerning confidentiality, is
26 amended to add an additional subdivision to read as follows:

27 (c) This section does not prohibit the disclosure and discussion of
28 confidential data, records, reports, or documents created, collected, or
29 compiled by or on behalf of the Department of Human Services, the Department
30 of Arkansas State Police, or other entity authorized under this chapter to
31 perform investigations or provide services to children, individuals, or
32 families in closed meetings conducted by the Child Maltreatment
33 Investigations Oversight Committee under § 10-3-3201 et seq.

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35 SECTION 5. Arkansas Code § 12-18-620(e)(10), concerning release of
36 information on pending investigations of child maltreatment, is amended to

1 read as follows:

2 (10)(A)(i) Acting in their official capacities, individual
3 United States and Arkansas senators and representatives and their authorized
4 staff members but only if they agree not to permit any redisclosure of the
5 information.

6 (ii) This subdivision does not prohibit an
7 individual United States or Arkansas senator or representative from
8 disclosing information to another United States or Arkansas senator or
9 representative.

10 (B) However, disclosure shall not be made to any committee
11 or legislative body.

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13 SECTION 6. Arkansas Code § 12-18-710(e)(11), concerning release of
14 information on a true investigative determination pending due process, is
15 amended to add an additional subdivision to read as follows:

16 (11)(A)(i) Acting in their official capacities, individual United
17 States and Arkansas senators and representatives and their authorized staff
18 members, but only if they agree not to permit any redisclosure of the
19 information.

20 (ii) This subdivision does not prohibit an
21 individual United States or Arkansas senator or representative from
22 disclosing information to another United States or Arkansas senator or
23 representative.

24 (B) However, disclosure shall not be made to any committee
25 or legislative body.

26

27 SECTION 7. Arkansas Code § 12-18-909(d), concerning availability of
28 true reports of child maltreatment from the central registry, is amended to
29 add an additional subdivision to read as follows:

30 (5) This section does not prohibit the disclosure and discussion
31 of confidential data, records, reports, or documents created, collected, or
32 compiled by or on behalf of the Department of Human Services, the Department
33 of Arkansas State Police, or other entity authorized under this chapter to
34 perform investigations or provide services to children, individuals, or
35 families in closed meetings conducted by the Child Maltreatment
36 Investigations Oversight Committee under § 10-3-3201 et seq.

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2 SECTION 8. Arkansas Code § 12-18-909(g)(15), concerning availability
3 of true reports of child maltreatment from the central registry, is amended
4 to read as follows:

5 (15)(A)(i) Acting in their official capacities, individual
6 United States and Arkansas senators and representatives and their authorized
7 staff members, but only if they agree not to permit any redisclosure of the
8 information.

9 (ii) This subdivision does not prohibit an
10 individual United States or Arkansas senator or representative from
11 disclosing information to another United States or Arkansas senator or
12 representative.

13 (B) However, disclosure shall not be made to any committee
14 or legislative body of any information that identifies any recipient of
15 services by name or address;

16
17 SECTION 9. Arkansas Code § 12-18-910(d), concerning the availability
18 of screened-out and unsubstantiated reports, is amended to add an additional
19 subdivision to read as follows:

20 (4) This section does not prohibit the disclosure and discussion
21 of confidential data, records, reports, or documents created, collected, or
22 compiled by or on behalf of the Department of Human Services, the Department
23 of Arkansas State Police, or other entity authorized under this chapter to
24 perform investigations or provide services to children, individuals, or
25 families in closed meetings conducted by the Child Maltreatment
26 Investigations Oversight Committee under § 10-3-3201 et seq.;

27
28 SECTION 10. Arkansas Code § 12-18-910(f)(6), concerning availability
29 of screened-out and unsubstantiated reports, is amended to read as follows:

30 (6)(A)(i) Acting in their official capacities, individual United
31 States and Arkansas senators and representatives and their authorized staff
32 members, but only if they agree not to permit any redisclosure of the
33 information.

34 (ii) This subdivision does not prohibit an
35 individual United States or Arkansas senator or representative from
36 disclosing information to another United States or Arkansas senator or

1 representative.

2 (B) However, disclosure shall not be made to any committee
3 or legislative body of any information that identifies any recipient of
4 services by name or address+.

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6 SECTION 11. Arkansas Code § 25-19-106(c), concerning open public
7 meetings, is amended to read as follows:

8 (c)(1)(A) ~~Executive sessions~~ Except as provided under subdivision
9 (c)(6) of this section, an executive session will be permitted only for the
10 purpose of considering employment, appointment, promotion, demotion,
11 disciplining, or resignation of any public officer or employee.

12 (B) The specific purpose of the executive session shall be
13 announced in public before going into executive session.

14 (2)(A) Only the person holding the top administrative position
15 in the public agency, department, or office involved, the immediate
16 supervisor of the employee involved, and the employee may be present at the
17 executive session when so requested by the governing body, board, commission,
18 or other public body holding the executive session.

19 (B) Any person being interviewed for the top
20 administrative position in the public agency, department, or office involved
21 may be present at the executive session when so requested by the governing
22 board, commission, or other public body holding the executive session.

23 (3) Executive sessions must never be called for the purpose of
24 defeating the reason or the spirit of this chapter.

25 (4) No resolution, ordinance, rule, contract, regulation, or
26 motion considered or arrived at in executive session will be legal unless,
27 following the executive session, the public body reconvenes in public session
28 and presents and votes on the resolution, ordinance, rule, contract,
29 regulation, or motion.

30 (5)(A) Boards and commissions of this state may meet in
31 executive session for purposes of preparing examination materials and answers
32 to examination materials that are administered to applicants for licensure
33 from state agencies.

34 (B) Boards and commissions are excluded from this chapter
35 for the administering of examinations to applicants for licensure.

36 (6) Subject to the provisions of subdivision (c)(4) of this

1 section, a public agency may meet in executive session for the purpose of
2 considering, evaluating, or discussing matters pertaining to public water
3 system security or municipally owned utility system security as described in
4 § 25-19-105(b)(18).

5 (7) An executive session held by the Child Maltreatment
6 Investigations Oversight Committee under § 10-3-3201 et seq. is exempt from
7 this section.

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/s/A. Clark

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APPROVED: 03/28/2017

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