

1 State of Arkansas As Engrossed: S1/29/19 S2/26/19 H3/18/19

2 92nd General Assembly

A Bill

3 Regular Session, 2019

SENATE BILL 90

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5 By: Senator A. Clark

6 By: Representative Capp

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For An Act To Be Entitled

9 AN ACT TO AMEND THE LAW CONCERNING EVIDENCE PRESENTED
10 DURING PROBABLE CAUSE HEARINGS HELD UNDER THE
11 ARKANSAS JUVENILE CODE OF 1989; AND FOR OTHER
12 PURPOSES.

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Subtitle

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17 TO AMEND THE LAW CONCERNING EVIDENCE
18 PRESENTED DURING PROBABLE CAUSE HEARINGS
19 HELD UNDER THE ARKANSAS JUVENILE CODE OF
20 1989.

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

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SECTION 1. Arkansas Code § 9-27-315(a)(1)(B), concerning the purpose
25 of a probable cause hearing that is held after the issuance of an emergency
26 order, is amended to read as follows:

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(B)(i) The hearing shall be limited to the purpose of
28 determining whether probable cause existed to protect the juvenile and to
29 determine whether probable cause still exists to protect the juvenile.

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(ii) However, the issues as to custody and delivery
31 of services may be considered by the court and appropriate orders for ~~that~~
32 custody and delivery of services entered by the court.

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(iii) ~~No further~~ If the defendant stipulates that
34 probable cause exists, the only evidence shall be that is presented at the
35 probable cause hearing regarding issues agreed to by the parties if the court
36 accepts a stipulated agreement by the parties that specifies the facts and



1 ~~findings of law supporting the probable cause order that are agreed to by the~~
2 ~~parties shall be:~~

3 (a) Evidence pertaining to visitation; and
4 (b) Evidence pertaining to services delivered
5 to the family.

6 ~~(iv) If a stipulated agreement under subdivision~~
7 ~~(a)(1)(B)(iii) of this section is accepted by the court, testimony or~~
8 ~~evidence specifically addressing the allegations in the petition shall be~~
9 ~~reserved for adjudication and the petitioner has the burden of proving the~~
10 ~~allegations during the adjudication hearing A parent shall not be compelled~~
11 ~~to testify under any circumstances.~~

12 (v) For the sole purpose of the probable cause
13 hearing, the stipulation of a parent that probable cause exists shall also
14 serve as a stipulation to the introduction of the affidavit of the plaintiff.

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17 /s/A. Clark

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20 **APPROVED: 3/27/19**