

ARKANSAS SENATE
87th General Assembly - Regular Session, 2009
Amendment Form

Subtitle of Senate Bill No. 515

"TO AMEND THE CHILD WELFARE AGENCY LICENSING ACT."

Amendment No. 2 to Senate Bill No. 515.

Amend Senate Bill No. 515 as engrossed, S3/10/09 (version: 03-10-2009 08:58):

Page 1, delete lines 34 through 36 and substitute:

“SECTION 2. Arkansas Code § 9-28-403(e), regarding proceedings brought under the Child Welfare Agency Licensing Act, is amended to read as follows:

(e)~~(1)~~ The Arkansas Administrative Procedure Act, § 25-15-201 et seq., shall apply to all proceedings brought ~~pursuant to~~ under this subchapter, except that the following provisions shall control during adverse action hearings to the extent that they conflict with the Arkansas Administrative Procedure Act:

(1) All parties to an adverse action shall be entitled to engage in and use formal discovery as provided for in Rules 26, 28, 29, 30, 31, 32, 33, 34 and 36 of the Arkansas Rules of Civil Procedure including:

- (A) Requests for admission;
- (B) Requests for production of documents and things;
- (C) Written interrogatories; and
- (D) Oral and written depositions; and

(2) All evidentiary rulings in an adverse action hearing shall be governed by the Arkansas Rules of Evidence with respect to the following types of evidence:

- (A) The requirement of personal knowledge of a witness as required by Rule 602;
- (B) The admissibility of character evidence as set forth by Rules 608 and 609;
- (C) The admissibility of opinion evidence as set forth by Rules 701, 702, and 703; and
- (D) The admissibility of hearsay evidence as set forth by Rules 801, 802, 803, 804, 805, and 806.

~~(2) The Arkansas Rules of Civil Procedure and the Arkansas Rules of Evidence shall also apply to adverse action hearings.”~~

AND

Page 2, delete lines 1 through 3 entirely



AND

Page 2, line 34, delete “~~exclusive the~~” and substitute “exclusive”

AND

Page 4, delete lines 1 and 2 and substitute:

“(2) This subchapter shall not be construed to prevent a licensed child welfare agency from adopting and applying internal operating procedures that meet or exceed the minimum standards required by the board.”

The Amendment was read the first time, rules suspended and read the second time and _____

By: Senator Madison
JSE/JSE - 03-17-2009 15:18
JSE278

Secretary