

1 State of Arkansas
2 92nd General Assembly
3 Regular Session, 2019
4

As Engrossed: S1/29/19

A Bill

SENATE BILL 90

5 By: Senator A. Clark
6

For An Act To Be Entitled

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

14 TO AMEND THE LAW CONCERNING EVIDENCE
15 PRESENTED DURING PROBABLE CAUSE HEARINGS
16 HELD UNDER THE ARKANSAS JUVENILE CODE OF
17 1989.
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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23 SECTION 1. Arkansas Code § 9-27-315(a)(1)(B), concerning the purpose
24 of a probable cause hearing that is held after the issuance of an emergency
25 order, is amended to read as follows:

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

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

32 (iii) No further evidence regarding an allegation
33 shall be presented at the probable cause hearing ~~regarding issues agreed to~~
34 ~~by the parties if the court accepts a stipulated agreement by the parties~~
35 ~~that specifies the facts and findings of law supporting the probable cause~~
36 ~~order that are agreed to by the parties~~ if the respondent stipulates that



1 probable cause exists and probable cause continues to exist.

2 ~~(iv) If a stipulated agreement under subdivision~~
3 ~~(a)(1)(B)(iii) of this section is accepted by the court, testimony or~~
4 ~~evidence specifically addressing the allegations in the petition shall be~~
5 ~~reserved for adjudication and the petitioner has the burden of proving the~~
6 ~~allegations during the adjudication hearing.~~

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8 /s/A. Clark

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