

1 State of Arkansas  
2 93rd General Assembly  
3 Regular Session, 2021  
4

# A Bill

HOUSE BILL 1499

5 By: Representatives C. Fite, Jett  
6 By: Senator J. Dismang  
7

## For An Act To Be Entitled

9 AN ACT TO AMEND THE LAW CONCERNING THE ARKANSAS CHILD  
10 ABUSE/RAPE/DOMESTIC VIOLENCE COMMISSION; CONCERNING  
11 NOTICE OF SEVERE MALTREATMENT REPORTS; CONCERNING  
12 CERTAIN ANNUAL REPORTS SUBMITTED BY THE  
13 ADMINISTRATIVE OFFICE OF THE COURTS; AND FOR OTHER  
14 PURPOSES.  
15

## Subtitle

16  
17  
18 TO AMEND THE LAW CONCERNING THE ARKANSAS  
19 CHILD ABUSE/RAPE/DOMESTIC VIOLENCE  
20 COMMISSION; CONCERNING NOTICE OF SEVERE  
21 MALTREATMENT REPORTS; AND CONCERNING  
22 CERTAIN ANNUAL REPORTS SUBMITTED BY THE  
23 ADMINISTRATIVE OFFICE OF THE COURTS.  
24

25  
26 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
27

28 SECTION 1. Arkansas Code § 9-5-103 is amended to read as follows:  
29 9-5-103. Definitions.

30 (a) As used in this chapter:

31 (1) "Board" means the Board of Directors of the Children's  
32 Advocacy Centers of Arkansas;

33 (2) "Children's Advocacy Centers of Arkansas" means a non-profit  
34 organization that is a chapter of the National Children's Alliance operating  
35 in this state for the purpose of promoting, assisting, and supporting the  
36 development, growth, and continuation of child safety centers in this state;



1 and

2 ~~(1)(A)~~(3)(A) ~~“Child safety center”~~ "Child safety center" means a  
 3 ~~not for profit nonprofit~~ child-friendly facility that provides a location for  
 4 forensic interviews and forensic medical examinations and ensures access for  
 5 specialized mental health services during the course of a child maltreatment  
 6 investigation.

7 (B) A ~~“child safety center”~~ child safety center is  
 8 commonly known as a ~~child advocacy center;~~ and "child advocacy center"

9 ~~(2) “Commission” means the Arkansas Child Abuse/Rape/Domestic~~  
 10 ~~Violence Commission.~~

11

12 SECTION 2. Arkansas Code § 9-5-104 is amended to read as follows:

13 9-5-104. Duties of the ~~Arkansas Child Abuse/Rape/Domestic Violence~~  
 14 ~~Commission~~ Children’s Advocacy Centers of Arkansas – Child safety centers.

15 (a) ~~Regarding the administration of the Arkansas Children’s Advocacy~~  
 16 ~~Center Fund and an entity receiving funding under this chapter, the Arkansas~~  
 17 ~~Child Abuse/Rape/Domestic Violence Commission or its designee, to the extent~~  
 18 ~~funding is appropriated and available, shall~~ The Children’s Advocacy Centers  
 19 of Arkansas shall:

20 (1) Administer grants through the Arkansas Children’s Advocacy  
 21 Center Fund and an entity receiving funding under this chapter;

22 ~~(1)(2)~~ (2) Annually evaluate each child safety center for compliance  
 23 with the ~~program~~ best program practices of the Children’s Advocacy Centers of  
 24 Arkansas, fiscal, and training requirements under this chapter;

25 ~~(2)(3)~~ (3) ~~Promulgate rules and~~ Promote and uphold procedures to  
 26 implement this chapter and the forms for the evaluation of each child safety  
 27 center;

28 ~~(3)(4)~~ (4) Adopt a uniform system of recordkeeping and reporting to  
 29 ensure the proper handling of funds by child safety centers and to ensure  
 30 uniformity and accountability by child safety centers; ~~and~~

31 ~~(4)(5)~~ (5) Provide training and technical assistance to child safety  
 32 centers to ensure best practice standards for forensic interviews, advocacy,  
 33 prevention, and ~~forensic~~ medical examinations; and

34 (6) Coordinate and provide training statewide for  
 35 multidisciplinary teams.

36 (b) The ~~commission~~ Children’s Advocacy Centers of Arkansas may enter

1 into contracts with any entity to fulfill its duties under this chapter.

2 (c) A child safety center shall:

3 (1) Receive, review, and track reporting from the Department of  
 4 Human Services relating to the alleged abuse or neglect of a child in order  
 5 to ensure a consistent and comprehensive approach to providing services to a  
 6 child and the family of a child who is the victim of alleged abuse or  
 7 neglect;

8 (2) Coordinate the activities of participating agencies relating  
 9 to the alleged abuse or neglect of a child;

10 (3) Coordinate the activities of participating agencies relating  
 11 to the delivery of services to a child and the family of a child who is the  
 12 alleged victim of abuse or neglect;

13 (4) Provide support and advocacy services to a child and the  
 14 family of a child who is the alleged victim of abuse or neglect;

15 (5) Provide forensic interviews that are conducted in a neutral,  
 16 fact-finding manner and coordinated to avoid duplicative interviewing;

17 (6) Provide access to specialized medical evaluations and  
 18 treatment services to a child who is the alleged victim of abuse or neglect;

19 (7) Provide access to evidence-based, trauma-focused mental  
 20 health services to a child who is the alleged victim of abuse or neglect; and

21 (8) Provide a child-focused setting that is comfortable,  
 22 private, and physically safe for a diverse population.

23  
 24 SECTION 3. Arkansas Code § 9-5-105 is amended to read as follows:

25 9-5-105. Receipt of money.

26 Under this chapter and in the administration of the Arkansas Children's  
 27 Advocacy Center Fund, the ~~Arkansas Child Abuse/Rape/Domestic Violence~~  
 28 ~~Commission~~ Children's Advocacy Centers of Arkansas shall not accept money or  
 29 other assistance from the ~~federal~~ United States government or any other  
 30 entity or individual if the acceptance would obligate the State of Arkansas  
 31 except to the extent that money is available in the fund.

32  
 33 SECTION 4. Arkansas Code § 9-5-106 is amended to read as follows:

34 9-5-106. Disbursement of funds.

35 ~~(a) The Arkansas Child Abuse/Rape/Domestic Violence Commission~~  
 36 Children's Advocacy Centers of Arkansas may disburse money appropriated from

1 the Arkansas Children’s Advocacy Center Fund exclusively for the following  
 2 purposes:

3 (1) To satisfy contractual obligations made to perform its  
 4 duties under this section;

5 (2) To make grants to child safety centers that meet the  
 6 requirements of this section; and

7 (3) To compensate the ~~commission~~ Children’s Advocacy Centers of  
 8 Arkansas or its designee for administration costs associated with the  
 9 performance of duties under this chapter.

10 (b) The Children’s Advocacy Centers of Arkansas may contract with a  
 11 physician who specializes in child abuse to provide expert advice, medical  
 12 evaluations, and medical training to child safety centers.

13 ~~(b)(1) The commission may disburse funds, to the extent appropriated~~  
 14 ~~and available, from the Arkansas Children’s Advocacy Center Fund to a~~  
 15 ~~qualified medical entity or a qualified mental health entity for education,~~  
 16 ~~peer review, and consultation to medical service examiners and mental health~~  
 17 ~~service examiners qualified under this section for children interviewed and~~  
 18 ~~examined at the child safety centers.~~

19 ~~(2) A medical entity selected shall have physicians who:~~

20 ~~(A) Have:~~

21 ~~(i) Subspecialty training in pediatric medicine,~~  
 22 ~~emergency medicine, pediatric gynecology, family practice, or obstetrics and~~  
 23 ~~gynecology; and~~

24 ~~(ii) Specialized training in the evaluation of child~~  
 25 ~~sexual abuse cases;~~

26 ~~(B) Provide initial evaluations of allegedly abused and~~  
 27 ~~assaulted children and adolescents, perform second opinion examinations for~~  
 28 ~~less experienced examiners, and review photographs and videotapes for other~~  
 29 ~~examiners;~~

30 ~~(C) Hold a teaching position or a faculty position at a~~  
 31 ~~college of medicine and provide training and workshops on child sexual abuse-~~  
 32 ~~related issues;~~

33 ~~(D) Hold membership in professional organizations on child~~  
 34 ~~abuse related and neglect related issues;~~

35 ~~(E) Work for or are affiliated with a regional center for~~  
 36 ~~the medical evaluation of allegedly sexually abused children; and~~

1                   ~~(F) Regularly testify in cases of alleged child sexual~~  
 2 ~~abuse.~~

3                   ~~(3) A mental health entity shall have professionals who:~~

4                   ~~(A) Are licensed mental health professionals;~~

5                   ~~(B) Have:~~

6                   ~~(i) Specialized training in assessment and treatment~~  
 7 ~~of children and families; and~~

8                   ~~(ii) Specialized training in trauma and child abuse;~~

9                   ~~(C) Provide assessment and treatment of allegedly abused~~  
 10 ~~children and adolescents;~~

11                   ~~(D) Provide consultation and training for other providers~~  
 12 ~~and multidisciplinary teams;~~

13                   ~~(E) Hold a teaching or faculty position;~~

14                   ~~(F) Hold membership in professional organizations on child~~  
 15 ~~abuse-related and neglect-related issues;~~

16                   ~~(G) Work for or are affiliated with a regional center for~~  
 17 ~~the medical evaluation of allegedly sexually abused children; and~~

18                   ~~(H) Regularly testify in cases of alleged child sexual~~  
 19 ~~abuse.~~

20  
 21           SECTION 5. Arkansas Code § 9-5-109(b)(1), concerning eligibility for  
 22 contracts, is amended to read as follows:

23           (b)(1) ~~The Arkansas Child Abuse/Rape/Domestic Violence Commission~~  
 24 Children's Advocacy Centers of Arkansas may waive the requirements specified  
 25 in subsection (a) of this section if the ~~commission~~ Children's Advocacy  
 26 Centers of Arkansas determines that the waiver will not adversely affect the  
 27 child safety center's ability to carry out its duties under this chapter.

28  
 29           SECTION 6. Arkansas Code § 9-5-111(4), concerning fiscal requirements,  
 30 is amended to read as follows:

31           (4) Develop and implement written procedures that conform with  
 32 the uniform system of recordkeeping developed by the ~~Arkansas Child~~  
 33 ~~Abuse/Rape/Domestic Violence Commission~~ Children's Advocacy Centers of  
 34 Arkansas or its designee to ensure proper handling of funds; and

35  
 36           SECTION 7. Arkansas Code § 9-5-112 is amended to read as follows:

1 9-5-112. Right of entry.

2 ~~(a) The Arkansas Child Abuse/Rape/Domestic Violence Commission~~  
 3 Children's Advocacy Centers of Arkansas or its designee may enter the  
 4 premises of a child safety center at any time to ensure compliance with this  
 5 chapter and the rules promulgated by the ~~commission~~ Children's Advocacy  
 6 Centers of Arkansas under this chapter.

7 ~~(b) Each child safety center shall submit annually an audit, a budget,~~  
 8 ~~bylaws and policies to the Board of Directors of the Children's Advocacy~~  
 9 ~~Centers of Arkansas.~~

10 ~~(c) The board shall include two (2) financial experts who shall~~  
 11 ~~provide financial oversight, review grants, and evaluate each child safety~~  
 12 ~~center.~~

13  
 14 SECTION 8. Arkansas Code § 9-5-113 is amended to read as follows:

15 9-5-113. Reports.

16 ~~The Arkansas Child Abuse/Rape/Domestic Violence Commission~~ Children's  
 17 Advocacy Centers of Arkansas or its designee shall provide an annual report  
 18 by March 1 of each year to the Department of Human Services, Division of  
 19 Arkansas State Police, Chair of the Senate Interim Committee on Children and  
 20 Youth, and the Chair of the House Committee on Aging, Children and Youth,  
 21 Legislative and Military Affairs containing the following information:

22 (1) The incidence of child abuse in this state based on  
 23 information obtained from child safety centers under this chapter;

24 (2) A description of child safety centers that meet the  
 25 requirements of and receive funding from the ~~commission~~ Children's Advocacy  
 26 Centers of Arkansas or its designee under this chapter;

27 (3) The number of children receiving investigative services by  
 28 the child safety centers that receive funding from the ~~commission~~ Children's  
 29 Advocacy Centers of Arkansas or its designee under this chapter; and

30 (4) Outcome data provided by the child safety centers.

31  
 32 SECTION 9. Arkansas Code § 9-5-115 is amended to read as follows:

33 9-5-115. Immunity from civil liability.

34 ~~The Arkansas Child Abuse/Rape/Domestic Violence Commission~~ Children's  
 35 Advocacy Centers of Arkansas and its employees in their official capacities  
 36 shall be immune from civil liability for performing their duties under this

1 chapter.

2

3 SECTION 10. Arkansas Code § 12-18-504(a), concerning notification in  
4 cases of reports of severe maltreatment, is amended to read as follows:

5 (a) The Department of Human Services and the ~~Department~~ Division of  
6 Arkansas State Police shall immediately notify local law enforcement and the  
7 local child safety center, as part of a multidisciplinary team, of all  
8 reports of severe maltreatment.

9

10 SECTION 11. Arkansas Code § 16-10-137(a), concerning the annual report  
11 submitted by the Administrative Office of the Courts, is amended to read as  
12 follows:

13 (a) On July 31 of each year, the Administrative Office of the Courts  
14 shall collaborate with the Children’s Advocacy Centers of Arkansas to submit  
15 an annual report to the Legislative Council showing the number of persons  
16 charged in circuit court for each criminal offense classification, comparing  
17 the state and each judicial district.

18

19 SECTION 12. Arkansas Code § 20-82-208(b)(2), concerning the  
20 establishment of the Community Grants for Child Safety Centers Program and  
21 the authority of the ~~Arkansas Child Abuse/Rape/Domestic Violence Commission~~  
22 Children’s Advocacy Centers of Arkansas, is amended to read as follows:

23 (2) The ~~Arkansas Child Abuse/Rape/Domestic Violence Commission~~  
24 Children’s Advocacy Centers of Arkansas shall ~~advise the Child~~  
25 ~~Abuse/Rape/Domestic Violence Section on the administration and monitoring of~~  
26 ~~this~~ administer and monitor the grant program for the operation of existing  
27 child safety centers and the development of new child safety centers in ~~the~~  
28 ~~State of Arkansas~~ this state.

29

30 SECTION 13. Arkansas Code § 20-82-209 is amended to read as follows:

31 20-82-209. Multidisciplinary teams – Protocols created –  
32 Responsibilities – Definition.

33 (a) As used in this section, “multidisciplinary team” means a local  
34 team operating under a statewide model protocol developed by the ~~Arkansas~~  
35 ~~Child Abuse/Rape/Domestic Violence Commission~~ Children’s Advocacy Centers of  
36 Arkansas governing the roles, responsibilities, and procedures of the

1 multidisciplinary team.

2 (b) The ~~commission~~ Children's Advocacy Centers of Arkansas shall:

3 (1)(A) Prepare and issue a statewide model protocol for ~~local~~  
 4 multidisciplinary teams regarding ~~investigations~~ cases of child abuse and the  
 5 provision of safety and services to victims of child abuse, ~~which~~ who may  
 6 include child victims of human trafficking.

7 (B) The statewide model protocol shall describe  
 8 coordinated investigation or coordinated services, or both, of state and  
 9 local law enforcement, the Department of Human Services, and medical, mental  
 10 health, and child safety centers; and

11 (2) Review and approve a protocol prepared by each ~~local~~  
 12 multidisciplinary team.

13 (c) Each multidisciplinary team shall:

14 (1) Develop a protocol consistent with the statewide model  
 15 protocol issued by the ~~commission~~ Children's Advocacy Centers of Arkansas;  
 16 ~~and~~

17 (2) Submit the protocol to the ~~commission~~ Children's Advocacy  
 18 Centers of Arkansas for review and approval; ~~and~~

19 (3) Ensure the timely exchange of relevant information.

20  
 21 SECTION 14. Arkansas Code § 20-82-210 is amended to read as follows:

22 20-82-210. ~~Subcommittee on Child Safety Centers~~ Multidisciplinary Team  
 23 Oversight Committee - Members - Duty to oversee ~~child safety centers~~  
 24 statewide multidisciplinary teams and the response to child abuse.

25 (a) The ~~Arkansas Child Abuse/Rape/Domestic Violence Commission~~  
 26 Children's Advocacy Centers of Arkansas shall establish the ~~Subcommittee~~  
 27 Children's Advocacy Centers of Arkansas and Multidisciplinary Team Oversight  
 28 Committee on Child Safety Centers.

29 (b) ~~The subcommittee shall consist of seven (7) members appointed as~~  
 30 ~~follows~~ The committee shall include the following members:

31 (1) ~~Three (3) members appointed by the commission~~ The Commander  
 32 of the Crimes Against Children Division of the Division of Arkansas State  
 33 Police or his or her designee; and

34 (2) ~~Four (4) members appointed by the Arkansas Legislative Task~~  
 35 ~~Force on Abused and Neglected Children~~ The Director of the Division of  
 36 Children and Family Services of the Department of Human Services or his or



1 her designee;

2 (3) The Director of the Arkansas Prosecuting Attorneys  
3 Association;

4 (4) A mental health expert; and

5 (5) Medical expert.

6 (c) The ~~subcommittee~~ committee shall oversee the operations of ~~the:~~

7 (1) Multidisciplinary teams statewide with regard to responses  
8 to alleged child abuse; and

9 (2) ~~child~~ Child safety centers with regard to responses to  
10 alleged child abuse.

11  
12 SECTION 15. Arkansas Code Title 20, Chapter 82, Subchapter 2, is  
13 amended to add an additional section to read as follows:

14 20-82-212. Administrative contracts – Contracts with the Children’s  
15 Advocacy Centers of Arkansas – Eligibility for contracts.

16 (a) The Children’s Advocacy Centers of Arkansas may contract with a  
17 statewide organization as necessary to fulfill the duties of the Children’s  
18 Advocacy Centers of Arkansas described in § 9-5-104.

19 (b) The Children’s Advocacy Centers of Arkansas may enter into a  
20 memorandum of understanding with the Crimes Against Children Division of the  
21 Division of Arkansas State Police, the Division of Children and Family  
22 Services of the Department of Human Services, and any other agency as  
23 necessary.