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4

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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

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

14 (2) The ~~Arkansas Child Abuse/Rape/Domestic Violence Commission~~
15 Children's Advocacy Centers of Arkansas shall ~~advise the Child~~
16 ~~Abuse/Rape/Domestic Violence Section on the administration and monitoring of~~
17 ~~this~~ administer and monitor the grant program for the operation of existing
18 child safety centers and the development of new child safety centers in ~~the~~
19 ~~State of Arkansas~~ this state.

20

21 SECTION 12. Arkansas Code § 20-82-209 is amended to read as follows:

22 20-82-209. Multidisciplinary teams – Protocols created –
23 Responsibilities – Definition.

24 (a) As used in this section, “multidisciplinary team” means a local
25 team operating under a statewide model protocol developed by the ~~Arkansas~~
26 ~~Child Abuse/Rape/Domestic Violence Commission~~ Children's Advocacy Centers of
27 Arkansas governing the roles, responsibilities, and procedures of the
28 multidisciplinary team.

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

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

34 (B) The statewide model protocol shall describe
35 coordinated investigation or coordinated services, or both, of state and
36 local law enforcement, the Department of Human Services, and medical, mental

1 health, and child safety centers; and

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

4 (c) Each multidisciplinary team shall:

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

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

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

11

12 SECTION 13. Arkansas Code § 20-82-210 is amended to read as follows:

13 20-82-210. ~~Subcommittee on Child Safety Centers~~ Multidisciplinary Team
14 Oversight Committee – Members – Duty to oversee ~~child safety centers~~
15 statewide multidisciplinary teams and the response to child abuse.

16 (a) ~~The Arkansas Child Abuse/Rape/Domestic Violence Commission~~
17 Children's Advocacy Centers of Arkansas shall establish the ~~Subcommittee~~
18 Children's Advocacy Centers of Arkansas and Multidisciplinary Team Oversight
19 Committee on Child Safety Centers.

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

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

25 (2) ~~Four (4) members appointed by the Arkansas Legislative Task~~
26 ~~Force on Abused and Neglected Children~~ The Director of the Division of
27 Children and Family Services of the Department of Human Services or his or
28 her designee;

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

31 (4) A mental health expert; and

32 (5) Medical expert.

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

34 (1) Multidisciplinary teams statewide with regard to responses
35 to alleged child abuse; and

36 (2) ~~child~~ Child safety centers with regard to responses to

1 alleged child abuse.

2

3 SECTION 14. Arkansas Code Title 20, Chapter 82, Subchapter 2, is
4 amended to add an additional section to read as follows:

5 20-82-212. Administrative contracts – Contracts with the Children’s
6 Advocacy Centers of Arkansas – Eligibility for contracts.

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

10 (b) The Children’s Advocacy Centers of Arkansas may enter into a
11 memorandum of understanding with the Crimes Against Children Division of the
12 Division of Arkansas State Police, the Division of Children and Family
13 Services of the Department of Human Services, and any other agency as
14 necessary.

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/s/C. Fite

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