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2 93rd General Assembly

A Bill

3 Regular Session, 2021

HOUSE BILL 1499

5 By: Representatives C. Fite, Jett, Vaught

6 By: Senators J. Dismang, *B. Ballinger*

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.

Subtitle

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.

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

28 *SECTION 1. DO NOT CODIFY. Legislative intent.*

29 *The provisions of this act are not intended to change the current*
30 *structure of multidisciplinary teams in Arkansas.*

32 *SECTION 2. Arkansas Code § 9-5-103 is amended to read as follows:*

33 9-5-103. Definitions.

34 (a) As used in this chapter:

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



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

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

10 (B) A ~~"child safety center"~~ child safety center is
11 commonly known as a ~~child advocacy center;~~ and "child advocacy center";

12 ~~(2) "Commission" means the Arkansas Child Abuse/Rape/Domestic~~
13 ~~Violence Commission.~~

14 (4) "Multidisciplinary team" means a collaborative group of
15 individual professionals from diverse organizations and agencies who work
16 together in a coordinated manner to ensure an effective response to child
17 abuse and neglect cases so a child victim is not overlooked and essential
18 services are provided in a timely manner; and

19 (5) "Multidisciplinary team facilitator" means a person who:

20 (A) Is responsible for establishing and sustaining:

21 (i) Relationships among members of the
22 multidisciplinary team that promote collaboration; and

23 (ii) An atmosphere of trust and safety to partner
24 for success in child abuse and neglect cases;

25 (B) Serves as an advocate for the multidisciplinary team
26 model;

27 (C) Works with the members of the multidisciplinary team
28 to ensure effective implementation of the multidisciplinary team model; and

29 (D) Assumes the role of a multidisciplinary team
30 coordinator and does not perform the role of a director or leader.

31
32 SECTION 3. Arkansas Code § 9-5-104 is amended to read as follows:

33 9-5-104. Duties of the ~~Arkansas Child Abuse/Rape/Domestic Violence~~
34 ~~Commission~~ Children's Advocacy Centers of Arkansas – Child safety centers.

35 (a) ~~Regarding the administration of the Arkansas Children's Advocacy~~
36 ~~Center Fund and an entity receiving funding under this chapter, the Arkansas~~

1 ~~Child Abuse/Rape/Domestic Violence Commission or its designee, to the extent~~
2 ~~funding is appropriated and available, shall~~ The Department of Finance and
3 Administration shall:

4 (1) Distribute grants to one (1) or more child safety centers
5 and an entity receiving funding under this chapter;

6 (2)(A) Retain oversight of all grants distributed under this
7 chapter.

8 (B) The Secretary of the Department of Finance and
9 Administration or his or her designee shall be the agency contact concerning
10 the oversight of grants distributed under this chapter; and

11 (3) Evaluate the Children's Advocacy Centers of Arkansas's
12 quarterly reports concerning funding received by the Children's Advocacy
13 Centers of Arkansas and each child safety center.

14 (b) The Department of Finance and Administration and the Children's
15 Advocacy Centers of Arkansas shall work together to:

16 (1)(A) Establish the criteria for grant applications and awards
17 under this chapter.

18 (B) A grant application shall be submitted directly to the
19 Department of Finance and Administration;

20 (2)(A) Establish the criteria for awarding or denying a grant
21 application under this chapter.

22 (B) The Department of Finance and Administration shall
23 remit funds awarded to a child safety center directly to the child safety
24 center;

25 ~~(1)(3)~~ Annually evaluate each child safety center for compliance
26 with the ~~program~~ best program practices of the Children's Advocacy Centers of
27 Arkansas, fiscal, and training requirements under this chapter;

28 ~~(2)(4)~~ Promulgate rules and Promote and uphold procedures to
29 implement this chapter and the forms for the evaluation of each child safety
30 center;

31 ~~(3)(5)~~ Adopt a uniform system of recordkeeping and reporting to
32 ensure the proper handling of funds by child safety centers and to ensure
33 uniformity and accountability by child safety centers; and

34 ~~(4)(6)~~ Provide training and technical assistance to child safety
35 centers to ensure best practice standards for forensic interviews, advocacy,
36 prevention, and ~~forensic medical examinations~~ evaluations; and

1 (7) Coordinate and provide training statewide for
2 multidisciplinary teams.

3 ~~(b)(c)~~ The ~~commission~~ Children's Advocacy Centers of Arkansas may
4 enter into contracts with any entity to fulfill its duties under this
5 chapter.

6 (d) A child safety center shall:

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

12 (2) Work with participating agencies relating to the delivery of
13 services to a child and the family of a child who is the alleged victim of
14 abuse or neglect;

15 (3) Provide support and advocacy services to a child and the
16 family of a child who is the alleged victim of abuse or neglect;

17 (4) Provide forensic interviews that are conducted in a neutral,
18 fact-finding manner and coordinated to avoid duplicative interviewing;

19 (5) Provide access to specialized medical evaluations and
20 treatment services to a child who is the alleged victim of abuse or neglect;

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

23 (7) Provide a child-focused setting that is comfortable,
24 private, and physically safe for a diverse population.

25
26 SECTION 4. Arkansas Code § 9-5-105 is amended to read as follows:

27 9-5-105. Receipt of money.

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

35
36 SECTION 5. Arkansas Code § 9-5-106 is amended to read as follows:

1 9-5-106. Disbursement of funds.

2 ~~(a) The Arkansas Child Abuse/Rape/Domestic Violence Commission~~
3 Department of Finance and Administration may disburse money appropriated from
4 the Arkansas Children's Advocacy Center Fund ~~exclusively~~ for the following
5 purposes:

6 (1) ~~To satisfy contractual obligations made to perform its~~
7 duties entered into by the Children's Advocacy Centers of Arkansas in order
8 for the duties of the Children's Advocacy Centers of Arkansas under this
9 section to be performed;

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

12 (3) To compensate the ~~commission~~ Children's Advocacy Centers of
13 Arkansas or its designee for administration costs associated with the
14 performance of duties under this chapter.

15 (b) The Children's Advocacy Centers of Arkansas may contract with a
16 physician or healthcare entity that specializes in child abuse to provide
17 expert advice, medical evaluations, and medical training to child safety
18 centers.

19 ~~(b)(1) The commission may disburse funds, to the extent appropriated~~
20 ~~and available, from the Arkansas Children's Advocacy Center Fund to a~~
21 ~~qualified medical entity or a qualified mental health entity for education,~~
22 ~~peer review, and consultation to medical service examiners and mental health~~
23 ~~service examiners qualified under this section for children interviewed and~~
24 ~~examined at the child safety centers.~~

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

26 ~~(A) Have:~~

27 ~~(i) Subspecialty training in pediatric medicine,~~
28 ~~emergency medicine, pediatric gynecology, family practice, or obstetrics and~~
29 ~~gynecology; and~~

30 ~~(ii) Specialized training in the evaluation of child~~
31 ~~sexual abuse cases;~~

32 ~~(B) Provide initial evaluations of allegedly abused and~~
33 ~~assaulted children and adolescents, perform second opinion examinations for~~
34 ~~less experienced examiners, and review photographs and videotapes for other~~
35 ~~examiners;~~

36 ~~(C) Hold a teaching position or a faculty position at a~~

1 ~~college of medicine and provide training and workshops on child sexual abuse-~~
2 ~~related issues;~~

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

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

7 ~~(F) Regularly testify in cases of alleged child sexual~~
8 ~~abuse.~~

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

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

11 ~~(B) Have:~~

12 ~~(i) Specialized training in assessment and treatment~~
13 ~~of children and families; and~~

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

15 ~~(C) Provide assessment and treatment of allegedly abused~~
16 ~~children and adolescents;~~

17 ~~(D) Provide consultation and training for other providers~~
18 ~~and multidisciplinary teams;~~

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

20 ~~(F) Hold membership in professional organizations on child~~
21 ~~abuse related and neglect related issues;~~

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

24 ~~(H) Regularly testify in cases of alleged child sexual~~
25 ~~abuse.~~

26
27 SECTION 6. Arkansas Code § 9-5-109(b)(1), concerning eligibility for
28 contracts, is amended to read as follows:

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

34
35 SECTION 7. Arkansas Code § 9-5-111(4), concerning fiscal requirements,
36 is amended to read as follows:

1 (4) Develop and implement written procedures that conform with
2 the uniform system of recordkeeping developed by the ~~Arkansas Child~~
3 ~~Abuse/Rape/Domestic Violence Commission or its designee~~ Department of Finance
4 and Administration and the Children's Advocacy Centers of Arkansas to ensure
5 proper handling of funds; and

6
7 SECTION 8. Arkansas Code § 9-5-112 is amended to read as follows:
8 9-5-112. Right of entry.

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

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

17 (c) The board shall include two (2) financial experts who shall
18 provide financial oversight, review grants, and evaluate each child safety
19 center.

20
21 SECTION 9. Arkansas Code § 9-5-113 is amended to read as follows:
22 9-5-113. Reports.

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

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

31 (2) A description of child safety centers that meet the
32 requirements of the Department of Finance and Administration and the
33 Children's Advocacy Centers of Arkansas and receive funding from the
34 ~~commission or its designee~~ Department of Finance and Administration;

35 (3) The number of children receiving investigative services by
36 the child safety centers that receive funding from the ~~commission or its~~

1 ~~designee~~ Department of Finance and Administration under this chapter; and

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

3
4 SECTION 10. Arkansas Code § 9-5-115 is amended to read as follows:

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

6 The ~~Arkansas Child Abuse/Rape/Domestic Violence Commission~~ Children's
7 Advocacy Centers of Arkansas and its employees in their official capacities
8 shall be immune from civil liability for performing their duties under this
9 chapter.

10
11 SECTION 11. Arkansas Code § 12-18-504(a), concerning notification in
12 cases of reports of severe maltreatment, is amended to read as follows:

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

17
18 SECTION 12. Arkansas Code § 20-82-208(b)(2), concerning the
19 establishment of the Community Grants for Child Safety Centers Program and
20 *the authority of the Arkansas Child Abuse/Rape/Domestic Violence Commission,*
21 *is amended to read as follows:*

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

29
30 SECTION 13. Arkansas Code § 20-82-208(b), concerning the establishment
31 of the Community Grants for Child Safety Centers Program and the authority of
32 the Arkansas Child Abuse/Rape/Domestic Violence Commission, is amended to add
33 an additional subdivision to read as follows:

34 (3) On July 31 of each year, the Administrative Office of the
35 Courts shall submit an annual report to the Legislative Council showing the
36 number of persons charged in circuit court for each criminal offense

1 classification, comparing the state and each judicial district.

2
3 SECTION 14. Arkansas Code § 20-82-209 is amended to read as follows:
4 20-82-209. Multidisciplinary teams – Protocols created –
5 Responsibilities – Definition.

6 (a) As used in this section, “multidisciplinary team” means a local
7 team operating under a statewide model protocol developed by the ~~Arkansas~~
8 ~~Child Abuse/Rape/Domestic Violence Commission~~ Multidisciplinary Team
9 Oversight Committee governing the roles, responsibilities, and procedures of
10 the multidisciplinary team.

11 (b) ~~The commission~~ committee shall:

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

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

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

22 (c) Each multidisciplinary team shall:

23 (1) Develop a protocol consistent with the statewide model
24 protocol issued by the ~~commission~~ committee; and

25 (2) Submit the protocol to the ~~commission~~ Children’s Advocacy
26 Centers of Arkansas for review and approval; and

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

28 (d) The Department of Finance and Administration shall contract with
29 the Children’s Advocacy Centers of Arkansas to provide support, training, and
30 funding to the multidisciplinary team facilitators.

31 (e)(1) A multidisciplinary team shall have the majority consent for
32 hiring and terminating the multidisciplinary team’s multidisciplinary team
33 facilitator.

34 (2) A multidisciplinary team shall consult with the Children’s
35 Advocacy Centers of Arkansas concerning the hiring or termination of the
36 multidisciplinary team’s multidisciplinary team facilitator.

1
2 SECTION 15. Arkansas Code § 20-82-210 is amended to read as follows:

3 20-82-210. ~~Subcommittee on Child Safety Centers~~ Multidisciplinary Team
4 Oversight Committee – Members – Duty to ~~oversee child safety centers~~ assess
5 statewide multidisciplinary teams and the response to child abuse.

6 (a) ~~The Arkansas Child Abuse/Rape/Domestic Violence Commission~~
7 Children’s Advocacy Centers of Arkansas shall establish the ~~Subcommittee~~
8 Multidisciplinary Team Oversight Committee on Child Safety Centers.

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

11 (1) ~~Three (3) members appointed by the commission~~ The Commander
12 of the Crimes Against Children Division or his or her designee; and

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

17 (3) The Executive Director of the Arkansas Prosecuting Attorneys
18 Association or his or her designee;

19 (4) A mental health provider with specialized training in
20 trauma-focused evaluation or treatment of child abuse issues;

21 (5) A medical provider with specialized training in the
22 evaluation or treatment of child abuse issues;

23 (6) The Executive Director of the Arkansas Sheriffs’ Association
24 or his or her designee;

25 (7) The Executive Director of the Arkansas Association of Chiefs
26 of Police or his or her designee;

27 (8) The President of the Board of Directors of the Children’s
28 Advocacy Centers of Arkansas or his or her designee; and

29 (9) A representative of the juvenile justice system.

30 (c) ~~The subcommittee~~ committee shall oversee assess the operations of
31 ~~the child safety centers with regard to child abuse~~ multidisciplinary teams
32 statewide with regard to responses to alleged child abuse.

33
34 SECTION 16. Arkansas Code Title 20, Chapter 82, Subchapter 2, is
35 amended to add an additional section to read as follows:

36 20-82-212. Administrative contracts – Contracts with the Children’s

1 Advocacy Centers of Arkansas – Eligibility for contracts.

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

5 (b) The Children’s Advocacy Centers of Arkansas may enter into a
6 memorandum of understanding with the Crimes Against Children Division of the
7 Division of Arkansas State Police, the Division of Children and Family
8 Services of the Department of Human Services, and any other agency as
9 necessary.

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/s/C. Fite