

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

As Engrossed: H3/1/21 H3/16/21

A Bill

HOUSE BILL 1499

5 By: Representatives C. Fite, Jett, *Vaught*
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.

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

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

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

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

15 (5) “Multidisciplinary team facilitator” means a person who:

16 (A) Is responsible for establishing and sustaining:

17 (i) Relationships among members of the
 18 multidisciplinary team that promote collaboration; and

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

21 (B) Serves as an advocate for the multidisciplinary team
 22 model;

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

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

27
 28 SECTION 2. Arkansas Code § 9-5-104 is amended to read as follows:

29 9-5-104. Duties of the ~~Arkansas Child Abuse/Rape/Domestic Violence~~
 30 ~~Commission~~ Children’s Advocacy Centers of Arkansas – Child safety centers.

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

36 (1) Contract with the Department of Finance and Administration

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

3 ~~(1)~~(2) Annually evaluate each child safety center for compliance
4 with the ~~program~~ best program practices of the Children's Advocacy Centers of
5 Arkansas, fiscal, and training requirements under this chapter;

6 ~~(2)~~(3) ~~Promulgate rules and~~ Promote and uphold procedures to
7 implement this chapter and the forms for the evaluation of each child safety
8 center;

9 ~~(3)~~(4) Adopt a uniform system of recordkeeping and reporting to
10 ensure the proper handling of funds by child safety centers and to ensure
11 uniformity and accountability by child safety centers; ~~and~~

12 ~~(4)~~(5) Provide training and technical assistance to child safety
13 centers to ensure best practice standards for forensic interviews, advocacy,
14 prevention, and forensic medical examinations evaluations; and

15 (6) Coordinate and provide training statewide for
16 multidisciplinary teams.

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

19 (c) A child safety center shall:

20 (1) Receive, review, and track reporting from the Department of
21 Human Services relating to the alleged abuse or neglect of a child in order
22 to ensure a consistent and comprehensive approach to providing services to a
23 child and the family of a child who is the victim of alleged abuse or
24 neglect;

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

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

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

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

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

36 (7) Provide a child-focused setting that is comfortable,

1 private, and physically safe for a diverse population.

2
3 SECTION 3. Arkansas Code § 9-5-105 is amended to read as follows:

4 9-5-105. Receipt of money.

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

11
12 SECTION 4. Arkansas Code § 9-5-106 is amended to read as follows:

13 9-5-106. Disbursement of funds.

14 ~~(a) The Arkansas Child Abuse/Rape/Domestic Violence Commission~~
15 Children's Advocacy Centers of Arkansas may disburse money appropriated from
16 the Arkansas Children's Advocacy Center Fund exclusively for the following
17 purposes:

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

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

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

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

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

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

36 ~~(A) Have:~~

1 ~~(i) Subspecialty training in pediatric medicine,~~
2 ~~emergency medicine, pediatric gynecology, family practice, or obstetrics and~~
3 ~~gynecology; and~~

4 ~~(ii) Specialized training in the evaluation of child~~
5 ~~sexual abuse cases;~~

6 ~~(B) Provide initial evaluations of allegedly abused and~~
7 ~~assaulted children and adolescents, perform second opinion examinations for~~
8 ~~less experienced examiners, and review photographs and videotapes for other~~
9 ~~examiners;~~

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

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

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

17 ~~(F) Regularly testify in cases of alleged child sexual~~
18 ~~abuse.~~

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

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

21 ~~(B) Have:~~

22 ~~(i) Specialized training in assessment and treatment~~
23 ~~of children and families; and~~

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

25 ~~(C) Provide assessment and treatment of allegedly abused~~
26 ~~children and adolescents;~~

27 ~~(D) Provide consultation and training for other providers~~
28 ~~and multidisciplinary teams;~~

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

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

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

34 ~~(H) Regularly testify in cases of alleged child sexual~~
35 ~~abuse.~~

36

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

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

8
9 SECTION 6. Arkansas Code § 9-5-111(4), concerning fiscal requirements,
10 is amended to read as follows:

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

15
16 SECTION 7. Arkansas Code § 9-5-112 is amended to read as follows:

17 9-5-112. Right of entry.

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

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

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

29
30 SECTION 8. Arkansas Code § 9-5-113 is amended to read as follows:

31 9-5-113. Reports.

32 The ~~Arkansas Child Abuse/Rape/Domestic Violence Commission~~ Children's
33 Advocacy Centers of Arkansas or its designee shall provide an annual report
34 by March 1 of each year to the Department of Human Services, Division of
35 Arkansas State Police, Chair of the Senate Interim Committee on Children and
36 Youth, and the Chair of the House Committee on Aging, Children and Youth,

1 Legislative and Military Affairs containing the following information:

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

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

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

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

11
12 SECTION 9. Arkansas Code § 9-5-115 is amended to read as follows:

13 9-5-115. Immunity from civil liability.

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

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

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

25
26 SECTION 11. Arkansas Code § 20-82-208(b)(2), concerning the
27 establishment of the Community Grants for Child Safety Centers Program and
28 *the authority of the Arkansas Child Abuse/Rape/Domestic Violence Commission,*
29 *is amended to read as follows:*

30 (2) The ~~Arkansas Child Abuse/Rape/Domestic Violence Commission~~
31 Children's Advocacy Centers of Arkansas shall ~~advise the Child~~
32 ~~Abuse/Rape/Domestic Violence Section on the administration and monitoring of~~
33 ~~this~~ administer and monitor the grant program for the operation of existing
34 child safety centers and the development of new child safety centers in ~~the~~
35 ~~State of Arkansas~~ this state.

36

1 SECTION 12. Arkansas Code § 20-82-208(b), concerning the establishment
2 of the Community Grants for Child Safety Centers Program and the authority of
3 the Arkansas Child Abuse/Rape/Domestic Violence Commission, is amended to add
4 an additional subdivision to read as follows:

5 (3) On July 31 of each year, the Administrative Office of the
6 Courts shall submit an annual report to the Legislative Council showing the
7 number of persons charged in circuit court for each criminal offense
8 classification, comparing the state and each judicial district.

9
10 SECTION 13. Arkansas Code § 20-82-209 is amended to read as follows:

11 20-82-209. Multidisciplinary teams – Protocols created –
12 Responsibilities – Definition.

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

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

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

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

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

29 (c) Each multidisciplinary team shall:

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

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

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

35 (d) The Children’s Advocacy Centers of Arkansas shall contract with
36 the Department of Finance and Administration to provide support, training,

1 and funding to the multidisciplinary team facilitators.

2
3 SECTION 14. Arkansas Code § 20-82-210 is amended to read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

34
35 SECTION 15. Arkansas Code Title 20, Chapter 82, Subchapter 2, is
36 amended to add an additional section to read as follows:

1 20-82-212. Administrative contracts – Contracts with the Children’s
2 Advocacy Centers of Arkansas – Eligibility for contracts.

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

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

11
12 */s/C. Fite*
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