

1 State of Arkansas
2 91st General Assembly
3 Regular Session, 2017
4

A Bill

SENATE BILL 556

5 By: Senator A. Clark
6

For An Act To Be Entitled

8 AN ACT TO CREATE THE CHILD MALTREATMENT
9 INVESTIGATIONS OVERSIGHT COMMITTEE; TO REPEAL THE
10 OVERSIGHT SYSTEM CONCERNING THE CHILD ABUSE HOTLINE;
11 TO AMEND THE LAW CONCERNING OPEN PUBLIC MEETINGS
12 UNDER THE FREEDOM OF INFORMATION ACT OF 1967; TO
13 AMEND CONFIDENTIALITY PROVISIONS CONTAINED IN THE
14 CHILD MALTREATMENT ACT; AND FOR OTHER PURPOSES.
15

Subtitle

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18 TO CREATE THE CHILD MALTREATMENT
19 INVESTIGATIONS OVERSIGHT COMMITTEE; TO
20 AMEND THE FREEDOM OF INFORMATION ACT; AND
21 TO AMEND PROVISIONS CONTAINED IN THE
22 CHILD MALTREATMENT ACT.
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25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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27 SECTION 1. Arkansas Code Title 10, Chapter 3, is amended to add an
28 additional subchapter to read as follows:

Subchapter 32 –

Child Maltreatment Investigations Oversight Committee

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31
32 10-3-3201. Legislative intent.

33 The General Assembly intends to establish the Child Maltreatment
34 Investigations Oversight Committee as a mechanism to promote transparency and
35 efficiency concerning procedures of child maltreatment investigations in this
36 state.



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2 10-3-3202. Child Maltreatment Investigations Oversight Committee -
3 Creation - Membership - Meetings.

4 (a)(1) There is created a legislative committee to be known as the
5 "Child Maltreatment Investigations Oversight Committee" that shall review and
6 evaluate:

7 (A) The conduct of child maltreatment investigations
8 completed by the Division of Children and Family Services of the Department
9 of Human Services or the Crimes Against Children Division of the Department
10 of Arkansas State Police; and

11 (B) Service delivery to children and families involved in
12 an investigation of child maltreatment.

13 (2) All cases that are reviewed and evaluated under this section
14 shall:

15 (A) Be completed investigations of child maltreatment; and

16 (B) Not be associated with a pending dependency-neglect
17 case.

18 (b)(1) The Child Maltreatment Investigations Oversight Committee
19 shall be composed of eighteen (18) members, and unless otherwise provided
20 under this section, the members shall be selected by the Chair of the House
21 Committee on Aging, Children and Youth, Legislative and Military Affairs and
22 the Chair of the Senate Interim Committee on Children and Youth in
23 consultation with members of the House Committee on Aging, Children and
24 Youth, Legislative and Military Affairs and the Senate Interim Committee on
25 Children and Youth.

26 (2) Membership of the Child Maltreatment Investigations
27 Oversight Committee shall include:

28 (A) The Director of the Division of Children and Family
29 Services of the Department of Human Services, or his or her designee;

30 (B) The Commander of the Crimes Against Children Division
31 of the Department of Arkansas State Police, or his or her designee;

32 (C) One (1) representative from the Governor's office, as
33 selected by the Governor;

34 (D) One (1) attorney who is employed as parent counsel;

35 (E) One (1) dependency-neglect attorney ad litem;

36 (F) One (1) attorney who:

1 (i) Has experience representing parents in child
 2 welfare cases ; and

3 (ii) Is not contracted by the state;

4 (G) One (1) judge or justice, who may be a retired judge
 5 or justice;

6 (H) One (1) current or former representative from the
 7 court-appointed special advocate program;

8 (I) One (1) representative from a child advocacy center;

9 (J)(i) One (1) parent who was previously designated as a
 10 subject of the report.

11 (ii) As used in subdivision (b)(2)(I)(i) of this
 12 section, "subject of the report" means:

13 (a) The offender;

14 (b) The custodial and noncustodial parents,
 15 guardians,` and legal custodians of the child who is subject to suspected
 16 maltreatment; and

17 (c) The child who is the subject of suspected
 18 maltreatment;

19 (K) One (1) adult who was previously in the custody of the
 20 state as a foster child due to a true finding of child maltreatment;

21 (L) One (1) current foster parent;

22 (M) The Chair of the House Committee on Aging, Children
 23 and Youth, Legislative and Military Affairs and the Chair of the Senate
 24 Interim Committee on Children and Youth;

25 (N)(i) Two (2) designees of the Chair of the House
 26 Committee on Aging, Children and Youth, Legislative and Military Affairs and
 27 the Chair of the Senate Interim Committee on Children and Youth.

28 (ii) The designees under subdivision (b)(2)(M)(i) of
 29 this section shall be members of the General Assembly; and

30 (O)(i) One (1) current or former member of the General
 31 Assembly who is a current or former member of the House Committee on Aging,
 32 Children and Youth, Legislative and Military Affairs or the Senate Interim
 33 Committee on Children and Youth.

34 (ii) The current or former member of the General
 35 Assembly under subdivision (b)(2)(N)(i) of this section shall be appointed by
 36 the Governor.

1 (c)(1)(A) Members of the Child Maltreatment Investigations Oversight
2 Committee shall serve three-year staggered terms.

3 (B)(i) A current or former legislative member of the Child
4 Maltreatment Investigations Oversight Committee shall serve for a term that
5 expires following the general election that occurs after he or she is chosen
6 to serve on the oversight committee, and until his or her replacement is
7 selected or appointed under this section.

8 (ii) A current or former legislative member of the
9 oversight committee under subdivision (c)(1)(B)(i) of this section may be
10 appointed or selected to serve consecutive terms.

11 (d)(1) The Chair of the Child Maltreatment Investigations Oversight
12 Committee shall guide the Child Maltreatment Investigations Oversight
13 Committee in its discussion, evaluation, and review of the:

14 (A) Conduct of child maltreatment investigations completed
15 by the Division of Children and Family Services of the Department of Human
16 Services or the Crimes Against Children Division of the Department of
17 Arkansas State Police; and

18 (B) Service delivery to children and families involved in
19 an investigation of child maltreatment.

20 (2) Guidance from the Chair of the Child Maltreatment
21 Investigations Oversight Committee under subdivision (d)(1) of this section
22 shall include without limitation:

23 (A) Selection of closed child maltreatment cases to be
24 considered by the oversight committee; and

25 (B) Criteria by which to evaluate the conduct of child
26 maltreatment investigations and service delivery under subdivisions (d)(1)(A)
27 and (B) of this section.

28 (e) Staff for the meetings of the Child Maltreatment Investigations
29 Oversight Committee shall be provided by the Bureau of Legislative Research.

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31 10-3-3203. Confidentiality – Unlawful disclosure.

32 (a) Meetings of the Child Maltreatment Investigations Oversight
33 Committee are closed and are exempt from public observance under the Freedom
34 of Information Act of 1967, § 25-19-101 et seq.

35 (b) Correspondence between Child Maltreatment Investigations Oversight
36 Committee members and information considered by the Child Maltreatment

1 Investigations Oversight Committee in furtherance of the goals of the Child
2 Maltreatment Investigations Oversight Committee are exempt from public
3 inspection and copying under the Freedom of Information Act of 1967, § 25-19-
4 101 et seq.

5 (c)(1) Except as provided under subdivision (c)(2) of this section,
6 members of the Child Maltreatment Investigations Oversight Committee shall
7 not disclose to any other person any confidential information obtained during
8 or in relation to a meeting of the Child Maltreatment Investigations
9 Oversight Committee.

10 (2) A legislative member of the Child Maltreatment
11 Investigations Oversight Committee, acting in his or her official capacity,
12 may disclose confidential information obtained under this section to:

13 (A)(i) Members of the General Assembly.

14 (ii) However, disclosure shall not be made to any
15 public committee or legislative body; and

16 (B) The Governor and the Governor's authorized staff
17 members.

18 (d)(1) A person commits the offense of unlawful disclosure of data or
19 information under this subchapter if the person knowingly discloses data or
20 information to a person to whom disclosure is not permitted by this
21 subchapter.

22 (2) Unlawful disclosure of data or information under this
23 subchapter is a Class A misdemeanor.

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25 10-3-3204. Report.

26 (a) The Child Maltreatment Investigations Oversight Committee shall
27 submit its findings and recommendations contained in a report at least
28 annually to the House Committee on Aging, Children and Youth, Legislative and
29 Military Affairs and the Senate Interim Committee on Children and Youth.

30 (b) The report shall not contain information that identifies:

31 (1) A subject of a report of child maltreatment; or

32 (2) The person who made the report of child maltreatment.

33
34 SECTION 2. TEMPORARY LANGUAGE. DO NOT CODIFY.

35 (a) The membership of the Child Maltreatment Investigations Oversight
36 Committee shall be determined within sixty (60) days of the effective date of

1 this act.

2 (b) The Chair of the House Committee on Aging, Children and Youth,
3 Legislative and Military Affairs and the Chair of the Senate Interim
4 Committee on Children and Youth shall call the first meeting.

5 (c) At the first meeting, the initial members of the Child
6 Maltreatment Investigations Oversight Committee shall:

7 (1) Determine by lot their respective staggered terms; and

8 (2) Elect from its legislative membership the Chair of the Child
9 Maltreatment Investigations Oversight Committee.

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11 SECTION 3. Arkansas Code § 12-8-506 is repealed.

12 ~~12-8-506. Oversight.~~

13 ~~(a)(1)(A) When the Department of Arkansas State Police assumes~~
14 ~~responsibility for the Child Abuse Hotline and child abuse investigations~~
15 ~~under this subchapter, either through transfer or by contract, an oversight~~
16 ~~system shall be created to review:~~

17 ~~(i) The administration of the Child Abuse Hotline;~~

18 ~~(ii) The conduct of child abuse investigations;~~

19 ~~(iii) Interagency cooperation in regard to the~~
20 ~~allocation of responsibility for various types of child abuse investigations;~~
21 ~~and~~

22 ~~(iv) Service delivery to children and families.~~

23 ~~(B) The oversight system shall utilize the same criteria~~
24 ~~by which the Division of Children and Family Services of the Department of~~
25 ~~Human Services has been measured as stipulated in the settlement of Angela R.~~
26 ~~v. State of Arkansas.~~

27 ~~(2) The House Subcommittee on Children and Youth of the House~~
28 ~~Committee on Aging, Children and Youth, Legislative and Military Affairs and~~
29 ~~the Senate Interim Committee on Children and Youth shall conduct the review~~
30 ~~and evaluation with the assistance of six (6) ex officio members with~~
31 ~~professional experience in the performance of activities involving child~~
32 ~~abuse and neglect, to be appointed jointly by the chairs of the House~~
33 ~~Subcommittee on Children and Youth of the House Committee on Aging, Children~~
34 ~~and Youth, Legislative and Military Affairs and the Senate Interim Committee~~
35 ~~on Children and Youth from a list of nominees submitted by the professional~~
36 ~~associations of the respective members, as follows:~~

1 information.

2 (ii) This subdivision does not prohibit an
3 individual United States or Arkansas senator or representative from
4 disclosing information to another United States or Arkansas senator or
5 representative.

6 (B) However, disclosure shall not be made to any committee
7 or legislative body.

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9 SECTION 6. Arkansas Code § 12-18-710(e)(11), concerning release of
10 information on a true investigative determination pending due process, is
11 amended to add an additional subdivision to read as follows:

12 (11)(A)(i) Acting in their official capacities, individual United
13 States and Arkansas senators and representatives and their authorized staff
14 members, but only if they agree not to permit any redisclosure of the
15 information.

16 (ii) This subdivision does not prohibit an
17 individual United States or Arkansas senator or representative from
18 disclosing information to another United States or Arkansas senator or
19 representative.

20 (B) However, disclosure shall not be made to any committee
21 or legislative body.

22
23 SECTION 7. Arkansas Code § 12-18-909(d), concerning availability of
24 true reports of child maltreatment from the central registry, is amended to
25 add an additional subdivision to read as follows:

26 (5) This section does not prohibit the disclosure and discussion
27 of confidential data, records, reports, or documents created, collected, or
28 compiled by or on behalf of the Department of Human Services, the Department
29 of Arkansas State Police, or other entity authorized under this chapter to
30 perform investigations or provide services to children, individuals, or
31 families in closed meetings conducted by the Child Maltreatment
32 Investigations Oversight Committee under § 10-3-3201 et seq.

33
34 SECTION 8. Arkansas Code § 12-18-909(g)(15), concerning availability
35 of true reports of child maltreatment from the central registry, is amended
36 to read as follows:

1 (15)(A)(i) Acting in their official capacities, individual
2 United States and Arkansas senators and representatives and their authorized
3 staff members, but only if they agree not to permit any redisclosure of the
4 information.

5 (ii) This subdivision does not prohibit an
6 individual United States or Arkansas senator or representative from
7 disclosing information to another United States or Arkansas senator or
8 representative.

9 (B) However, disclosure shall not be made to any committee
10 or legislative body of any information that identifies any recipient of
11 services by name or address;

12
13 SECTION 9. Arkansas Code § 12-18-910(d), concerning the availability
14 of screened-out and unsubstantiated reports, is amended to add an additional
15 subdivision to read as follows:

16 (4) This section does not prohibit the disclosure and discussion
17 of confidential data, records, reports, or documents created, collected, or
18 compiled by or on behalf of the Department of Human Services, the Department
19 of Arkansas State Police, or other entity authorized under this chapter to
20 perform investigations or provide services to children, individuals, or
21 families in closed meetings conducted by the Child Maltreatment
22 Investigations Oversight Committee under § 10-3-3201 et seq.;

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24 SECTION 10. Arkansas Code § 12-18-910(f)(6), concerning availability
25 of screened-out and unsubstantiated reports, is amended to read as follows:

26 (6)(A)(i) Acting in their official capacities, individual United
27 States and Arkansas senators and representatives and their authorized staff
28 members, but only if they agree not to permit any redisclosure of the
29 information.

30 (ii) This subdivision does not prohibit an
31 individual United States or Arkansas senator or representative from
32 disclosing information to another United States or Arkansas senator or
33 representative.

34 (B) However, disclosure shall not be made to any committee
35 or legislative body of any information that identifies any recipient of
36 services by name or address.

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2 SECTION 11. Arkansas Code § 25-19-106(c), concerning open public
3 meetings, is amended to read as follows:

4 (c)(1)(A) ~~Executive sessions~~ Except as provided under subdivision
5 (c)(6) of this section, an executive session will be permitted only for the
6 purpose of considering employment, appointment, promotion, demotion,
7 disciplining, or resignation of any public officer or employee.

8 (B) The specific purpose of the executive session shall be
9 announced in public before going into executive session.

10 (2)(A) Only the person holding the top administrative position
11 in the public agency, department, or office involved, the immediate
12 supervisor of the employee involved, and the employee may be present at the
13 executive session when so requested by the governing body, board, commission,
14 or other public body holding the executive session.

15 (B) Any person being interviewed for the top
16 administrative position in the public agency, department, or office involved
17 may be present at the executive session when so requested by the governing
18 board, commission, or other public body holding the executive session.

19 (3) Executive sessions must never be called for the purpose of
20 defeating the reason or the spirit of this chapter.

21 (4) No resolution, ordinance, rule, contract, regulation, or
22 motion considered or arrived at in executive session will be legal unless,
23 following the executive session, the public body reconvenes in public session
24 and presents and votes on the resolution, ordinance, rule, contract,
25 regulation, or motion.

26 (5)(A) Boards and commissions of this state may meet in
27 executive session for purposes of preparing examination materials and answers
28 to examination materials that are administered to applicants for licensure
29 from state agencies.

30 (B) Boards and commissions are excluded from this chapter
31 for the administering of examinations to applicants for licensure.

32 (6) Subject to the provisions of subdivision (c)(4) of this
33 section, a public agency may meet in executive session for the purpose of
34 considering, evaluating, or discussing matters pertaining to public water
35 system security or municipally owned utility system security as described in
36 § 25-19-105(b)(18).

1 (7) An executive session held by the Child Maltreatment
2 Investigations Oversight Committee under § 10-3-3201 et seq. is exempt from
3 this section.

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