

1 State of Arkansas  
2 92nd General Assembly  
3 Regular Session, 2019

# A Bill

SENATE BILL 537

4  
5 By: Senator A. Clark

## For An Act To Be Entitled

8 AN ACT TO AMEND THE LAW CONCERNING THE CHILD  
9 MALTREATMENT INVESTIGATIONS OVERSIGHT COMMITTEE; AND  
10 FOR OTHER PURPOSES.

## Subtitle

14 TO AMEND THE LAW CONCERNING THE CHILD  
15 MALTREATMENT INVESTIGATIONS OVERSIGHT  
16 COMMITTEE.

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

21 SECTION 1. Arkansas Code § 10-3-3202(a)(2), concerning cases reviewed  
22 by the Child Maltreatment Investigations Oversight Committee, is amended to  
23 read as follows:

24 (2) All cases that are reviewed and evaluated under this section  
25 shall:

26 (A) Be completed investigations of child maltreatment or  
27 dependency-neglect; and

28 (B) Not be associated with a pending dependency-neglect  
29 case.

31 SECTION 2. Arkansas Code § 10-3-3202(b), concerning the members of the  
32 Child Maltreatment Investigations Oversight Committee, is amended to read as  
33 follows:

34 (b)(1) The Child Maltreatment Investigations Oversight Committee shall  
35 be composed of the following members: ~~eighteen (18) members, and unless~~  
36 ~~otherwise provided under this section, the members shall be selected by the~~



1 ~~Chair of the House Committee on Aging, Children and Youth, Legislative and~~  
2 ~~Military Affairs and the Chair of the Senate Interim Committee on Children~~  
3 ~~and Youth in consultation with members of the House Committee on Aging,~~  
4 ~~Children and Youth, Legislative and Military Affairs and the Senate Interim~~  
5 ~~Committee on Children and Youth.~~

6 ~~(2) Membership of the Child Maltreatment Investigations~~  
7 ~~Oversight Committee shall include:~~

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

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

12 (C) One (1) representative from the Governor’s office, as  
13 selected by the Governor;

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

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

16 (F) One (1) attorney who:

17 (i) Has experience representing parents in child  
18 welfare cases; and

19 (ii) Is not contracted by the state;

20 (G) One (1) judge or justice, who may be a retired judge  
21 or justice;

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

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

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

27 (ii) As used in subdivision ~~(b)(2)(J)(i)~~  
28 (b)(1)(J)(i) of this section, “subject of the report” means:

29 (a) The offender;

30 (b) The custodial and noncustodial parents,  
31 guardians, and legal custodians of the child who is subject to suspected  
32 maltreatment; and

33 (c) The child who is the subject of suspected  
34 maltreatment;

35 (K) One (1) adult who was previously in the custody of the  
36 state as a foster child due to a true finding of child maltreatment or

1 neglect;

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

3 (M)(i) The Chair of the House Committee on Aging, Children  
4 and Youth, Legislative and Military Affairs or his or her designee ~~and the~~  
5 ~~Chair of the Senate Interim Committee on Children and Youth or his or her~~  
6 ~~designee.~~

7 (ii) The Chair of the House Committee on Aging,  
8 Children and Youth, Legislative and Military Affairs shall be a nonvoting ex  
9 officio member of the Child Maltreatment Investigations Oversight Committee  
10 if he or she appoints a designee under subdivision (b)(1)(M)(i) of this  
11 section;

12 (N)(i) The Chair of the Senate Interim Committee on  
13 Children and Youth or his or her designee.

14 (ii) The Chair of the Senate Interim Committee on  
15 Children and Youth shall be a nonvoting ex officio member of the Child  
16 Maltreatment Investigations Oversight Committee if he or she appoints a  
17 designee under subdivision (b)(1)(N)(i) of this section;

18 ~~(N)(i)(O) Two (2) designees of the Chair of the House~~  
19 ~~Committee on Aging, Children and Youth, Legislative and Military Affairs and~~  
20 ~~the Chair of the Senate Interim Committee on Children and Youth.~~

21 ~~(ii) The designees under subdivision (b)(2)(N)(i) of~~  
22 ~~this section shall be members of the General Assembly who are members of the~~  
23 ~~House Committee on Aging, Children and Youth, Legislative and Military~~  
24 ~~Affairs or the Senate Interim Committee on Children and Youth Two (2) members~~  
25 ~~of the General Assembly who are members of the:~~

26 (i) House Committee on Aging, Children and Youth,  
27 Legislative and Military Affairs; or

28 (ii) Senate Interim Committee on Children and Youth;

29 and

30 ~~(O)(P)(i) One (1) current or former member of the General~~  
31 ~~Assembly who is a current or former member of the:~~

32 (a) House Committee on Aging, Children and  
33 Youth, Legislative and Military Affairs; or ~~the~~

34 (b) Senate Interim Committee on Children and  
35 Youth.

36 (ii) The current or former member of the General

1 Assembly under subdivision ~~(b)(2)(O)(i)~~ (b)(1)(P)(i) of this section shall be  
 2 appointed by the Governor.

3 (2) Unless otherwise provided under this section, the members  
 4 listed under subdivisions (b)(1)(A)-(P) of this section shall be selected by  
 5 the Chair of the House Committee on Aging, Children and Youth, Legislative  
 6 and Military Affairs and the Chair of the Senate Interim Committee on  
 7 Children and Youth in consultation with members of the House Committee on  
 8 Aging, Children and Youth, Legislative and Military Affairs and the Senate  
 9 Interim Committee on Children and Youth.

10 (3) The members of the Child Maltreatment Investigations  
 11 Oversight Committee annually shall elect from their legislative membership  
 12 the Chair of the Child Maltreatment Investigations Oversight Committee.  
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14 SECTION 3. Arkansas Code § 10-3-3202(d), concerning the selection,  
 15 discussion, evaluation, and review of child maltreatment cases by the Child  
 16 Maltreatment Investigations Oversight Committee, is amended to read as  
 17 follows:

18 (d)(1)(A) The Chair of the Child Maltreatment Investigations Oversight  
 19 Committee shall guide the Child Maltreatment Investigations Oversight  
 20 Committee in its discussion, evaluation, and review of the:

21 ~~(A)(i)~~ Conduct of child maltreatment investigations  
 22 completed by the Division of Children and Family Services of the Department  
 23 of Human Services or the Crimes Against Children Division of the Department  
 24 of Arkansas State Police; and

25 ~~(B)(ii)~~ Service delivery to children and families  
 26 involved in an investigation of child maltreatment.

27 ~~(2)(B)~~ Guidance from the Chair of the Child Maltreatment  
 28 Investigations Oversight Committee under subdivision (d)(1)(A) of this  
 29 section shall include without limitation:

30 ~~(A)(i)~~ Selection of closed child maltreatment cases  
 31 to be considered by the ~~oversight committee~~ Child Maltreatment Investigations  
 32 Oversight Committee; and

33 ~~(B)(ii)~~ Criteria by which to evaluate the conduct of  
 34 child maltreatment investigations and service delivery under subdivisions  
 35 (d)(1)(A)(i) and ~~(B)(ii)~~ of this section.

36 (2) A member of the General Assembly may submit a case to the

1 Child Maltreatment Investigations Oversight Committee for discussion,  
 2 evaluation, and review.

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 4 SECTION 4. Arkansas Code § 10-3-3202, concerning definitions and the  
 5 creation, membership, and meetings of the Child Maltreatment Investigations  
 6 Oversight Committee, is amended to add an additional subsection to read as  
 7 follows:

8 (f) The following persons may attend a meeting of the Child  
 9 Maltreatment Investigations Oversight Committee:

10 (1) No more than three (3) employees of the Division of Children  
 11 and Family Services of the Department of Human Services who are selected by  
 12 the Director of the Division of Children and Family Services or by his or her  
 13 designee who may be selected under subdivision (b)(1)(A) of this section;

14 (2) No more than three (3) employees of the Crimes Against  
 15 Children Division of the Department of Arkansas State Police who are selected  
 16 by the Commander of the Crimes Against Children Division or by his or her  
 17 designee who may be selected under subdivision (b)(1)(B) of this section;

18 (3) No more than five (5) members of the General Assembly who  
 19 are:

20 (A) Not members of the Child Maltreatment Investigations  
 21 Oversight Committee; and

22 (B) Selected by the Chair of the Child Maltreatment  
 23 Investigations Oversight Committee; and

24 (4)(A) A member of the General Assembly who submits a case to  
 25 the Child Maltreatment Investigations Oversight Committee for discussion,  
 26 evaluation, and review.

27 (B) A member of the General Assembly who submits a case to  
 28 the Child Maltreatment Investigations Oversight Committee shall not  
 29 participate in any discussion, evaluation, or review of the case that occurs  
 30 during a meeting of the Child Maltreatment Investigations Oversight  
 31 Committee.

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 33 SECTION 5. Arkansas Code § 10-3-3203(a), concerning the meetings of  
 34 the Child Maltreatment Investigations Oversight Committee being exempt from  
 35 public observance under the Freedom of Information Act of 1967, is amended to  
 36 read as follows:

1 (a) ~~Meetings~~ Except as otherwise provided under § 10-3-3202(f), the  
 2 meetings of the Child Maltreatment Investigations Oversight Committee are  
 3 closed and are exempt from public observance under the Freedom of Information  
 4 Act of 1967, § 25-19-101 et seq.

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 6 SECTION 6. Arkansas Code § 10-3-3203(c), concerning the nondisclosure  
 7 requirements applicable to the members of the Child Maltreatment  
 8 Investigations Oversight Committee, is amended to read as follows:

9 (c)(1) A member of the Child Maltreatment Investigations Oversight  
 10 Committee may have access to and may disclose any child maltreatment record  
 11 to the extent authorized by:

12 (A) This subchapter;

13 (B) The Child Maltreatment Act, § 12-18-101 et seq.; and

14 (C) Any other law of this state concerning child  
 15 maltreatment records.

16 (2) Except as provided under ~~subdivision (c)(2)~~ subdivisions  
 17 (c)(3) and (4) of this section, ~~members~~ a member of the Child Maltreatment  
 18 Investigations Oversight Committee shall not disclose to any other person ~~any~~  
 19 ~~confidential information;~~

20 (A) Any child maltreatment record obtained during or in  
 21 relation to a meeting of the Child Maltreatment Investigations Oversight  
 22 Committee; and

23 (B) The details of a discussion related to any child  
 24 maltreatment record that occurs during or in relation to a meeting of the  
 25 Child Maltreatment Investigations Oversight Committee.

26 ~~(2)(3)~~ (3) A legislative member of the Child Maltreatment  
 27 Investigations Oversight Committee, acting in his or her official capacity,  
 28 may disclose ~~confidential~~ information from a child maltreatment record that  
 29 is obtained under this section to:

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

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

33 (B) The Governor and the Governor's authorized staff  
 34 members.

35 (4) Information obtained under this section may be disclosed to  
 36 the Governor by a member of the Child Maltreatment Investigations Oversight

1 Committee who serves on the Child Maltreatment Investigations Oversight  
2 Committee as:

3 (i) The representative from the Governor’s office selected  
4 by the Governor under § 10-3-3202(b)(1)(C); or

5 (ii) The current or former member of the General Assembly  
6 appointed by the Governor under § 10-3-3202(b)(1)(P)(ii).

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8 SECTION 7. Arkansas Code § 12-18-104(c), concerning the disclosure and  
9 discussion of confidential data, records, reports, or documents, is amended  
10 to read as follows:

11 ~~(c) This section does not prohibit the disclosure and discussion of~~  
12 ~~confidential~~ Confidential data, records, reports, or documents created,  
13 collected, or compiled by or on behalf of the Department of Human Services,  
14 the Department of Arkansas State Police, or other entity authorized under  
15 this chapter to perform investigations or provide services to children,  
16 individuals, or families may be:

17 (1) Disclosed to and discussed with a member of the Child  
18 Maltreatment Investigations Oversight Committee; and

19 (2) Disclosed and discussed in closed meetings conducted by the  
20 Child Maltreatment Investigations Oversight Committee under § 10-3-3201 et  
21 seq.

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23 SECTION 8. Arkansas Code § 12-18-909(d)(5), concerning the disclosure  
24 and discussion of confidential data, records, reports, or documents, is  
25 amended to read as follows:

26 ~~(5) This section does not prohibit the disclosure and discussion~~  
27 ~~of confidential~~ Confidential data, records, reports, or documents created,  
28 collected, or compiled by or on behalf of the Department of Human Services,  
29 the Department of Arkansas State Police, or other entity authorized under  
30 this chapter to perform investigations or provide services to children,  
31 individuals, or families may be:

32 (A) Disclosed to and discussed with a member of the Child  
33 Maltreatment Investigations Oversight Committee; and

34 (B) Disclosed and discussed in closed meetings conducted  
35 by the Child Maltreatment Investigations Oversight Committee under § 10-3-  
36 3201 et seq.

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SECTION 9. Arkansas Code § 12-18-910(d)(4), concerning the disclosure and discussion of confidential data, records, reports, or documents, is amended to read as follows:

(4) ~~This section does not prohibit the disclosure and discussion of confidential~~ Confidential data, records, reports, or documents created, collected, or compiled by or on behalf of the Department of Human Services, the Department of Arkansas State Police, or other entity authorized under this chapter to perform investigations or provide services to children, individuals, or families may be:

(A) Disclosed to and discussed with a member of the Child Maltreatment Investigations Oversight Committee; and

(B) Disclosed and discussed in closed meetings conducted by the Child Maltreatment Investigations Oversight Committee under § 10-3-3201 et seq.