

1 State of Arkansas
2 92nd General Assembly
3 Regular Session, 2019
4

As Engrossed: S2/11/19

A Bill

SENATE BILL 7

5 By: Senator A. Clark
6

For An Act To Be Entitled

8 AN ACT TO ALLOW MEMBERS OF THE GENERAL ASSEMBLY TO
9 ATTEND HEARINGS HELD UNDER THE ARKANSAS JUVENILE CODE
10 OF 1989; AND FOR OTHER PURPOSES.
11

Subtitle

12
13
14 TO ALLOW MEMBERS OF THE GENERAL ASSEMBLY
15 TO ATTEND HEARINGS HELD UNDER THE
16 ARKANSAS JUVENILE CODE OF 1989.
17

18
19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
20

21 SECTION 1. DO NOT CODIFY. Legislative intent.

22 The General Assembly recognizes:

23 (1) That it is the duty of the General Assembly to initiate
24 intelligent legislative reform that benefits the citizens of Arkansas;

25 (2) That many families in Arkansas are involved in child welfare
26 cases with the Department of Human Services;

27 (3) That these families sometimes turn to members of the General
28 Assembly for assistance when their families are negatively affected by
29 certain limitations in the child welfare process;

30 (4) That it is important to preserve a family unit when
31 possible;

32 (5) That the General Assembly's ability to initiate legislative
33 reform with regard to child welfare is impeded by the nontransparent nature
34 of child welfare proceedings, closed juvenile hearings, and other protections
35 that prevent the General Assembly from adequately observing and reviewing the
36 child welfare process; and



1 (6) That in order to intelligently initiate reform, the General
2 Assembly requires an expansion of its ability to observe and review all
3 aspects of the child welfare process.
4

5 SECTION 2. Arkansas Code § 9-9-217(a)(1), concerning the
6 confidentiality of hearings and records under the Revised Uniform Adoption
7 Act, is amended to read as follows:

8 (1)(A) All hearings held in proceedings under this subchapter
9 shall be held in closed court without admittance of any person other than
10 essential officers of the court, the parties, their witnesses, counsel,
11 persons who have not previously consented to the adoption but are required to
12 consent, and representatives of the agencies present to perform their
13 official duties.

14 (B)(i) A member of the General Assembly may attend an
15 adoption hearing related to a juvenile case that is held under the Arkansas
16 Juvenile Code of 1989, § 9-27-301 et seq., unless the court excludes the
17 member of the General Assembly based on the:

18 (a) Best interest of the child; or

19 (b) Court's authority under the Arkansas Rules
20 of Civil Procedure or the Arkansas Rules of Evidence.

21 (ii) Except as otherwise provided by law, a member
22 of the General Assembly who attends a hearing in accordance with subdivision
23 (a)(1)(B)(i) of this section shall not redisclose information obtained during
24 his or her attendance at the hearing.

25
26 SECTION 3. Arkansas Code § 9-27-325(i)(1), concerning hearings held
27 under the Arkansas Juvenile Code of 1989, is amended to read as follows:

28 (i)(1)(A) All hearings involving allegations and reports of child
29 maltreatment and all hearings involving cases of children in foster care
30 shall be closed.

31 (B)(i) A member of the General Assembly may attend any
32 hearing held under the Arkansas Juvenile Code of 1989, § 9-27-301 et seq.,
33 including a closed hearing, unless the court excludes the member of the
34 General Assembly based on the:

35 (a) Best interest of the child; or

36 (b) Court's authority under the Arkansas Rules

1 of Civil Procedure or the Arkansas Rules of Evidence.

2 (ii) Except as otherwise provided by law, a member
3 of the General Assembly who attends a hearing in accordance with subdivision
4 (i)(1)(B)(i) of this section shall not redisclose information obtained during
5 his or her attendance at the hearing.

6
7
8 /s/A. Clark
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36