

1 State of Arkansas As Engrossed: S2/11/19 H2/13/19

2 92nd General Assembly

# A Bill

3 Regular Session, 2019

SENATE BILL 7

4

5 By: Senator A. Clark

6 By: Representative Sullivan

7

8

## For An Act To Be Entitled

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

12

13

14

## Subtitle

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

18

19

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

21

22 SECTION 1. DO NOT CODIFY. Legislative intent.

23 The General Assembly recognizes:

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

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

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

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

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



1 child welfare process; and

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

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

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

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

19 (a) Best interest of the child; or

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

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

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

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

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

36 (a) Best interest of the child; or

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

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

7  
8  
9 /s/A. Clark  
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