

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

As Engrossed: S1/29/19 S2/26/19

A Bill

SENATE BILL 90

5 By: Senator A. Clark
6

For An Act To Be Entitled

8 AN ACT TO AMEND THE LAW CONCERNING EVIDENCE PRESENTED
9 DURING PROBABLE CAUSE HEARINGS HELD UNDER THE
10 ARKANSAS JUVENILE CODE OF 1989; AND FOR OTHER
11 PURPOSES.
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Subtitle

14 TO AMEND THE LAW CONCERNING EVIDENCE
15 PRESENTED DURING PROBABLE CAUSE HEARINGS
16 HELD UNDER THE ARKANSAS JUVENILE CODE OF
17 1989.
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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23 SECTION 1. Arkansas Code § 9-27-315(a)(1)(B), concerning the purpose
24 of a probable cause hearing that is held after the issuance of an emergency
25 order, is amended to read as follows:

26 (B)(i) The hearing shall be limited to the purpose of
27 determining whether probable cause existed to protect the juvenile and to
28 determine whether probable cause still exists to protect the juvenile.

29 (ii) However, the issues as to custody and delivery
30 of services may be considered by the court and appropriate orders for ~~that~~
31 custody and delivery of services entered by the court.

32 (iii) ~~No further~~ If the defendant stipulates that
33 probable cause exists, the only evidence shall be that is presented at the
34 probable cause hearing ~~regarding issues agreed to by the parties if the court~~
35 ~~accepts a stipulated agreement by the parties that specifies the facts and~~
36 ~~findings of law supporting the probable cause order that are agreed to by the~~



1 parties shall be:

2 (a) Evidence pertaining to visitation; and

3 (b) Evidence pertaining to services delivered
4 to the family.

5 (iv) If a stipulated agreement under subdivision
6 (a)(1)(B)(iii) of this section is accepted by the court, testimony or
7 evidence specifically addressing the allegations in the petition shall be
8 reserved for adjudication and the petitioner has the burden of proving the
9 allegations during the adjudication hearing A parent shall not be compelled
10 to testify under any circumstances.

11 (v) For the sole purpose of the probable cause
12 hearing, the stipulation of a parent that probable cause exists shall also
13 serve as a stipulation to the introduction of the affidavit of the plaintiff.

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/s/A. Clark

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