Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas *As Engrossed: S3/26/19 H4/4/19*
92nd General Assembly A Bill
Regular Session, 2019 SENATE BILL 537

By: Senator A. Clark
By: Representative McCullough

For An Act To Be Entitled

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

Subtitle

TO AMEND THE LAW CONCERNING THE CHILD MALTREATMENT INVESTIGATIONS OVERSIGHT COMMITTEE.

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

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

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

(A) Be completed investigations of child maltreatment; and

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

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

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

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

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

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

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

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

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

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

(F) One (1) attorney who:

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

(ii) Is not contracted by the state;

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

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

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

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

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

(a) The offender;

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

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

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

neglect;

(L) One (1) current foster parent;

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

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

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

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

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

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

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

(ii) Senate Interim Committee on Children and Youth;

~~*and*~~

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

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

(b) Senate Interim Committee on Children and Youth.

(ii) The current or former member of the General

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

(Q) The Director of the Dependency-Neglect Attorney Ad Litem Program or his or her designee;

(R) An attorney who practices dependency-neglect appellate law, who shall be selected by the Chair of the Child Maltreatment Investigations Oversight Committee; and

(S) The Executive Director of the Commission for Parent Counsel or his or her designee.

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

(3) The members of the Child Maltreatment Investigations Oversight Committee annually shall elect from their legislative membership the Chair of the Child Maltreatment Investigations Oversight Committee.

SECTION 3. Arkansas Code § 10-3-3202(d), concerning the selection, discussion, evaluation, and review of child maltreatment cases by the Child Maltreatment Investigations Oversight Committee, is amended to read as follows:

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

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

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

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

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

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

(2) A member of the General Assembly may submit a case to the Child Maltreatment Investigations Oversight Committee for discussion, evaluation, and review.

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

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

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

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

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

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

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

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

(B) A member of the General Assembly who submits a case to the Child Maltreatment Investigations Oversight Committee shall not participate in any discussion, evaluation, or review of the case that occurs

during a meeting of the Child Maltreatment Investigations Oversight Committee.

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

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

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

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

(A) This subchapter;

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

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

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

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

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

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

(A)~~(i) Members of the General Assembly~~ Federal, state, and local governmental entities, or any agent of such entities that have a need for such information to carry out its responsibilities under law to protect children from maltreatment~~.~~;

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

(B)(i) ~~The Governor and the Governor's authorized staff members~~ Acting in their official capacities under law to protect children, individual United States and Arkansas senators and representatives and their authorized staff members but only if they agree not to permit redisclosure of the information except for a legitimate state purpose to protect children from child maltreatment.

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

(C) Acting in their official capacities under law to protect children, the Governor and the Governor's authorized staff members but only if they agree not to permit redisclosure of the information except for a legitimate state purpose to protect children from child maltreatment.

(4) Information obtained under this section may be disclosed to the Governor by a member of the Child Maltreatment Investigations Oversight Committee who serves on the Child Maltreatment Investigations Oversight Committee as:

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

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

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

(c) ~~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:

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

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

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

(5) ~~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.

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.

/s/A. Clark