

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

State of Arkansas      *As Engrossed: S1/29/19 S2/26/19 H3/18/19*  
92nd General Assembly      **A Bill**  
Regular Session, 2019

SENATE BILL 90

By: Senator A. Clark  
*By: Representative Capp*

### **For An Act To Be Entitled**

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

### **Subtitle**

TO AMEND THE LAW CONCERNING EVIDENCE  
PRESENTED DURING PROBABLE CAUSE HEARINGS  
HELD UNDER THE ARKANSAS JUVENILE CODE OF  
1989.

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

SECTION 1. Arkansas Code § 9-27-315(a)(1)(B), concerning the purpose of a probable cause hearing that is held after the issuance of an emergency order, is amended to read as follows:

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

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

(iii) ~~No further~~ If the defendant stipulates that probable cause exists, the only evidence shall be that is presented at the probable cause hearing regarding issues agreed to by the parties if the court accepts a stipulated agreement by the parties that specifies the facts and



~~findings of law supporting the probable cause order that are agreed to by the parties shall be:~~

~~(a) Evidence pertaining to visitation; and~~

~~(b) Evidence pertaining to services delivered to the family.~~

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

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

/s/A. Clark