

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

State of Arkansas As Engrossed: H3/1/21 H3/16/21 S4/14/21 S4/15/21 S4/20/21

93rd General Assembly

A Bill

Regular Session, 2021

HOUSE BILL 1499

By: Representatives C. Fite, Jett, Vaught

By: Senators J. Dismang, B. Ballinger

For An Act To Be Entitled

AN ACT TO AMEND THE LAW CONCERNING THE ARKANSAS CHILD ABUSE/RAPE/DOMESTIC VIOLENCE COMMISSION; CONCERNING NOTICE OF SEVERE MALTREATMENT REPORTS; CONCERNING CERTAIN ANNUAL REPORTS SUBMITTED BY THE ADMINISTRATIVE OFFICE OF THE COURTS; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND THE LAW CONCERNING THE ARKANSAS CHILD ABUSE/RAPE/DOMESTIC VIOLENCE COMMISSION; CONCERNING NOTICE OF SEVERE MALTREATMENT REPORTS; AND CONCERNING CERTAIN ANNUAL REPORTS SUBMITTED BY THE ADMINISTRATIVE OFFICE OF THE COURTS.

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

SECTION 1. DO NOT CODIFY. Legislative intent.

The provisions of this act are not intended to change the current structure of multidisciplinary teams in Arkansas.

SECTION 2. Arkansas Code § 9-5-103 is amended to read as follows:

9-5-103. Definitions.

(a) As used in this chapter:

(1) "Board" means the Board of Directors of the Children's Advocacy Centers of Arkansas;



(2) "Children's Advocacy Centers of Arkansas" means a non-profit organization that is a chapter of the National Children's Alliance operating in this state for the purpose of promoting, assisting, and supporting the development, growth, and continuation of child safety centers in this state;

~~(1)(A)(3)(A) "Child safety center"~~ "Child safety center" means a not-for-profit nonprofit child-friendly facility that provides a location for forensic interviews and forensic medical examinations and ensures access for specialized mental health services during the course of a child maltreatment investigation.

(B) A ~~"child safety center"~~ child safety center is commonly known as a child advocacy center; and "child advocacy center";

~~(2) "Commission" means the Arkansas Child Abuse/Rape/Domestic Violence Commission.~~

(4) "Multidisciplinary team" means a collaborative group of individual professionals from diverse organizations and agencies who work together in a coordinated manner to ensure an effective response to child abuse and neglect cases so a child victim is not overlooked and essential services are provided in a timely manner; and

(5) "Multidisciplinary team facilitator" means a person who:

(A) Is responsible for establishing and sustaining:

(i) Relationships among members of the multidisciplinary team that promote collaboration; and

(ii) An atmosphere of trust and safety to partner for success in child abuse and neglect cases;

(B) Serves as an advocate for the multidisciplinary team model;

(C) Works with the members of the multidisciplinary team to ensure effective implementation of the multidisciplinary team model; and

(D) Assumes the role of a multidisciplinary team coordinator and does not perform the role of a director or leader.

SECTION 3. Arkansas Code § 9-5-104 is amended to read as follows:

9-5-104. Duties of the ~~Arkansas Child Abuse/Rape/Domestic Violence Commission~~ Children's Advocacy Centers of Arkansas – Child safety centers.

(a) ~~Regarding the administration of the Arkansas Children's Advocacy Center Fund and an entity receiving funding under this chapter, the Arkansas~~

~~Child Abuse/Rape/Domestic Violence Commission or its designee, to the extent funding is appropriated and available, shall~~ The Department of Finance and Administration shall:

(1) Distribute grants to one (1) or more child safety centers and an entity receiving funding under this chapter;

(2)(A) Retain oversight of all grants distributed under this chapter.

(B) The Secretary of the Department of Finance and Administration or his or her designee shall be the agency contact concerning the oversight of grants distributed under this chapter; and

(3) Evaluate the Children's Advocacy Centers of Arkansas's quarterly reports concerning funding received by the Children's Advocacy Centers of Arkansas and each child safety center.

(b) The Department of Finance and Administration and the Children's Advocacy Centers of Arkansas shall work together to:

(1)(A) Establish the criteria for grant applications and awards under this chapter.

(B) A grant application shall be submitted directly to the Department of Finance and Administration;

(2)(A) Establish the criteria for awarding or denying a grant application under this chapter.

(B) The Department of Finance and Administration shall remit funds awarded to a child safety center directly to the child safety center;

~~(1)(3)~~ (3) Annually evaluate each child safety center for compliance with the program best program practices of the Children's Advocacy Centers of Arkansas, fiscal, and training requirements under this chapter;

~~(2)(4)~~ Promulgate rules and Promote and uphold procedures to implement this chapter and the forms for the evaluation of each child safety center;

~~(3)(5)~~ Adopt a uniform system of recordkeeping and reporting to ensure the proper handling of funds by child safety centers and to ensure uniformity and accountability by child safety centers; and

~~(4)(6)~~ Provide training and technical assistance to child safety centers to ensure best practice standards for forensic interviews, prevention, and forensic medical examinations evaluations; and

(7) Coordinate and provide training statewide for multidisciplinary teams.

~~(b)~~(c) The ~~commission~~ Children's Advocacy Centers of Arkansas may enter into contracts with any entity to fulfill its duties under this chapter.

(d) A child safety center shall:

(1) Receive, review, and track reporting from the Department of Human Services relating to the alleged abuse or neglect of a child in order to ensure a consistent and comprehensive approach to providing services to a child and the family of a child who is the victim of alleged abuse or neglect;

(2) Work with participating agencies relating to the delivery of services to a child and the family of a child who is the alleged victim of abuse or neglect;

(3) Provide support services to a child and the family of a child who is the alleged victim of abuse or neglect;

(4) Provide forensic interviews that are conducted in a neutral, fact-finding manner and coordinated to avoid duplicative interviewing;

(5) Provide access to specialized medical evaluations and treatment services to a child who is the alleged victim of abuse or neglect;

(6) Provide access to evidence-based, trauma-focused mental health services to a child who is the alleged victim of abuse or neglect; and

(7) Provide a child-focused setting that is comfortable, private, and physically safe for a diverse population.

SECTION 4. Arkansas Code § 9-5-105 is amended to read as follows:

9-5-105. Receipt of money.

Under this chapter and in the administration of the Arkansas Children's Advocacy Center Fund, the ~~Arkansas Child Abuse/Rape/Domestic Violence Commission~~ Department of Finance and Administration and the Children's Advocacy Centers of Arkansas shall not accept money or other assistance from the ~~federal~~ United States government or any other entity or individual if the acceptance would obligate the State of Arkansas except to the extent that money is available in the fund.

SECTION 5. Arkansas Code § 9-5-106 is amended to read as follows:

9-5-106. Disbursement of funds.

~~(a) The Arkansas Child Abuse/Rape/Domestic Violence Commission~~
Department of Finance and Administration may disburse money appropriated from the Arkansas Children's Advocacy Center Fund ~~exclusively~~ for the following purposes:

(1) ~~To satisfy contractual obligations made to perform its duties entered into by the Children's Advocacy Centers of Arkansas in order for the duties of the Children's Advocacy Centers of Arkansas under this section to be performed;~~

(2) To make grants to child safety centers that meet the requirements of this section; and

(3) To compensate the ~~commission~~ Children's Advocacy Centers of Arkansas or its designee for administration costs associated with the performance of duties under this chapter.

(b) The Children's Advocacy Centers of Arkansas may contract with a physician or healthcare entity that specializes in child abuse to provide expert advice, medical evaluations, and medical training to child safety centers.

~~(b)(1) The commission may disburse funds, to the extent appropriated and available, from the Arkansas Children's Advocacy Center Fund to a qualified medical entity or a qualified mental health entity for education, peer review, and consultation to medical service examiners and mental health service examiners qualified under this section for children interviewed and examined at the child safety centers.~~

~~(2) A medical entity selected shall have physicians who:~~

~~(A) Have:~~

~~(i) Subspecialty training in pediatric medicine, emergency medicine, pediatric gynecology, family practice, or obstetrics and gynecology; and~~

~~(ii) Specialized training in the evaluation of child sexual abuse cases;~~

~~(B) Provide initial evaluations of allegedly abused and assaulted children and adolescents, perform second opinion examinations for less experienced examiners, and review photographs and videotapes for other examiners;~~

~~(C) Hold a teaching position or a faculty position at a~~

~~college of medicine and provide training and workshops on child sexual abuse-related issues;~~

~~(D) Hold membership in professional organizations on child abuse-related and neglect-related issues;~~

~~(E) Work for or are affiliated with a regional center for the medical evaluation of allegedly sexually abused children; and~~

~~(F) Regularly testify in cases of alleged child sexual abuse.~~

~~(3) A mental health entity shall have professionals who:~~

~~(A) Are licensed mental health professionals;~~

~~(B) Have:~~

~~(i) Specialized training in assessment and treatment of children and families; and~~

~~(ii) Specialized training in trauma and child abuse;~~

~~(C) Provide assessment and treatment of allegedly abused children and adolescents;~~

~~(D) Provide consultation and training for other providers and multidisciplinary teams;~~

~~(E) Hold a teaching or faculty position;~~

~~(F) Hold membership in professional organizations on child abuse-related and neglect-related issues;~~

~~(G) Work for or are affiliated with a regional center for the medical evaluation of allegedly sexually abused children; and~~

~~(H) Regularly testify in cases of alleged child sexual abuse.~~

SECTION 6. Arkansas Code § 9-5-109(b)(1), concerning eligibility for contracts, is amended to read as follows:

(b)(1) The ~~Arkansas Child Abuse/Rape/Domestic Violence Commission~~ Children's Advocacy Centers of Arkansas may waive the requirements specified in subsection (a) of this section if the ~~commission~~ Children's Advocacy Centers of Arkansas determines that the waiver will not adversely affect the child safety center's ability to carry out its duties under this chapter.

SECTION 7. Arkansas Code § 9-5-111(4), concerning fiscal requirements, is amended to read as follows:

(4) Develop and implement written procedures that conform with the uniform system of recordkeeping developed by the ~~Arkansas Child Abuse/Rape/Domestic Violence Commission or its designee~~ Department of Finance and Administration and the Children's Advocacy Centers of Arkansas to ensure proper handling of funds; and

SECTION 8. Arkansas Code § 9-5-112 is amended to read as follows:

9-5-112. Right of entry.

(a) ~~The Arkansas Child Abuse/Rape/Domestic Violence Commission~~ Children's Advocacy Centers of Arkansas or its designee may enter the premises of a child safety center at any time to ensure compliance with this chapter and the rules promulgated by the ~~commission~~ Children's Advocacy Centers of Arkansas under this chapter.

(b) Each child safety center shall submit annually an audit, a budget, bylaws and policies to the Board of Directors of the Children's Advocacy Centers of Arkansas.

(c) The board shall include two (2) financial experts who shall provide financial oversight, review grants, and evaluate each child safety center.

SECTION 9. Arkansas Code § 9-5-113 is amended to read as follows:

9-5-113. Reports.

~~The Arkansas Child Abuse/Rape/Domestic Violence Commission~~ Children's Advocacy Centers of Arkansas or its designee shall provide an annual report by March 1 of each year to the Department of Human Services, Division of Arkansas State Police, Chair of the Senate Interim Committee on Children and Youth, and the Chair of the House Committee on Aging, Children and Youth, Legislative and Military Affairs containing the following information:

(1) The incidence of child abuse in this state based on information obtained from child safety centers under this chapter;

(2) A description of child safety centers that meet the requirements of the Department of Finance and Administration and the Children's Advocacy Centers of Arkansas and receive funding from the ~~commission or its designee~~ Department of Finance and Administration;

(3) The number of children receiving investigative services by the child safety centers that receive funding from the ~~commission or its~~

~~designee~~ Department of Finance and Administration under this chapter; and

(4) Outcome data provided by the child safety centers.

SECTION 10. Arkansas Code § 20-82-206(5), concerning the powers and duties of the Child Abuse/Rape/Domestic Violence Section, is repealed.

~~(5) Facilitate the development of and contract with local multidisciplinary teams throughout the state, the purpose of which is to provide coordinated investigation and service delivery to child victims of severe maltreatment;~~

SECTION 11. Arkansas Code § 20-82-208(b)(2), concerning the establishment of the Community Grants for Child Safety Centers Program and the authority of the Arkansas Child Abuse/Rape/Domestic Violence Commission, is amended to read as follows:

(2) ~~The Arkansas Child Abuse/Rape/Domestic Violence Commission~~ Department of Finance and Administration shall ~~advise the Child Abuse/Rape/Domestic Violence Section on the administration and monitoring of this~~ administer and monitor the grant program for the operation of existing child safety centers and the development of new child safety centers in ~~the State of Arkansas~~ this state through an annual grant with the Children's Advocacy Centers of Arkansas.

SECTION 12. Arkansas Code § 20-82-208(b), concerning the establishment of the Community Grants for Child Safety Centers Program and the authority of the Arkansas Child Abuse/Rape/Domestic Violence Commission, is amended to add an additional subdivision to read as follows:

(3) On July 31 of each year, the Administrative Office of the Courts shall submit an annual report to the Legislative Council showing the number of persons charged in circuit court for each criminal offense classification, comparing the state and each judicial district.

SECTION 13. Arkansas Code § 20-82-209 is amended to read as follows:

20-82-209. Multidisciplinary teams – Protocols created – Responsibilities – Definition.

(a) As used in this section, “multidisciplinary team” means a local team operating under a statewide model protocol developed by the ~~Arkansas~~

~~Child Abuse/Rape/Domestic Violence Commission Multidisciplinary Team Oversight Committee governing the roles, responsibilities, and procedures of the multidisciplinary team.~~

(b) ~~The commission committee shall:~~

(1)(A) Prepare and issue a statewide model protocol for ~~local~~ multidisciplinary teams regarding ~~investigations~~ cases of child abuse and the provision of safety and services to victims of child abuse, ~~which~~ who may include child victims of human trafficking.

(B) The statewide model protocol shall describe coordinated investigation or coordinated services, or both, of state and local law enforcement, the Department of Human Services, and medical, mental health, and child safety centers; and

(2) Review and approve a protocol prepared by each ~~local~~ multidisciplinary team.

(c) Each multidisciplinary team shall:

(1) Develop a protocol consistent with the statewide model ~~protocol issued by the commission committee; and~~

(2) Submit the protocol to the ~~commission~~ Children's Advocacy Centers of Arkansas for review and approval; and

(3) Ensure the timely exchange of relevant information.

(d) The Department of Finance and Administration shall contract with the Children's Advocacy Centers of Arkansas to provide support, training, and funding to the multidisciplinary team facilitators.

(e)(1) A multidisciplinary team shall have the majority consent for hiring and terminating the multidisciplinary team's multidisciplinary team facilitator.

(2) A multidisciplinary team shall consult with the Children's Advocacy Centers of Arkansas concerning the hiring or termination of the multidisciplinary team's multidisciplinary team facilitator.

SECTION 14. Arkansas Code § 20-82-210 is amended to read as follows:

20-82-210. ~~Subcommittee on Child Safety Centers~~ Multidisciplinary Team Oversight Committee – Members – Duty to ~~oversee child safety centers~~ assess statewide multidisciplinary teams and the response to child abuse.

(a) ~~The Arkansas Child Abuse/Rape/Domestic Violence Commission~~ Children's Advocacy Centers of Arkansas shall establish the ~~Subcommittee~~

Multidisciplinary Team Oversight Committee on Child Safety Centers.

(b) ~~The subcommittee shall consist of seven (7) members appointed as follows~~ The committee shall include the following members:

- (1) ~~Three (3) members appointed by the commission~~ The Commander of the Crimes Against Children Division or his or her designee; and
- (2) ~~Four (4) members appointed by the Arkansas Legislative Task Force on Abused and Neglected Children~~ The Director of the Division of Children and Family Services of the Department of Human Services or his or her designee;
- (3) The Executive Director of the Arkansas Prosecuting Attorneys Association or his or her designee;
- (4) A mental health provider with specialized training in trauma-focused evaluation or treatment of child abuse issues;
- (5) A medical provider with specialized training in the evaluation or treatment of child abuse issues;
- (6) The Executive Director of the Arkansas Sheriffs' Association or his or her designee;
- (7) The Executive Director of the Arkansas Association of Chiefs of Police or his or her designee;
- (8) The President of the Board of Directors of the Children's Advocacy Centers of Arkansas or his or her designee;
- (9) A representative of the juvenile justice system;
- (10) The Executive Director of the Arkansas Child Abuse/Rape/Domestic Violence Commission or his or her designee; and
- (11) The Chair of the Child Maltreatment Investigations Oversight Committee who shall be a nonvoting ex officio member of the Multidisciplinary Team Oversight Committee.

(c) ~~The subcommittee~~ committee shall oversee assess the operations of the ~~child safety centers with regard to child abuse~~ multidisciplinary teams statewide with regard to responses to alleged child abuse.

SECTION 15. Arkansas Code Title 20, Chapter 82, Subchapter 2, is amended to add an additional section to read as follows:

20-82-212. Administrative contracts – Contracts with the Children's Advocacy Centers of Arkansas – Eligibility for contracts.

(a) The Children's Advocacy Centers of Arkansas may contract with a

statewide organization as necessary to fulfill the duties of the Children's Advocacy Centers of Arkansas described in § 9-5-104.

(b) The Children's Advocacy Centers of Arkansas may enter into a memorandum of understanding with the Crimes Against Children Division of the Division of Arkansas State Police, the Division of Children and Family Services of the Department of Human Services, and any other agency as necessary.

/s/C. Fite