

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

State of Arkansas
95th General Assembly
Regular Session, 2025

A Bill

HOUSE BILL 1964

By: Representative Brooks

By: Senator A. Clark

For An Act To Be Entitled

AN ACT TO MOVE THE CHILD WELFARE OMBUDSMAN DIVISION FROM THE ARKANSAS CHILD ABUSE/RAPE/DOMESTIC VIOLENCE COMMISSION AND THE JUVENILE OMBUDSMAN DIVISION OF THE ARKANSAS PUBLIC DEFENDER COMMISSION FROM THE ARKANSAS PUBLIC DEFENDER COMMISSION TO THE DEPARTMENT OF INSPECTOR GENERAL AND RENAME AS THE DIVISION OF OMBUDSMEN; TO CREATE THE OFFICE OF THE CHILD WELFARE OMBUDSMAN AND THE OFFICE OF THE JUVENILE OMBUDSMAN; TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.

Subtitle

TO MOVE THE CHILD WELFARE OMBUDSMAN DIVISION AND THE JUVENILE OMBUDSMAN DIVISION TO THE DEPARTMENT OF INSPECTOR GENERAL; AND TO DECLARE AN EMERGENCY.

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

SECTION 1. Arkansas Code § 16-87-216 is repealed.

~~16-87-216. Juvenile Ombudsman Division—Definitions.~~

~~(a) For purposes of this section, the following definitions shall apply:~~

~~(1) “Best interests of the juvenile” includes those actions and courses of action which:~~

~~(A) Keep the juvenile safe from physical, mental, or sexual abuse while in state custody;~~

~~(B) Are considerate of the court’s recommendations and~~



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~~adhere to the juvenile's treatment plan; and~~

~~(C) Work toward rehabilitating the juvenile;~~

~~(2) "Division" means the Division of Youth Services of the Department of Human Services;~~

~~(3) "Executive director" means the Executive Director of the Arkansas Public Defender Commission; and~~

~~(4) "Juvenile" means any juvenile who has been committed to the custody of the Division of Youth Services pursuant to a disposition order of the juvenile division of circuit court.~~

~~(b)(1) It is the intent of the General Assembly to create a Juvenile Ombudsman Division of the Arkansas Public Defender Commission to provide for independent oversight of the Division of Youth Services' facilities and programs that are unlicensed or unaccredited.~~

~~(2) There shall be created within the Arkansas Public Defender Commission a juvenile ombudsman and assistant juvenile ombudsmen that shall be appointed by the executive director.~~

~~(3) The minimum qualifications for an ombudsman shall be as follows:~~

~~(A) A master's degree in:~~

~~(i) Social work;~~

~~(ii) Psychology;~~

~~(iii) Law; or~~

~~(iv) A related field;~~

~~(B) A bachelor's degree in:~~

~~(i) Social work;~~

~~(ii) Psychology; or~~

~~(iii) A related field; or~~

~~(C) Four (4) years' direct experience in programs serving juvenile offenders and their families.~~

~~(4) No waiver of the minimum qualifications in subdivision (b)(3) of this section shall be permitted.~~

~~(c) The powers and duties of the ombudsman shall be as follows:~~

~~(1) The ombudsman shall be given online access to all tracking systems maintained by the Division of Youth Services, including but not limited to the:~~

~~(A) Incident report tracking system and the disposition of~~

~~incidents reported therein;~~

~~(B) Parent helpline tracking system; and~~

~~(C) Juvenile tracking system;~~

~~(2) The ombudsman may attend scheduled meetings or reviews of juvenile intake, program progress, or aftercare planning;~~

~~(3) The ombudsman shall be given access to any meeting or document that would be accessible to the general public through the Freedom of Information Act of 1967, § 25-19-101 et seq.;~~

~~(4) The ombudsman shall be given reasonable prior notice of all major activities of the Audit and Compliance Section of the Division of Youth Services and shall be permitted to accompany the monitor or monitoring team of the Division of Youth Services on any monitoring visit or audit;~~

~~(5) The ombudsman shall be subject to the same compliance with all procedures, policies, and laws regarding the confidentiality of juveniles committed to the Division of Youth Services as required by Division of Youth Services employees;~~

~~(6) The ombudsman may initiate and maintain contact with any juvenile during the juvenile's custodial placement or while on aftercare status;~~

~~(7) The ombudsman shall be given access to the juveniles and to the juveniles' records and meetings of program progress and case planning at all the privately contracted facilities of the Division of Youth Services;~~

~~(8)(A) To identify instances where necessary services are not being provided with respect to the safety, health, education, and rehabilitation of the juvenile as identified in a treatment plan.~~

~~(B) When a problem is identified, the ombudsman shall notify the Director of the Division of Youth Services or his or her designee, the juvenile court having jurisdiction, the juvenile's parents or guardian, and the juvenile's attorney or attorneys of the problem;~~

~~(9) To document a juvenile's questions, complaints, and concerns related to the juvenile's health, safety, education, and treatment and seek answers to those questions and address the complaints and concerns in an expedient manner;~~

~~(10) To request and review, as needed, all records on the history and treatment of the juvenile while in the custody of the Division of Youth Services or in aftercare, including related agency and court records;~~

~~(11) To make unannounced visits to the unlicensed or unaccredited facilities of the Division of Youth Services, whether state-run or privately operated, to assure the safety and well-being of the juveniles;~~

~~(12) Upon receipt of a complaint involving alleged child maltreatment, the ombudsman shall immediately report the alleged incident to the Child Abuse Hotline, the facility director, and the Director of the Division of Youth Services or his or her designee, who shall be responsible for ensuring the juvenile's safety;~~

~~(13)(A) To prepare annual reports on the overall functioning of the Division of Youth Services' ability to provide for the safety, health, education, and rehabilitation of juveniles committed to the Division of Youth Services.~~

~~(B) The report shall be submitted to:~~

~~(i) The Secretary of the Department of Human Services and the Director of the Division of Youth Services;~~

~~(ii) The House Committee on Aging, Children and Youth, Legislative and Military Affairs;~~

~~(iii) The Senate Interim Committee on Children and Youth;~~

~~(iv) The judges of the juvenile divisions of circuit court; and~~

~~(v) The Governor;~~

~~(14) To prepare annual reports comparing the court's recommendations, the treatment plans of the Division of Youth Services, and the actual services provided; and~~

~~(15) The audit and compliance process of the Division of Youth Services to verify that each juvenile has unhampered access to a grievance process that addresses the juvenile's questions, complaints, and concerns in a timely manner in accordance with policy and procedure of the Division of Youth Services or applicable statute.~~

~~(d) The ombudsman shall have no authority to command or otherwise instruct any Division of Youth Services employee or contracted agent of the Division of Youth Services regarding any aspect of programming or operations, nor may the ombudsman alter or countermand any instruction to, or participation by, juveniles that is consistent with the policy and procedure of the Division of Youth Services or otherwise part of the treatment plan,~~

~~program, or operations associated with the agency.~~

SECTION 2. Arkansas Code § 20-82-211 is repealed.

~~20-82-211. Child Welfare Ombudsman Division — Creation — Powers and duties.~~

~~(a)(1) There is created within the Arkansas Child Abuse/Rape/Domestic Violence Commission the Child Welfare Ombudsman Division.~~

~~(2) The Executive Director of the Arkansas Child Abuse/Rape/Domestic Violence Commission shall:~~

~~(A) Hire a Child Welfare Ombudsman; and~~

~~(B) Supervise the Child Welfare Ombudsman.~~

~~(3) The Child Welfare Ombudsman shall not be supervised by the members of the Arkansas Child Abuse/Rape/Domestic Violence Commission.~~

~~(4) The minimum qualifications for the Child Welfare Ombudsman shall include:~~

~~(A) A master's degree in:~~

~~(i) Social work;~~

~~(ii) Psychology; or~~

~~(iii) A related field; or~~

~~(B) Comparable experience in one (1) or more programs that serve juveniles and families who are involved in dependency neglect proceedings.~~

~~(5) The Child Welfare Ombudsman shall have the following powers and duties:~~

~~(A) The duty to work independently of the:~~

~~(i) Department of Human Services;~~

~~(ii) Administrative Office of the Courts;~~

~~(iii) Commission for Parent Counsel;~~

~~(iv) Attorney Ad Litem Program;~~

~~(v) Arkansas Public Defender Commission; and~~

~~(vi) Arkansas Court Appointed Special Advocates~~

~~program;~~

~~(B) The duty to communicate with a:~~

~~(i) Juvenile after the approval of, and subject to the conditions set by, the:~~

~~(a) Dependency neglect attorney ad litem~~

~~appointed to the juvenile; or~~

~~(b) Attorney for the juvenile if the juvenile has an attorney other than a dependency neglect attorney ad litem; and~~

~~(ii) Parent of a juvenile after the approval of, and subject to the conditions set by, the attorney for the parent if the parent has an attorney;~~

~~(C) The authority to access a record as allowed by law;~~

~~(D) The duty to review and recommend necessary changes to procedures under the Arkansas Juvenile Code of 1989, § 9-27-301 et seq., the Child Maltreatment Act, § 12-18-101 et seq., and other laws relevant to the operation of the child welfare system that are applicable to the:~~

~~(i) Department of Human Services;~~

~~(ii) Division of Arkansas State Police;~~

~~(iii) Administrative Office of the Courts;~~

~~(iv) Attorney Ad Litem Program;~~

~~(v) Commission for Parent Counsel;~~

~~(vi) Arkansas Public Defender Commission; and~~

~~(vii) Arkansas Court Appointed Special Advocates program;~~

~~(E) The duty to review an issue or concern related to a court case or investigation of a juvenile if it appears that the juvenile, parent of the juvenile, foster parent of the juvenile, relative of the juvenile, or fictive kin of the juvenile may need assistance from the child welfare ombudsman;~~

~~(F) The duty to provide training and technical assistance if a request is received from:~~

~~(i) A member of the child welfare system;~~

~~(ii) The General Assembly; or~~

~~(iii) The office of the Governor;~~

~~(G) The duty to make the public aware of the Child Welfare Ombudsman Division and the contact information for the Child Welfare Ombudsman Division; and~~

~~(H)(i) The duty to prepare an annual report concerning the work of the Child Welfare Ombudsman Division, the operation of the child welfare system, and any recommendations related to the operation of the child welfare system.~~

~~(ii) The Child Welfare Ombudsman Division shall submit the annual report to the:~~

- ~~(a) Governor;~~
- ~~(b) Secretary of the Department of Human Services;~~
- ~~(c) Director of the Division of Arkansas State Police;~~
- ~~(d) Director of the Division of Children and Family Services;~~
- ~~(e) Director of the Administrative Office of the Courts;~~
- ~~(f) Commission for Parent Counsel;~~
- ~~(g) House Committee on Aging, Children and Youth, Legislative and Military Affairs; and~~
- ~~(h) Senate Interim Committee on Children and Youth.~~

~~(iii) The annual report shall not contain information that would identify a juvenile or the family of a juvenile.~~

~~(b) As used in this section, "juvenile" means a juvenile as defined in § 9-27-303 who is:~~

~~(1) A respondent in a dependency neglect proceeding held under the Arkansas Juvenile Code of 1989, § 9-27-301 et seq.; or~~

~~(2) The subject of a child maltreatment investigation under the Child Maltreatment Act, § 12-18-101 et seq.~~

~~(c) A record maintained by the Child Welfare Ombudsman Division that pertains to a court case or investigation of a juvenile who is the subject of work performed by the Child Welfare Ombudsman Division is confidential and shall not be disclosed except as permitted under § 9-28-407.~~

SECTION 3. Arkansas Code Title 25, Chapter 43, Subchapter 10, is amended to add additional sections to read as follows:

25-43-1006. Division of Ombudsmen – Office of the Child Welfare Ombudsman – Office of the Juvenile Ombudsman – Creation.

(a) There is created within the Department of Inspector General the Division of Ombudsmen.

(b) There is created within the division the:

(1) Office of the Child Welfare Ombudsman; and

(2) Office of the Juvenile Ombudsman.

(c)(1) There is created within the Office of the Child Welfare Ombudsman the position of the Child Welfare Ombudsman.

(2) There is created within the Office of the Juvenile Ombudsman the position of the Juvenile Ombudsman.

(d)(1) The Child Welfare Ombudsman and Juvenile Ombudsman shall report to the Secretary of the Department of Inspector General.

(2) The Secretary of the Department of Inspector General shall supervise the Child Welfare Ombudsman and the Juvenile Ombudsman.

25-43-1007. Office of the Child Welfare Ombudsman – Powers and duties.

(a) The Office of the Child Welfare Ombudsman shall:

(1) Work independently of the:

(A) Department of Human Services;

(B) Division of Arkansas State Police;

(C) Administrative Office of the Courts;

(D) Attorney Ad Litem Program;

(E) Commission for Parent Counsel;

(F) Arkansas Public Defender Commission; and

(G) Arkansas Court Appointed Special Advocates program;

(2) Review and recommend necessary changes to procedures under the Arkansas Juvenile Code of 1989, § 9-27-301 et seq., the Child Maltreatment Act, § 12-18-101 et seq., and other laws relevant to the operation of the child welfare system that are applicable to the:

(A) Department of Human Services;

(B) Division of Arkansas State Police;

(C) Administrative Office of the Courts;

(D) Attorney Ad Litem Program;

(E) Commission for Parent Counsel;

(F) Arkansas Public Defender Commission; and

(G) Arkansas Court Appointed Special Advocates program;

(3) Review an issue or concern related to a court case or investigation related to a juvenile if it appears that the juvenile, parent of the juvenile, foster parent of the juvenile, relative of the juvenile, or fictive kin of the juvenile may need assistance from the Child Welfare

Ombudsman;

(4) Inform the public of the Office of the Child Welfare Ombudsman and the contact information for the Office of the Child Welfare Ombudsman; and

(5)(A) Prepare one (1) annual report per year concerning the work of the Office of the Child Welfare Ombudsman, the operation of the child welfare system, and any recommendations related to the operation of the child welfare system.

(B) The Office of the Child Welfare Ombudsman shall submit the annual report under subdivision (a)(5)(A) of this section to the:

- (i) Governor;
- (ii) House Committee on Aging, Children and Youth, Legislative and Military Affairs;
- (iii) Senate Interim Committee on Children and Youth;
- (iv) Secretary of the Department of Human Services;
- (v) Director of the Division of Children and Family Services;
- (vi) Director of the Division of Arkansas State Police;
- (vii) Director of the Administrative Office of the Courts;
- (viii) Attorney Ad Litem Program;
- (ix) Commission for Parent Counsel;
- (x) Arkansas Public Defender Commission; and
- (xi) Arkansas Court Appointed Special Advocates

program.

(C) The annual report under subdivision (a)(5)(A) of this section shall not contain information that would identify a juvenile or the family of a juvenile.

(b) The Office of the Child Welfare Ombudsman may:

- (1) Communicate with a:
 - (A) Juvenile after the approval of, and subject to the conditions set by, the:
 - (i) Dependency-neglect attorney ad litem appointed to represent the juvenile; or

(ii) Attorney for the juvenile if the juvenile has an attorney other than a dependency-neglect attorney ad litem; and

(B) Parent of a juvenile after the approval of, and subject to the conditions set by, the parent's attorney if the parent has an attorney; and

(2) Access juvenile cases within the court system database of the Administrative Office of the Courts to directly view all court-related documents related to matters under review by the Child Welfare Ombudsman.

25-43-1008. Office of the Juvenile Ombudsman – Powers and duties.

(a) The Office of the Juvenile Ombudsman shall:

(1) Be subject to the same compliance with all procedures, policies, and laws regarding the confidentiality of juveniles committed to the Division of Youth Services as required by Division of Youth Services employees;

(2)(A) Identify instances where necessary services are not being provided with respect to the safety, health, education, and rehabilitation of the juvenile as identified in a treatment plan.

(B) When a necessary service that is not provided is identified under subdivision (a)(2)(A) of this section, the Juvenile Ombudsman shall notify the Director of the Division of Youth Services or his or her designee, the juvenile court having jurisdiction, the juvenile's parents or guardian, and the juvenile's attorney or attorneys of the problem;

(3) Upon receipt of a complaint involving alleged child maltreatment, immediately report the alleged incident to the Child Abuse Hotline, the facility director, and the Director of the Division of Youth Services or his or her designee, who shall be responsible for ensuring the juvenile's safety;

(4)(A) Prepare one (1) annual report on the overall functioning of the Division of Youth Services' ability to provide for the safety, health, education, and rehabilitation of juveniles committed to the Division of Youth Services and comparing the court's recommendations, the treatment plans of the Division of Youth Services, and the actual services provided.

(B) The report shall be submitted to:

(i) The Governor;

(ii) The House Committee on Aging, Children and

Youth, Legislative and Military Affairs;

(iii) The Senate Interim Committee on Children and

Youth;

(iv) The Secretary of the Department of Human

Services;

(v) The Director of the Division of Youth Services;

and

(vi) The judges of the juvenile divisions of circuit

court.

(5) The annual report under subdivision (a)(4)(A) of this section shall not contain information that would identify a juvenile or the family of a juvenile; and

(6) Ensure that the juvenile has unhampered access to a grievance process that addresses the juvenile's questions, complaints, and concerns in a timely manner in accordance with policy and procedure of the Division of Youth Services or an applicable statute.

(b) The Office of the Juvenile Ombudsman may:

(1) Access:

(A) All tracking systems maintained by the Division of Youth Services, including without limitation the:

(i) Incident report tracking system and the disposition of incidents reported in the incident report tracking system;

(ii) Parent helpline tracking system; and

(iii) Juvenile tracking system;

(B) Any meeting or document that would be accessible to the general public through the Freedom of Information Act of 1967, § 25-19-101 et seq.;

(C) The juvenile's records and meetings of program progress and case planning at all the privately contracted facilities of the Division of Youth Services; and

(D) All records on the history and treatment of the juvenile while in the custody of the Division of Youth Services or in aftercare, including related agency and court records;

(2) Attend scheduled meetings or reviews of juvenile intake, program progress, or aftercare planning;

(3) Accompany the monitor or monitoring team of the Division of

Youth Services on any monitoring visit or audit of the Audit and Compliance Section of the Division of Youth Services;

(4) Make unannounced visits to the unlicensed or unaccredited facilities of the Division of Youth Services, whether state-run or privately operated, to assure the safety and well-being of the juvenile;

(5) Initiate and maintain contact with a juvenile during the juvenile's custodial placement or while on aftercare status;

(6) Access a juvenile for meetings of program progress and case planning at all the privately contracted facilities of the Division of Youth Services; and

(7) Document a juvenile's questions, complaints, and concerns related to the juvenile's health, safety, education, and treatment and seek answers to those questions and address any complaints and concerns in an expedient manner.

(c) The Juvenile Ombudsman shall not have authority to:

(1) Command or otherwise instruct any Division of Youth Services employee or contracted agent of the Division of Youth Services regarding any aspect of programming or operations; or

(2) Alter or countermand any instruction to, or participation by, juveniles that is consistent with the policy and procedure of the Division of Youth Services or otherwise part of the treatment plan, program, or operations associated with the agency.

SECTION 4. DO NOT CODIFY. Temporary language.

(a)(1) The Child Welfare Ombudsman Division previously located within the Arkansas Child Abuse/Rape/Domestic Violence Commission and its authority, duties, functions, records, contracts, personnel, property, and unexpected balances of appropriations, funding, allocations, and other funds, including without limitation the functions of budgeting or purchasing, are transferred to the Department of Inspector General.

(2) The Child Welfare Ombudsman Division's statutory powers, duties, and functions, including without limitation the functions of budgeting or purchasing, records, contracts, personnel, property, and unexpended balances of appropriations, funding, allocations, and other funds are transferred to the Department of Inspector General.

(b)(1) The Juvenile Ombudsman Division previously located within the

Arkansas Public Defender Commission and its authority, duties, functions, records, contracts, personnel, property, and unexpended balances of appropriations, funding, allocations, and other funds, including without limitation the functions of budgeting or purchasing, are transferred to the Department of Inspector General.

(2) The Juvenile Ombudsman Division's statutory powers, duties, and functions, including without limitation the functions of budgeting or purchasing, records, contracts, personnel, property, and unexpended balances of appropriations, funding, allocations, and other funds are transferred to the Department of Inspector General.

SECTION 5. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that the Child Welfare Ombudsman and Juvenile Ombudsman preserve the public peace, health, and safety by protecting the rights of juveniles and the integrity of the child welfare and juvenile justice systems of Arkansas; that this act provides for the transfer of the Child Welfare Ombudsman Division and the Juvenile Ombudsman Division to the Department of Inspector General; and that this act should become effective on July 1, 2025, to coincide with the appropriation bills of the Department of Inspector General and to ensure that the Child Welfare Ombudsman and the Juvenile Ombudsman continue to provide their respective vital services as the transfer is implemented and to not experience any issues with funding under the transfer. Therefore, an emergency is declared to exist, and this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2025.