

ARKANSAS SENATE
91st General Assembly - Fiscal Session, 2018
Amendment Form

DRAFT

Subtitle of Senate Bill No. 29

AN ACT FOR THE DEPARTMENT OF HUMAN SERVICES - DIVISION OF CHILDREN AND FAMILY
SERVICES APPROPRIATION FOR THE 2018-2019 FISCAL YEAR.

Amendment No. ____ to Senate Bill No. 29

Amend Senate Bill No. 29 as originally introduced:

Page 5, immediately following SECTION 7, insert the following:

" SECTION 8. SPECIAL LANGUAGE – CODE AMENDMENT. 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 dependency-neglect; and

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

SECTION 9. SPECIAL LANGUAGE – CODE AMENDMENT. 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;

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(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)(1)(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)(1)(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

~~(0)(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)(0)(i)~~ (b)(1)(P)(i) of this section shall be appointed by the Governor.

(2) Unless otherwise provided under this section, the members listed under subdivisions (b)(1)(A)-(P) 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 10. SPECIAL LANGUAGE – CODE AMENDMENT. 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) A member of the Child Maltreatment Investigations Oversight Committee may submit a case to the Child Maltreatment Investigations Oversight Committee for discussion, evaluation, and review.

(B) A member who submits a case under subdivision (d)(2)(A) of this section shall not:

(i) Participate in any discussion, evaluation, or review of the case that occurs during a meeting of the Child Maltreatment Investigations Oversight Committee; or

(ii) Vote on the case.

SECTION 11. SPECIAL LANGUAGE – CODE AMENDMENT. Arkansas Code § 10-3-3202 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 Division of Children and Family Services 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; and

(3) No more than two (2) 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.

SECTION 12. SPECIAL LANGUAGE – CODE AMENDMENT. 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 13. SPECIAL LANGUAGE – CODE AMENDMENT. 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.

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

(B) The Governor and the Governor's authorized staff members.

(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 14. SPECIAL LANGUAGE – CODE AMENDMENT. 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 15. SPECIAL LANGUAGE – CODE AMENDMENT. 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 16. SPECIAL LANGUAGE – CODE AMENDMENT. 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. "

AND

Appropriately renumber subsequent SECTIONS of the bill.

The Amendment was read the first time, rules suspended and read the second time and _____

By: Senator A. Clark

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Secretary

1 State of Arkansas

2 91st General Assembly

3 Fiscal Session, 2018

A Bill

SENATE BILL 29

4
5 By: Joint Budget Committee

For An Act To Be Entitled

8 AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL SERVICES
9 AND OPERATING EXPENSES FOR THE DEPARTMENT OF HUMAN
10 SERVICES - DIVISION OF CHILDREN AND FAMILY SERVICES
11 FOR THE FISCAL YEAR ENDING JUNE 30, 2019; AND FOR
12 OTHER PURPOSES.

Subtitle

16 AN ACT FOR THE DEPARTMENT OF HUMAN
17 SERVICES - DIVISION OF CHILDREN AND
18 FAMILY SERVICES APPROPRIATION FOR THE
19 2018-2019 FISCAL YEAR.

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

24 SECTION 1. REGULAR SALARIES - OPERATIONS. There is hereby established
25 for the Department of Human Services - Division of Children and Family
26 Services for the 2018-2019 fiscal year, the following maximum number of
27 regular employees.

			Maximum Annual	
			Salary Rate	
Item	Class	No. of	Fiscal Year	
No.	Code	Title	Employees	2018-2019
33	(1)	N021N DHS DEPUTY DIRECTOR - DCFS	1	GRADE SE01
34	(2)	L038C REGISTERED NURSE	1	GRADE MP01
35	(3)	N121N DHS/DCFS DEPUTY DIRECTOR	1	GRADE GS14
36	(4)	N134N DHS/DCFS ASSISTANT DIRECTOR	2	GRADE GS14



1 programs of the Department of Human Services - Division of Children and
 2 Family Services - Child Abuse and Neglect Prevention Board for the fiscal
 3 year ending June 30, 2019, the following:

5 ITEM	FISCAL YEAR
6 NO.	2018-2019
7 (1) REGULAR SALARIES	\$44,332
8 (2) PERSONAL SERVICES MATCHING	15,107
9 (3) MAINT. & GEN. OPERATION	
10 (A) OPER. EXPENSE	17,770
11 (B) CONF. & TRAVEL	0
12 (C) PROF. FEES	0
13 (D) CAP. OUTLAY	0
14 (E) DATA PROC.	0
15 (4) CHILD ABUSE AND NEGLECT PREVENTION	
16 GRANTS AND AID/LOANS	<u>197,029</u>
17 TOTAL AMOUNT APPROPRIATED	<u><u>\$274,238</u></u>

18 →
 19 SECTION 8. COMPLIANCE WITH OTHER LAWS. Disbursement of funds
 20 authorized by this act shall be limited to the appropriation for such agency
 21 and funds made available by law for the support of such appropriations; and
 22 the restrictions of the State Procurement Law, the General Accounting and
 23 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary
 24 Procedures and Restrictions Act, or their successors, and other fiscal
 25 control laws of this State, where applicable, and regulations promulgated by
 26 the Department of Finance and Administration, as authorized by law, shall be
 27 strictly complied with in disbursement of said funds.

28
 29 SECTION 9. LEGISLATIVE INTENT. It is the intent of the General
 30 Assembly that any funds disbursed under the authority of the appropriations
 31 contained in this act shall be in compliance with the stated reasons for
 32 which this act was adopted, as evidenced by the Agency Requests, Executive
 33 Recommendations and Legislative Recommendations contained in the budget
 34 manuals prepared by the Department of Finance and Administration, letters, or
 35 summarized oral testimony in the official minutes of the Arkansas Legislative
 36 Council or Joint Budget Committee which relate to its passage and adoption.