

1 **State of Arkansas**
2 **78th General Assembly**
3 **Regular Session, 1991**
4 **By: Senator Hardin**

A Bill

SENATE BILL

For An Act To Be Entitled

8 "AN ACT TO AUTHORIZE THE ARKANSAS DEPARTMENT OF HUMAN
9 SERVICES TO CHARGE A REASONABLE FEE FOR COURT-ORDERED
10 INVESTIGATION OR STUDIES; AND FOR OTHER PURPOSES."

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

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14 SECTION 1. Definitions.

15 (a) "Division" means the Arkansas Department of Human Services,
16 Division of Children and Family Services;

17 (b) "Child" means a person under the age of eighteen (18) years;

18 (c) "Investigation" means the process of obtaining a home study, home
19 report, home assessment, home evaluation, or marital study;

20 (d) "Study" means home study, home report, home assessment, home
21 evaluation, or marital study;

22 (e) "Supervision" means periodic visitation to the home or school or
23 other places for monitoring or observation to determine a child's situation or
24 condition or to regulate or facilitate visitation and may include court
25 appearances to provide testimony on the visitation; and

26 (f) "Regulations" means regulations promulgated by the division for the
27 purpose of implementing this chapter pursuant to the Administrative Procedure
28 Act, §25-15-201 et seq.

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30 SECTION 2. (a) If a court of the State of Arkansas requests or orders
31 the division or any licensed social worker of the court's choice to perform
32 any investigation, study, or supervision involving the custody, placement,
33 adoption, or other pertinent matter with regard to a child or children, the
34 division or licensed social worker selected by the court may charge a fee in
35 an amount to be determined by regulations promulgated by the division. The

1 determination of the amount of the fee shall include consideration of the
2 responsible party or parties' ability to pay. However, the fee shall not
3 exceed the actual costs of the investigation, study, or supervision. No
4 charge shall be made where the division is a party to litigation regarding the
5 child or children.

6 (b) When the court requests or orders the division or any licensed
7 social worker to perform an investigation, study, or supervision, the court
8 shall specify the party or parties' responsible for payment of the fee and may
9 grant a reasonable period of time for payment.

10 (c) If payment is not made within the established time frame as set
11 forth in the court order or as prescribed by regulations, the obligation shall
12 be considered a delinquent debt, as defined by regulation, and the department
13 may recover the fee as provided by law for the recovery of a debt.

14 (d) All fees received by the division shall be paid into the State
15 Treasury as special revenues, to be distributed by the division as necessary
16 to purchase professional services to conduct investigations, studies, or
17 supervision or to defray the costs thereof.

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19 SECTION 3. All provisions of this act of a general and permanent nature
20 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
21 Revision Commission shall incorporate the same in the Code.

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23 SECTION 4. If any provision of this act or the application thereof to
24 any person or circumstance is held invalid, such invalidity shall not affect
25 other provisions or applications of the act which can be given effect without
26 the invalid provision or application, and to this end the provisions of this
27 act are declared to be severable.

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29 SECTION 5. Ark. Code Ann. §9-8-101, Ark. Code Ann. §16-10-126 and all
30 laws and parts of laws in conflict herewith are hereby repealed.

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