

1 **State of Arkansas**
2 **78th General Assembly**
3 **Regular Session, 1991**
4 **By: Senate Judiciary Committee**

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 INVESTIGATIONS OR STUDIES INVOLVING A CHILD OR CHILDREN
11 FOR WHOM THE DEPARTMENT IS NOT OTHERWISE PROVIDING
12 SERVICES; TO REPEAL ARKANSAS CODE ANNOTATED §9-8-101; AND
13 FOR OTHER PURPOSES."

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

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17 SECTION 1. Definitions.

18 (a) "Child" means a person under the age of eighteen (18).

19 (b) "Division" means the Arkansas Division of Children and Family
20 Services.

21 (c) "Investigation" means process of obtaining a home study, home
22 report, home assessment, home evaluation, or marital study.

23 (d) "Legal action" means process, whether legal or administrative in
24 nature, which would require an investigation to be conducted.

25 (e) "Qualified person" means a person holding, at a minimum, a Licensed
26 Master of Social Work degree (LMSW).

27 (f) "Regulations" means regulations duly promulgated by the Department
28 for the purpose of implementing this act pursuant to Act 434 of 1967, as
29 amended, the Administrative Procedure Act.

30 (g) "Study" means home study, home report, home assessment, home
31 evaluation, or marital study.

32 (h) "Supervision" means periodic visitation to the home or school or
33 other places for monitoring or observation to determine a child's situation or
34 condition or to regulate or facilitate visitation and may include court
35 appearances to provide testimony on same.

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SECTION 2. If a court requests or orders the Division and their contracted agents, or any other qualified person of the court's choice to perform any investigation, study, or supervision involving the custody, placement, adoption, or other pertinent matter, with regard to a child or children for whom the Division or other qualified person selected by the court is not a party to the legal action which initiated the investigation, the Division or other qualified person selected by the court will recommend a fee, in amounts to be determined by regulations promulgated by the Division. At the time the investigation is requested or ordered, the court shall specify the party or parties responsible for payment of such a fee.

SECTION 3. If payment is not made within the established time frame as set forth in the court order or as prescribed by regulations, the obligation shall be considered a delinquent debt, as defined by regulation, and the Division may recover the fee as provided by law for the recovery of a debt.

SECTION 4. All provisions of this act of a general and permanent nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code Revision Commission shall incorporate the same in the Code.

SECTION 5. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

SECTION 6. Arkansas Code Annotated §9-8-101 is repealed.

SECTION 7. All laws and parts of laws in conflict with this act are hereby repealed.

