

**MINUTES**  
**SENATE INTERIM COMMITTEE ON CHILDREN AND YOUTH**  
**HOUSE INTERIM COMMITTEE ON AGING, CHILDREN AND YOUTH**  
**LEGISLATIVE AND MILITARY AFFAIRS**

**Meeting Jointly**  
**Wednesday, July 17, 2013, 1:00 p.m.**  
**Room 130, State Capitol,**  
**Little Rock, Arkansas**

The Senate Interim Committee on Children and Youth, and the House Interim Committee on Aging, Children and Youth, Legislative and Military Affairs; met Wednesday, July 17, 2013 at 1:00 p.m. in Room 130 at the State Capitol in Little Rock, Arkansas.

**Committee members present were:** *Senators* Stephanie Flowers, Chair; Bart Hester, Vice Chair; Jane English, Jim Hendren and Gary Stubblefield. *Representatives* David Meeks, Chair; Randy Alexander, Charles Armstrong, Ken Bragg, Mary Broadaway, Jody Dickinson, Bill Gossage, Justin T. Harris, Patti Julian, John Payton, Frederick Smith and Brent Talley.

**Non-Committee members present were:** *Senators* Michael Lamoureux and Eddie Joe Williams. *Representatives* Nate Bell, Ann Clemmer, Harold Copenhaver, Mary P. "Prissy" Hickerson, John K. Hutchison, Sheilla Lampkin, Homer Lenderman, Mark McElroy, Betty Overbey, Chris Richey, Tommy Thompson and Butch Wilkins.

Representative David Meeks called the meeting to order.

**Consideration to Approve Minutes of June 13, 2013 [EXHIBIT B]**

Without objection, the minutes were approved.

**Department of Human Services (DHS), Division of Youth Services (DYS), Quarterly Performance Report, January 2013-March 2013 [EXHIBIT C]** Steve Jones, Deputy Director, Department of Human Services and Interim Director of the Division of Youth Services and Dr. Lisa Hutchinson, Assistant Director, Community Based Services, DHS, presented the quarterly performance report. Dr. Hutchinson gave a brief overview of the quarterly performance report for January, 2013-March, 2013. Dr. Hutchinson provided the number of youth currently in detention and described services that are provided to them.

Senator Flowers wanted to know the average length of stay and criteria for commitment on a misdemeanor offense. Dr. Hutchinson explained the commitment criteria. Senator Flowers requested a breakdown of the average length of stay and offense by district. Dr. Hutchinson stated she would include that information in future reports.

Senator Flowers inquired about the finding of an assault on a youth in custody by personnel in a DHS facility. She asked what facility was involved and was involved personnel placed on the Child Maltreatment Registry. Dr. Hutchinson deferred to Kim Luckett, Assistant Director, DHS Residential Operations for response. Mr. Luckett was recognized by Representative Meeks and responded that the finding had been turned over to the Arkansas State Police for investigation and prosecution. Senator Flowers requested a breakdown of this information in future reports.

Senator English asked what percentage of these youth offenders move on to the prison system. Mr. Jones responded, noting that they are working with courts and corrections to track and compile this data.

Representative Hutchison wanted to know what percentage of DYS youth do not graduate from high school. Mr. Jones replied that Brett Smith is the DYS-Superintendent of Schools and he would be up next and could respond to that concern.

Mr. Jones stated the majority of the DYS youth have never been to school, but that while in the program they must attend school.

Representative Bell suggested that it would be beneficial for the legislature to have statistical information on repeat youth offenders. Dr. Hutchinson noted that DYS is working closely with the Administrative Office of the Courts to collect this type of data and she would make this information available to the committee.

Senator Flowers stressed that all should be mindful that these youth are children and not adults and we do not need to be more punitive than necessary to deal with corrective behavior of incorrigible youth. She further noted that most are aware of the term "prison pipeline" i.e., "where you have high poverty and a large number of youth adjudicated, you need to look at your judicial district in terms of commitments. In most cases you can align those commitments with the statistics on poverty." She noted that in these "poverty pockets", there are educational institutions where public schools have been taken over by the state. The state has a role when children are taken into custody and most of the children have been victimized themselves. She emphasized that these children have to be taught and trained and that is what DYS is suppose to be helping to do when they get these commitments.

Dr. Hutchinson interjected that in the annual report DYS tracks youth who are committed to the Arkansas Department of Corrections. She also noted that the DYS recidivism rate is low compared to national percentages.

**Department of Human Services, Division of Youth Services, Annual Education Report [EXHIBIT D]** and [HANDOUT 1] Brett Smith, DYS, Superintendent of Schools was recognized. Mr. Smith gave an overview of the DYS Annual Education Report. Mr. Smith addressed school general and special education audits; student summary and issues; educational accomplishments; college and career education; new uses of technology, i.e. Plato System; funding and organization; and ongoing challenges, i.e. teacher retirement, adverse treatment of DYS students and standardized testing. Mr. Smith further advised that as of this date DYS has passed all General and Special Education audits; and that DYS was recently dismissed from Department of Justice Federal Consent Decree. Mr. Smith encouraged the committee to look at the "You Tube" video about the DYS Educational Program. The link is as follows: <http://youtu.be/wP2zfV6cuYU>

Representative Meeks asked about the teacher retirement issue. Mr. Smith responded they are exploring different options at present. Representative Meeks advised that any ideas they could provide in reference to options for teacher retirement are open for discussion.

**Arkansas Military Veteran's Hall of Fame (AMVHOF)**

Colonel Conrad Reynolds (US Army Ret.) AMVHOF, Director, introduced Colonel Bill Russell and Master Sergeant Paul D. Foster, who serve on the AMVHOF Board of Directors. Colonel Reynolds introduced and explained AMVHOF via power point presentation stating its objectives, purpose and posting its logo. Colonel Reynolds reviewed eligibility requirements and the nomination process. Colonel Reynolds stated AMVHOF is working with the Secretary of State's Office and Capitol Grounds to find a place to exhibit AMVHOF inductees; currently they are exploring plans for the southern end of the Capitol.

Senator Flowers thanked Colonel Reynolds, Master Sergeant Foster and Colonel Russell for their service and voiced her appreciation for Colonel Reynold's presentation. Senator Flowers suggested they make application for GIF (General Improvement Fund). Senator Flowers stated she received a letter from Colonel Reynolds and would respond and encouraged all members to do the same.

Representative Meeks thanked Colonel Reynolds and the others for their service and requested support from fellow legislators for the AMVHOF Exhibit to be located within the Arkansas State Capitol.

Senator Hendren asked what is the estimated cost of the AMVHOF Exhibit. Colonel Reynolds advised approximately \$75,000 but their goal was to raise \$100,000.

**Out of State Placement Reports, December 2012-June 2013 [EXHIBITS E1, E2]**

Ms. Megon Bush, DHS, DCFS, Placement Unit Manager and Ms. Tenesha Barnes, DHS, Division of Medical Services (DMS), Program Manager, briefly presented the out of state placement reports for their respective agencies for the period: December 2012-June 2013.

Representative David Meeks wanted to know if the determination had been made regarding who would stay on Medicaid or who would have to move to the new private option. Ms. Barnes referred the question to Ms. Dixie Wallace, Program Manager, DMS. Ms. Wallace explained that the essential benefit plan will cover but most will probably stay on Medicaid. Representative Meeks stated that he wants to make sure that no one will fall through the cracks; given the new healthcare reform and that all will continue to receive the services they need. Ms. Wallace assured him that all of the clients referenced in this report will because they are considered medically fragile.

**Arkansas State Police, Crimes Against Children Division (CACD), Annual Report 2012 and Oversight Report, January 2013-March, 2013 [EXHIBITS F1, F2]**

Captain Ron Stayton, Commander, Crimes Against Children Division, Arkansas State Police briefly presented the 2012 Annual Report and the Oversight Report for January, 2013-March, 2013.

Representative Payton asked for an explanation of the variation in the numbers for cases investigated (pages 2 and 6 of the Annual Report) and the number of cases assigned for investigation. Captain Stayton explained the variation in numbers comes from cases being investigated by CACD and those cases assigned for investigation with Children and Family Services.

Senator Hendren asked, what are the reasons why they did not meet performance goals and close investigations within 30 days? Capt. Stayton explained delays in working with other law enforcement agencies and prosecutors concerning investigations were a few of the reasons for delays. Senator Hendren stated he would like a remedy to address the delay. Senator Hendren addressed another performance goal, which was the percentage of victims interviewed within 72 hours. Capt. Stayton stated they had recently contracted with an out of state transcription service to remedy this delay; noting that some may have been interviewed but not keyed into the system.

Representative Alexander asked what percentage of "Priority One" perpetrators were a parent or legal guardian? Capt. Stayton stated they are working to capture and include this information in future reports. Representative Alexander asked for the definition of Garrett's Law. Gary Glisson, Hotline Administrator, responded that these are hospital reports of birth moms or babies who test positive for an illegal substance.

Senator Stubblefield asked if there is a reason the report is not segregated out to counties, was it because of confidentiality issues. Capt. Stayton stated he will break down cases reported from each county.

Representative Meeks asked if someone could research the abandonment numbers and why the numbers spiked during certain times of the year. Capt. Stayton said he would have someone research that issue.

Representative Hutchison asked how many of these cases result in a conviction. Captain Stayton responded they are going to furnish these statistics to committee.

Senator Flowers inquired about the Oversight Report, asking which area would be Jefferson County be in and the correct column to find assigned investigators. Capt. Stayton responded that Jefferson County is in Area 7, investigators are listed accordingly. Capt. Stayton stated that his office and Ms. Blucker (DCFS) are going to break this information down in a report with age of the abused child, relationship to the offender, offender's age and location.

**DCFS Quarterly Report, January 2013-March 2013 [EXHIBIT G]**

Representative Meeks stated that [Exhibit G] will be skipped because there was not a quorum and anyone with questions about the Quarterly Performance Report should get in touch with Cecile Blucker directly.

Representative Harris wanted his comment on record that he was concerned that the committee was waiting until the very end of the meeting when there was no quorum to cover what he felt were some important issues.

Representative Meeks stated that they were actually suppose to meet once every other month and that he would discuss this issue with Senator Flowers to try to find a remedy.

**Arkansas Department of Human Services (DCFS), Rules for Review [EXHIBITS H1, H2, H3 & H4]**

Christin Harper, Policy & Professional Development Administrator, Division of Children and Family Services, presented the following rules:

**Revision to Confidentiality Policy [Exhibit H-1]**

Representative Meeks stated without objection the rule is considered reviewed.

**Revision Affecting Foster and Adoptive Home Approval and Maintenance [EXHIBIT H-2]**

Representative Meeks stated without objection the rule is considered reviewed.

**Child Maltreatment Investigation Policy and Publication and Forms [Exhibit H-3]**

Representative Meeks stated without objection the rule is considered reviewed.

**Updates to Policy Manual Glossary [H4]**

Representative Meeks stated without objection the rule is considered reviewed.

**Adoption of Interim Study Proposal 2013-157 "Requesting a Study of child support payment, the use of child support payments by a custodial parent, ways to strengthen oversight by the state of how child support is used by a custodial parent, and how child support payments may be required to be used in the best interest of the child" sponsor Representative Denny Altes [EXHIBIT I]**

Representative David Meeks stated that without objection, ISP 2013-157 is adopted for study.

Without further business, the meeting adjourned at 4:10 p.m.