

EXHIBIT C

Minutes

Senate Committee on Children and Youth and the House Committee on Aging, Children and Youth, Legislative and Military Affairs Meeting Jointly

Tuesday, November 25, 2014

1:30 p.m.

Room 130, State Capitol
Little Rock, Arkansas

The Senate Committee on Children and Youth and the House Committee on Aging, Children and Youth, Legislative and Military Affairs met jointly on Tuesday, November 25, 2014, at 1:00 p.m., in Room 130 of the State Capitol Building in Little Rock, Arkansas.

Committee members present: *Senator* Stephanie Flowers, Chair. *Representatives* David Meeks, Co-Chair; Randy Alexander, Charles L. Armstrong, Jody Dickinson, Charlene Fite, Justin T. Harris, Mike Holcomb, John Payton and Brent Talley.

Non-committee members present: *Senators* Larry Teague and Bobby J. Pierce. *Representatives* Duncan Baird, Charlotte Douglas and Betty Overbey.

Consideration to approve minutes of October 1, 2014 and October 28, 2014 [EXHIBIT B, EXHIBIT B.1]
Representative Meeks made a motion to approve the minutes. Without objection the motion was approved.

Review of Rules

Representative Meeks recognized **Ms. Tonya Williams, Director, Department of Human Services (DHS), Division of Child Care and Early Childhood Education (DCCECE)**, to explain the **Final Filing [EXHIBIT C.1]**, and the **Minimum Licensing Requirements for Child Care Centers, Out-of-School Time Facilities and Licensed Child Care Family Homes Report [EXHIBIT C.2]**. Ms. Williams stated that school readiness and child outcomes in education are their primary focus. Arkansas is fortunate to be able to track the educational progress of children through the state funded Pre-K Program. They target children who are not in the program, but are in the same income level, and those that are performing at a lower skill set level than the Pre-K children. Collection of this data is an attempt to levelize educational opportunities for all kids in the state, and to support the provider community. A second public comment hearing was held to receive further comments on the changes that were recommended by the committee as well as by providers in the field.

Regarding the Child Care Center Requirements Report, **Mr. David Griffin, Associate Director, Licensing, DHS-DCCECE** noted that one of the concerns of the committee was people in the field who may not have a degree experiencing a challenge retaining a director position. He mentioned two pathways for director qualifications: (1) allowing someone with an associate's degree in Early Childhood Education, Child Development or a related field, plus six years of experience in Early Childhood Education to qualify or (2) eight years of experience in Early Childhood Education and completion of one of the director's qualifications specified credentials within two years of employment. Individuals who have been employed in the position of director or site supervisor prior to implementation of the new rules will not be required to meet the new director's qualifications. They may change employers after this date and still qualify as a director. Another change was the staff /child ratio; targeting infant and toddler ratio, having a reduction in the ratio by one child per caregiver. According to Mr. Griffin, the phase in period for existing providers has doubled from two years to four years. With the new phase in period, the existing providers will not have to meet this requirement until 2019.

Senator Stephanie Flowers asked about the design and layout of facilities, and if anything had changed as a result of the public comment period. Mr. Griffin indicated that no changes were made. Senator Flowers asked if there are any concerns about facilities in rural areas of the state meeting child care standards. Mr. Griffin stated that the primary concern is trying to convert existing buildings to meet the standards. Senator Flower asked about available resources to assist with meeting the requirements. Ms. Williams provided two resources: (1) Economic Development Block Grant, that is specific to rural parts of the state and (2) Child Care Developmental Fund, which provides small incentive grants used for minor expenses. This information is available on the DCCECE website and it is provided during annual provider training. **Senator Flowers requested that information about the grants be provided to legislators.**

Representative Harris asked about installing new chemical fire suppression systems in all facilities, as it is a new regulatory requirement for 2015. Mr. Griffin noted that the concern is following safety code regulations and coming up with cost alternatives. It was suggested that legislators have a conversation with Mr. Lindsey William, State Fire Marshall to address cost; as well as following state code.

Representative Harris made a motion that the DCCECE Minimum Licensing Standards for Child Care Centers, Out-of-School Time Facilities, Licensed Child Care Homes, and Registered Child Care Family Homes be reviewed. Without objection the motion was approved.

Representative Meeks acknowledged Representatives-Elect: Marcus E. Richmond, James Sturch and Dan Sullivan and welcomed them to the meeting.

Ms. Christin Harper, Policy Unit Manager, DHS, Division of Children and Family Services (DCFS), was recognized. She gave a brief overview of [EXHIBIT C.3] **Revision to Differential Response Policies and Procedures** [EXHIBIT C.3], and **Revision to Family Assessment Policies and Procedures** [EXHIBIT C.4] Ms. Harper Inoted that the following allegations have been added to the Differential Response (DR) pathway:

- Human bites
- Sprains/dislocations
- Striking a child age seven or older on the face
- Striking a child with a closed fist
- Throwing a child

These allegations will be sent to the investigative pathway, if the allegations occurred more than one year ago, and/or if the caller to the hotline can verify injury, either through physical signs such as: scaring, medical information, dated photographs, etc. In addition to incorporating new allegations to the DR policies clarification of new Priority I allegations discovered during a DR initiation allows these cases to be immediately reported to the hotline. Priority II allegations discovered during a DR initiation will be added to the DR referral.

Senator Flowers asked what is the response time for initiating DR. Ms. Harper stated that all reports come in through the Child Abuse Hotline and the DR initiation time is the same as a Priority II report which is within 72 hours.

Rep. Harris expressed his concern for unnecessary intrusion and being placed on the Child Maltreatment Registry. Ms. Harper explained that in DR cases there is no finding, this simply allows DCFS to go in and assess.

Representative Harris made a motion that the rules regarding revisions to the Differential Response policies and procedures be reviewed. Without objection this item was reviewed.

Ms. Harper gave an overview of [EXHIBIT C.4] Revisions to the Family Assessment Policies and Procedures. She briefly discussed the IV-E Waiver Project, stating that the IV-E Waiver includes Child and Adolescent Needs and Strengths (CANS) for foster care cases, and the Family Advocacy and Support Tool (FAST) for in-home cases. Both the CANS and FAST are evidence based tools, utilized in 35 other states as well as other countries. These new family assessments will replace the Family Strengths and Needs Risk Assessment (FSNRA) tool. This policy revision reflects the youth in the new assessment and the time frame for completions. The new tools are associated with the IV-E Waiver federal requirements.

Representative Armstrong made a motion that the rules regarding revisions to the Family Assessment policies and procedures be reviewed. Without objection the motion was approved.

Garrett's Law Report [EXHIBIT D]

Ms. Cecile Blucker, Director, DHS, DCFS was recognized and presented the Garrett's Law Report (GL) for State Fiscal Year (SFY) 2014. Garrett's law expands the definition of child neglect to include the presence of an illegal substance in a newborn's bodily fluids or bodily substance, as a result of the pregnant mother knowingly using an illegal substance before the birth of the newborn, or a health problem as a result of the pregnant mother's use of an illegal substance before birth. Act 284 of 2007 stipulates that a mother cited in a GL referral will not be listed on the Child Maltreatment Registry, even if the referral is substantiated. The number of referrals has continuously increased over the years.

During SFY 2014, 867 referrals were received, a 16 percent increase over the 749 referrals received during SFY 2013; a 31% increase over the 662 referrals received during SFY 2012, and a 56% increase over the 557 referrals received during SFY 2011. Garrett's Law was enacted because of the increasing prevalence of methamphetamines and marijuana. These are also the most commonly used illegal drugs and the most often used drugs associated with child fatalities. See **Attachment #1**.

Representative Harris asked about child fatalities associated with marijuana use. Ms. Blucker explained that these deaths are often the results of co-sleeping, rollovers (suffocation), domestic violence and other factors leading to deaths due to marijuana abuse.

Representative Harris mentioned the idea of changing the law, with reports indicating that only 20% of abusers are receiving treatment while 55% of the children are returning home to the abuser. Specifically, addressing the abuser and the noncompliance, Ms. Blucker stated there has been conversations about changing the system, however, they have to look at the facts, change in lifestyle, and factor in the age at the time the abuse was committed.

DHS, DCFS Annual Report Card (ARC), Report Period July 1, 2013 -June 30, 2014 [EXHIBIT E], DCFS SFY 2014, Quarterly Performance Report (QPR), April 2014-June 2014, [EXHIBIT F], and Act 1208, Carter's Law [HANDOUT #1] Ms. Blucker gave an overview of both the ARC and the QPR. During SFY 2014 there were 32,928 maltreatment reports. The state overall substantiation rate is 25%, compared to the national percentage of 19%. Timeliness of initiating investigations is the weakest area; and caseworkers with a 50% or less initiation rate are reviewed for recommendations. Each referral is monitored by time, date, collaterals and information entered into the system. The review process is in place to assist with improving the "timeliness of initiating investigations".

On a weekly basis the state administers 1550 drug tests, 110 drug assessments, 147 referrals, and 227 clients are receiving treatment at any given time. The numbers are improving for initial health screenings and comprehensive health assessments, in that 94% of the children are receiving the appropriate screening. There are 991 sibling

groups ranging in numbers from 2 to 9 in the sibling group across the State. Seventy-two percent of the children with siblings in foster care were placed with at least one of their siblings. Fifty-two percent was placed with all of their siblings.

The national standard for children reentering foster care is 9.9%, compared to the state standard of 7.6%. Less than 8% of the children returned to their families during the fourth quarter one year ago re-entered foster care within 12 months. Adoption numbers have increased from 362 adoptions in SFY 2011 to 587 in SFY 2014. Caseloads per worker is up to 27.8 with the latest report showing 27.2 average caseload per worker. The ratio of licensed foster home beds for children in foster care is less than one (0.72) at the end of the quarter giving workers few choices of where to place children.

It was noted that DCFS has organized a statewide community-based recruiting program bringing awareness to children in foster care who are awaiting homes. This initiative has been successful. See the full report attached.

Oversight Report, Crimes Against Children Division, (CACD) July-September 2014

Mr. Gary Glisson, Hotline Administrator, Arkansas State Police (ASP), CACD [EXHIBIT G]

In the investigation section of the report, 1547 cases were opened, 1411 were closed, 570 were true findings with a 40% substantiation rate. The largest number of calls to the hotline was from law enforcement. The most common abuse reported was sexual contact. Counties with the highest reported abuse during this quarter were: Benton, Pulaski, and Washington. Lastly, 313 cases were submitted to the Prosecuting Attorney Offices, of those 149 charges were filed, 99 were declined and 65 are pending.

Representative Douglas asked if changes can be made by the legislature concerning victims being transported by the offender to the investigative interview. DCFS is concerned with exposure to liability and who will be held liable should something happen. Representative Meeks said this is an issue that BLR needs to research and bring back to the committee at a later time.

DHS, Division of Youth Services (DYS), Quarterly Performance Report (QPR), July 2014-September 2014, [EXHIBIT H]

Ms. Keesa Smith, Interim Director, DHS-DYS was recognized and reported a rise in commitments from 731 reported last quarter to 763 in this quarter. The demographic characteristics remain unchanged; males still represent the highest number of youth committed at 89% and females are at 11%. Commitments this quarter are predominately African Americans at (54%) and whites at 40%. Sixty-one percent of the commitments are 16 years old or older, with the youngest being age 11. In the last two years there has been a rise in commitments during the beginning of the school year. DHS is working and collaborating with the school superintendants to address the “no-tolerance policy”, which means if a student commits a simple assault they could be committed to DHS. The remainder of the report is a breakdown of the population in various facilities. DHS reported 11 cases to the child abuse hotline and they are currently pending. DHS will be updating the report on the commitments by district to present at the next meeting.

With no further business, the meeting adjourned at 3:30 p.m.