

Minutes
Senate Committee on Children and Youth and the House Committee on
Aging, Children and Youth, Legislative and Military Affairs
Meeting Jointly
Tuesday, February 9, 2016

The Senate Committee on Children and Youth and the House Committee on Aging, Children and Youth, Legislative and Military Affairs met jointly on Tuesday, February 9, 2016, at 1:00 p.m., in Room 171 of the State Capitol Building in Little Rock, Arkansas.

Committee members present: *Senators* Stephanie Flowers, Chair; Missy Irvin, Jonathan Dismang, Jane English and Greg Standridge. *Representatives* George B. McGill, Chair; Mary Broadaway, Karilyn Brown, Vivian Flowers, Mickey Gates, Bob Johnson, David Meeks, Marcus E. Richmond, Sue Scott, Brandt Smith, Dan Sullivan, Clarke Tucker and DeAnn Vaught.

Non-committee members present: *Representatives* Jon Eubanks, Michelle Gray, Ken Henderson, Josh Miller, Reginald Murdock, James Ratliff, Nelda Speaks, James Sorvillo and John T. Vines.

Senator Flowers called the meeting to order.

Consideration to approve minutes of December 8, 2015 and December 17, 2015

[EXHIBITS B1 – B2]

Senator Flowers made a motion to approve the December 8, 2015 and December 17, 2015 meeting minutes, without objection the minutes were approved.

Administrative Office of the Court (AOC), Research and Justice Statistics Quarterly Report

[EXHIBIT D]

Senator Flowers recognized Ms. Diane Robinson, Administrative Office of the Court, Director of Research and Justice Statistics. Ms. Robinson provided information on delinquency, dependent/neglect and FINS cases. Specifically the report detailed the age, gender and race of individuals by case type. Senator Flowers expressed her concern with referrals and where they are made and why in some juvenile cases, certain things are not included on the cover sheet. She requested that AOC make sure the information collected on the cover sheets for the cases being reported by Ms. Robinson also is included on the cover sheet for juvenile cases. While noting several data quality issues, including the inability to capture who is filing the case, Ms. Robinson agreed to take a look at the cover sheets. She also noted that AOC creates the cover sheet and is responsible for making it available. Senator Flowers requested that the report be structured to address the disposition of the cases and cases that are re-opened, separate from the new filings, in future reports.

Senator Flowers emphasized her concerns namely, the coordination of information collected on the cover sheet to include juvenile cases, ensure that the cover sheet captures the information needed to be a useful database, include disposition of cases, enhance data collection to allow tracking these children through the system to include children re-entering in a different case type.

Senator Flowers recognized Representative Brown who noted that there seems to be a quality control issue, and asked if there are measures in place to hold individuals accountable for entering data into the system. Ms. Robinson reminded the committee that the Judiciary System is a Non-unified Judicial

System, which means; the court clerk is an independent elected official. It is the clerk's decision to accept or not accept the cover sheet. Most of the clerks are diligent in trying to ensure the accuracy of the information reported. She stated they are in the process of implementing a data quality program to help improve the database. Senator Flowers asked if the cover sheet is required by statute. Ms. Robinson stated that it is covered under Administrative Order 8 of the Supreme Court

Senator Flowers expressed the need to ensure that the cover sheets collects data that will promote decision making in the best interest of the child. Senator Missy Irvin asked if the AOC and the Judicial Branch understands the need for this data. It is up to the legislature to appropriate money for various programs and the legislature needs this information to make good decisions about programs; while working very closely with the Executive Branch to ensure the funds are being appropriated where they are needed. Ms. Robinson responded by stating that the creation of her office is an indication that the Judicial Branch understands the need for the data. Senator Irvin asked about initiatives to make the office more user friendly, as it is not helpful to have an office if no one is using it. Ms. Robinson noted that efforts are currently underway evaluating how the data can be more accessible and more useful.

Lastly, Senator Flowers inquired about the missing data for gender; particularly related to dependency/neglect cases where ad-litem are appointed to represent the children. Ms. Robinson stated that the ad-litem are not responsible for entering the data, but she would take this issue back to the ad-litem program director.

Department of Human Services, Division of Children and Family Services (DCFS), Quarterly Performance Report, 1st Quarter, SFY 2016, July 1, 2015 – September 30, 2015 [EXHIBIT E]

Senator Flowers recognized Ms. Cecile Blucker, Director, DCFS. She stated that she is presenting comparisons to help committee members understand the growth that has occurred:

- Reports of Child Maltreatment: 8,877 reports accepted for investigations; a year ago the number was 6,708; of these reports 18% are assigned to the Arkansas State Police, Crimes Against Children Division (CACD), 82% are assigned to DCFS; 2nd Quarter Report continues to show this increase with 7, 127 reports assigned to DCFS.
- In-Home Services: 2,594 cases noted a year ago involving 5,921 children; 1st Quarter 3,191 cases are noted involving 7,333 children; 2nd Quarter numbers will reflect 7,922 children being served in the home, in addition to the children in foster care.
- Foster Care: these numbers show a steady trend upward with 3,875 in care for the 2nd Quarter of last year; 4,565 for the current quarter and as of today 4,638 children are in foster care
- Adoption subsidy payments in the last run totaled \$2.5 million and the foster care board payments in the last run totaled \$1.3 million. It was noted that the Adoption Subsidy is a long term commitment lasting until the child reaches age 18 and averages around \$30 million annually.
- Average Caseload: September 2015, 29.7 cases per worker; December 2015, 29 cases per worker and January 2016, 29 cases per worker. As the caseloads continue to grow, the division continues to hire.

Senator Irvin asked about the breakdown of the \$30 million paid annually as adoptions subsidy. Ms. Blucker stated that it is a 70% / 30% match. Senator Flowers asked that the payment information for adoption subsidy and board payments be included in the DCFS Quarterly Performance Report.

Senator Irvin stated she would be interested in knowing how much is saved when children are adopted versus children who remain in foster care. Ms. Blucker replied it would be a savings in administrative cost. She will get this information to the committee.

Representative Gates asked about investigations that are found true and the rate at which some of the true findings are overturned by judges. Representative Gates noted that a large percentage of these findings are overturned. Ms. Blucker explained that her data does not reflect how many findings were appealed and that an investigation can involve multiple people and multiple allegations. Rep. Gates asked about the difference in the percent of true findings by DCFS and CACD. Ms. Blucker explained that CACD deals with the most severe forms of maltreatment while DCFS deals with issues like environmental neglect and reports that are more subjective. DCFS had 7,300 cases assigned for investigation and CACD had 1,600 assigned for investigation. The type of investigation and the severity of the allegations make a difference in the percentage found to be true. She further clarified that names of individuals in a true report are not automatically placed on the Child Maltreatment Registry (Registry). Names are not placed on the Registry until the individual has exhausted their appeals and due process is complete.

Representative Gates expressed his concern that people involved in such matters understand their rights and are given due process.

Representative Flowers asked about the health assessments. Ms. Blucker noted that the initial health screenings are done by local primary care physicians while the comprehensive exams are done through a contract with UAMS. She explained that the comprehensive health assessment takes more time and is more involved. The capacity issue has to do with the number of children coming into care; UAMS had to increase staffing to accommodate this increase however, with increased staffing across the state the expectation is to get back to the higher percentages. Representative Flowers asked from a behavioral health perspective, how much is being spent on in-patient care; Ms. Blucker explained that in residential and comprehensive residential care, there is a review organization that determines the child's need for service, once the certificate of need is exhausted and children need step down services, in order for them to receive the services they need they go on contract. Ms. Blucker noted that they are receiving more denials and being approved for fewer days. DCFS is working with Medicaid to have some of these overturned. She noted that Value Options is the contracted service provider that determines the Certificate of Need based on information provided by the service providers.

Ms. Blucker clarified that Value Options performs a prior authorization process and most of the determinations are based on whether or not the client is benefiting from the services provided. This is a state contract and a state decision.

Representative Brown asked why adoptions are subsidized. Ms. Blucker explained that federal law allows payment to promote permanency for children and further allows states to determine special needs because of the trauma of being in foster care and because these children come with greater needs. Financial support is allowed so that children can move to permanency and families can access

the service needed to care for the children. Subsidy is based on the age and the needs of the child; often it is the same as the foster care board rate.

Consideration of Rules, DHS, Division of Child Care and Early Childhood Education (DCCECE) [EXHIBIT F]

Senator Flowers recognized Mr. David Griffin, Associate Director, DCCECE; Ms. Kathy MacKay presented the rules on behalf of Mr. Griffin. Ms. McKay explained that the changes are in response to the Child Care Facilities Review Board's request that the Placement Regulations and the Residential Regulations be separated into two books to make them more user friendly. Ms. MacKay noted that the providers fully support the changes. One of the major changes is the addition of the "family style care licensing", which allows service in a home based environment. Ms. MacKay explained that DCCECE would be coming back to the committee with licensing regulations regarding both placement and residential services related to human trafficking. Senator Flowers made a motion to consider the rules reviewed, without objection the rules were reviewed.

Arkansas State Police, CACD Oversight Report, July 2015 – September 2015 [EXHIBIT G]

Senator Flowers recognized Major Ron Stayton, CACD. He gave a brief overview of the report noting the following:

- CACD initiated 1,557 maltreatment investigations and closed 1,564 with an overall substantiated rate of 38%
- CACD, Child Abuse Hotline received 16,064 reports of that number 8,339 were accepted as valid reports of child maltreatment; 1,666 of those reports involved sexual or severe physical abuse
- Of the reports made by mandated reporters, 61% were valid reports; Major Stayton is working with DCFS to determine why the remaining 39% were not valid
- Finally, he noted that forty-three percent of submissions to Prosecuting Attorneys resulted in criminal charges. There were no homicides or deaths during this quarter.

Representative Tucker asked about the children who are not seen within a timely manner (24 hours for Priority I and 72 hours for Priority II). Major Stayton stated there can be a number of factors that prevent a child from being seen. For example, the investigator does not have a good address. Another reason is the investigator may not have entered the data and the child may have actually been seen. The number one priority is the safety of the child. Major Stayton agreed to provide additional information to the committee on the children who are reported as not being seen by an investigator.

Senator Flowers asked about the cases referred for prosecution and if they represent a true finding by CACD. Major Stayton responded that most of the time that is the case. He noted that not all true findings will involve criminal charges and he has seen cases where criminal charges are pursued and the maltreatment is overturned. It was clarified that an alleged offender's appeal rights to a true finding is stayed until the criminal procedure is completed, the name is not placed on the registry.

Next meeting tentatively scheduled for March 7, 2016.

With no further business, the meeting adjourned at 3:27 p.m.