

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas  
2 84th General Assembly  
3 Regular Session, 2003  
4

*As Engrossed: H3/17/03 S3/27/03*

# A Bill

Act 1157 of 2003  
HOUSE BILL 2306

5 By: Representative Bledsoe  
6  
7

## For An Act To Be Entitled

9 AN ACT TO AMEND THE CHILD WELFARE AGENCY  
10 LICENSING ACT; AND FOR OTHER PURPOSES.  
11

### Subtitle

12 AN ACT TO AMEND THE CHILD WELFARE AGENCY  
13 LICENSING ACT.  
14  
15  
16

17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
18

19 SECTION 1. Arkansas Code § 9-28-407(h), concerning licenses required  
20 and issued under the Child Welfare Agency Licensing Act, is amended to read  
21 as follows:

22 (h)(1) Reports, correspondence, memoranda, case histories, or other  
23 materials compiled or received by a licensee or a state agency engaged in  
24 placing a child, including both foster care and protective services records,  
25 shall be confidential and shall not be released or otherwise made available  
26 except to the extent permitted by federal law and only:

27 (A) To the director as required by regulation;

28 (B) For adoptive placements as provided by the Revised  
29 Uniform Adoption Act, § 9-9-201 et seq.;

30 (C) To multidisciplinary teams under § 12-12-502(b);

31 (D)(i) To the child's parent, guardian, or custodian.

32 (ii) However, the licensee or state agency may  
33 redact information from the record such as the name or address of foster  
34 parents or providers when it is in the best interest of the child.

35 (iii) The licensee or state agency may redact  
36 counseling records, psychological or psychiatric evaluations, examination or



1 records, drug screens or drug evaluations, or similar information concerning  
2 a parent if the other parent is requesting a copy of a record;

3 (E) To the child;

4 (F)(i) To health care providers to assist in the care and  
5 treatment of the child at the discretion of the licensee or state agency and  
6 if deemed to be in the best interest of the child.

7 (ii) "Health care providers" includes doctors,  
8 nurses, emergency medical technicians, counselors, therapists, mental health  
9 professionals, and dentists;

10 (G) To school personnel and day care centers caring for  
11 the child at the discretion of the licensee or state agency and if deemed to  
12 be in the best interest of the child;

13 (H)(i) To foster parents, the foster care record for  
14 foster children currently placed in their home.

15 (ii) However, information about the parents or  
16 guardians and any siblings not in the foster home shall not be released;

17 (I)(i) To the board.

18 (ii) However, at any board meeting no information  
19 which identifies by name or address any protective services recipient or  
20 foster care child shall be orally disclosed or released in written form to  
21 the general public;

22 (J) To the Division of Youth Services of the Department of  
23 Human Services, including child welfare agency licensing specialists;

24 (K) For any audit or similar activity conducted in  
25 connection with the administration of any such plan or program by any  
26 governmental agency which is authorized by law to conduct the audit or  
27 activity;

28 (L) Upon presentation of an order of appointment, to a  
29 court-appointed special advocate;

30 (M) To the attorney ad litem for the child;

31 (N) For law enforcement or the prosecuting attorney at the  
32 discretion of the licensee or state agency and if deemed to be in the best  
33 interest of the child;

34 (O) To juvenile courts as provided for in the Arkansas  
35 Juvenile Code of 1989, § 9-27-301 et seq.;

36 (P) In a criminal or civil proceeding conducted in

1 connection with the administration of any such plan or program;

2 (Q) For purposes directly connected with the  
3 administration of any of the state plans as outlined at 42 U.S.C. 671(a)(8),  
4 as in effect January 1, 2001;

5 (R) For the administration of any other federal or  
6 federally assisted program which provides assistance, in cash or in kind, or  
7 services, directly to individuals on the basis of need; ~~or~~

8 (S)(i) To individual federal and state representatives and  
9 senators and their staff members with no redisclosure of information.

10 (ii) No disclosure shall be made to any committee or  
11 legislative body of any information which identifies by name or address any  
12 recipient of services; or

13 (T) To a grand jury or court, upon a finding that  
14 information in the record is necessary for the determination of an issue  
15 before the court or grand jury.

16 (2) Foster home and adoptive home records are confidential and  
17 shall not be released except:

18 (A) To the foster parents or adoptive parents;

19 (B) For purposes of review or audit, by the appropriate  
20 federal or state agency;

21 (C) Upon allegations of child maltreatment in the foster  
22 home or adoptive home, to the investigating agency;

23 (D) To the board;

24 (E) To the Division of ~~Youth Services~~ Children and Family  
25 Services, including child welfare agency licensing specialists; ~~or~~

26 (F) To law enforcement or the prosecuting attorney, upon  
27 request; or

28 (G) To a grand jury or court, upon a finding that  
29 information in the record is necessary for the determination of an issue  
30 before the court or grand jury; or

31 (H)(i) To individual federal and state representatives and  
32 senators and their staff members with no redisclosure of information.

33 (ii) No disclosure shall be made to any committee or  
34 legislative body of any information that identifies by name or address any  
35 recipient of services.

36 (3)(A) Any person or agency to whom disclosure is made shall not

1 disclose to any other person reports or other information obtained pursuant  
2 to this subsection.

3 (B) Any person disclosing information in violation of this  
4 subsection shall be guilty of a Class C misdemeanor.

5  
6 SECTION 2. Arkansas Code § 9-28-404(a), concerning the composition of  
7 the Child Welfare Agency Review Board, is amended to read as follows:

8 (a) The Child Welfare Agency Review Board shall consist of Arkansas  
9 residents who shall be qualified as follows:

10 (1) The director of the division or his or her designee;

11 (2) One (1) representative from a privately owned, licensed  
12 child placement agency with expertise in foster care;

13 (3) One (1) representative from a privately owned, licensed  
14 child placement agency with expertise in adoptions;

15 (4) Two (2) representatives from licensed residential child care  
16 facilities;

17 (5) One (1) representative from a licensed psychiatric  
18 residential treatment facility;

19 (6) One (1) representative from a licensed emergency shelter;

20 and

21 (7) One (1) representative from the public at large, ~~and~~

22 ~~(8) The Director of the Department of Health or his or her~~  
23 ~~designee as a nonvoting ex officio member.~~

24  
25 /s/ Bledsoe

26  
27  
28 APPROVED: 4/8/2003  
29  
30  
31  
32  
33  
34  
35  
36