

1 State of Arkansas  
2 91st General Assembly  
3 Regular Session, 2017  
4

# A Bill

HOUSE BILL 1048

5 By: Representatives D. Meeks, C. Douglas  
6 By: Senator Irvin  
7

## For An Act To Be Entitled

9 AN ACT TO PERMIT VOLUNTARY RESPITE CARE; TO CREATE A  
10 LICENSE EXEMPTION CONCERNING VOLUNTARY RESPITE CARE;  
11 TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.  
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## Subtitle

15 TO PERMIT VOLUNTARY RESPITE CARE; TO  
16 CREATE A LICENSE EXEMPTION CONCERNING  
17 VOLUNTARY RESPITE CARE; AND TO DECLARE AN  
18 EMERGENCY.  
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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23 SECTION 1. Arkansas Code § 9-28-402, concerning definitions, is  
24 amended to add additional subdivisions to read as follows:

25 (25) "Voluntary respite care" means a temporary placement  
26 arrangement provided by a person or an entity that engages in certain  
27 placement activities similar to a child placement agency or child welfare  
28 agency, but qualifies as exempt from the requirement of obtaining a license  
29 under this subchapter;

30 (26) "Voluntary respite care coordinator" means an entity that  
31 engages in certain placement activities similar to a child placement agency  
32 or child welfare agency by assisting a parent, guardian, or legal custodian  
33 in identifying or contacting a voluntary respite care provider; and

34 (27)(A) "Voluntary respite care provider" means a person who  
35 enters into a written agreement with a parent, guardian, or legal custodian  
36 of a minor whereby:



1                   (i) The parent, guardian, or legal custodian  
2 voluntarily decides to place the minor in voluntary respite care and actively  
3 participates in the process of placing the minor into voluntary respite care;

4                   (ii) The placement of a minor into voluntary respite  
5 care is made for the purpose of assisting a family in crisis by providing a  
6 temporary arrangement for the twenty-four-hour care of the minor;

7                   (iii) The parent, guardian, or legal custodian of  
8 the minor retains the authority to terminate the voluntary respite care at  
9 any time and may immediately regain physical custody of the minor; and

10                   (iv) The voluntary respite care provider does not  
11 engage in an activity described in § 9-28-402(8)(A) or § 9-28-402(8)(D).

12                   (B)(i) A written agreement concerning voluntary respite  
13 care shall be between the parent, guardian, or legal custodian of the minor  
14 and the voluntary respite care provider, and the written agreement shall not  
15 include or involve another person, entity, or agency, including, but not  
16 limited to, voluntary respite care coordinators.

17                   (ii) The written agreement in subdivision (27)(B)(i)  
18 of this section that details the voluntary respite care arrangement may  
19 address physical custody issues, including emergency medical treatment, but  
20 it shall not transfer legal custody of the minor to the voluntary respite  
21 care provider.

22                   (iii) The execution of a written agreement in  
23 subdivision (27)(B)(i) of this section between a parent, guardian, or legal  
24 custodian, and a voluntary respite care provider under this section shall not  
25 alone constitute child maltreatment under the Child Maltreatment Act, § 12-  
26 18-101 et seq.

27                   (C) Nothing in this subdivision (27) shall be interpreted  
28 to prevent or otherwise limit the investigation of child maltreatment or a  
29 finding of child maltreatment where there is evidence of child maltreatment  
30 beyond the parent's mere written agreement with a voluntary respite care  
31 provider.

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33           SECTION 2. Arkansas Code § 9-28-407(a), concerning licenses required  
34 and issued, is amended to add an additional subdivision to read as follows:

35                   (6)(A) A voluntary respite care provider and a voluntary respite  
36 care coordinator are exempt from obtaining a license under this section.

1                   (B) However, a voluntary respite care provider and a  
2 voluntary respite care coordinator under subdivision (a)(6)(A) of this  
3 section are required to undergo a fingerprint-based criminal background check  
4 performed by the Federal Bureau of Investigation and a criminal records check  
5 with the Identification Bureau of the Department of Arkansas State Police.

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7           SECTION 3. EMERGENCY CLAUSE. It is found and determined by the  
8 General Assembly of the State of Arkansas that the ability to place a minor  
9 into voluntary respite care provides meaningful assistance to a family in  
10 crisis by providing a temporary arrangement for the twenty-four-hour care of  
11 the minor; that voluntary respite care provides the least intrusive solution  
12 to a family crisis; and that this act is immediately necessary to ensure the  
13 stability and unity of families in Arkansas. Therefore, an emergency is  
14 declared to exist, and this act being immediately necessary for the  
15 preservation of the public peace, health, and safety shall become effective  
16 on:

17                   (1) The date of its approval by the Governor;

18                   (2) If the bill is neither approved nor vetoed by the Governor,  
19 the expiration of the period of time during which the Governor may veto the  
20 bill; or

21                   (3) If the bill is vetoed by the Governor and the veto is  
22 overridden, the date the last house overrides the veto.