

STATE CLAIMS COMMISSION DECISION
OPINION

Amount of Claim \$ 250,000.00 Claim No. 16-0799-CC

Beverly A. Blair Claimant Attorneys Pro se Claimant

vs. Department of Human Services Respondent Amanda Land, Attorney Respondent

State of Arkansas Respondent Failure to Follow Procedure, Negligen Type of Claim

Date Filed June 10, 2016

FINDING OF FACTS

The Claims Commission hereby unanimously grants the Respondent's "Motion to Dismiss," for Claimant's failure to respond to Respondent's "Motion to Dismiss." Therefore, this claim is hereby unanimously denied and dismissed.

IT IS SO ORDERED.

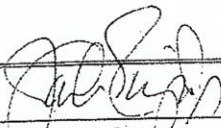
(See Back of Opinion Form)


CONCLUSION

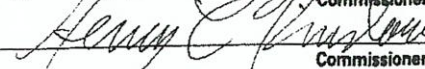
The Claims Commission hereby unanimously grants the Respondent's "Motion to Dismiss," solely for Claimant's failure to respond to Respondent's "Motion to Dismiss." Therefore, this claim is hereby unanimously denied and dismissed.

Date of Hearing August 11, 2016

Date of Disposition August 11, 2016


Chairman


Commissioner


Commissioner

**Appeal of any final Claims Commission decision is only to the Arkansas General Assembly as provided by Act #33 of 1997 and as found in Arkansas Code Annotated §19-10-211.



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February 14, 2017

Sen. Jeremy Hutchinson, Senate Chair
Rep. John Payton, House Chair
Claims Subcommittee, Joint Budget Committee
State Capitol Building, Room 315
Little Rock, Arkansas 72201

**RE: Beverly Blair v. State of Arkansas, DHS/DCFS,
Claim No. 16-0799-CC**

Dear Chairs:

The above appeal is scheduled before the Claims Subcommittee of the Joint Budget Committee on March 6, 2017. The Claims Commission rejected the claim due to Petitioner's failure to timely submit her response to the Motion to Dismiss filed by the Department of Human Services. The Department respectfully requests that the Subcommittee deny Petitioner's appeal.

On or about June 10, 2016, Petitioner filed a claim with the Claims Commission disputing the alleged removal of her child from her care and custody by the Department. On July 8, 2016, the Department filed a Motion to Dismiss the claim. The reasons for the Motion to Dismiss were that, (1) even if Petitioner's allegations had any truth, the proper forum would have been in the juvenile court overseeing her removal proceedings, and (2) there was no indication in Petitioner's original claim that the juvenile court had concluded its jurisdiction over the alleged removal. Petitioner never responded to the Motion to Dismiss, therefore, the Commission dismissed her claim on August 11, 2016.

The Department believes dismissal was proper due to the correct venue belonging in a juvenile court of this State, and because Petitioner failed to respond to the Motion to Dismiss.

Sincerely,

/s/ David W. Sterling

David W. Sterling
Chief Counsel

cc (via e-mail):

Marty Garrity, Executive Secretary