

**JOINT PERFORMANCE REVIEW COMMITTEE  
JUNE 14, 2016  
DRAFT MINUTES**

The Joint Performance Review Committee met at 10:00 a.m. on Tuesday, June 14, 2016 in Room 130, State Capitol, Little Rock, Arkansas.

Committee members present: Senators Alan Clark, Co-Chair, Jane English, Vice-Chair, Missy Irvin, Linda Collins-Smith, Terry Rice, and Gary Stubblefield. Representatives Kim Hammer, Co-Chair, Micah Neal, Vice-Chair, Lance Eads, Kenneth Ferguson, Mary Hickerson, Josh Miller, Milton Nicks, Jr., Dwight Tosh, and John Walker.

Other legislators present: Senator Bruce Maloch. Representatives Bob Ballinger, Mark Lowery, and James Sorvillo.

**Call to Order**

Representative Hammer called the meeting to order.

**Approval of Minutes – April 14, 2016 [Exhibit C]**

A motion to approve the minutes of the March 30, 2016, JPR Committee meeting was made by Representative Hickerson and seconded by Senator Irvin. The motion carried.

**Discussion of Grandparent's Rights and Also the Psychological Impact on Children and Their Families When Grandparents or Other Family Members Are Not Allowed to Foster or Adopt the Children [Exhibits D, D-1, D-2]**

**Mr. Dale and Mrs. Tammy Bridges, Grandparents**, were sworn in under oath by Representative Hammer. Mr. and Mrs. Bridges shared their compelling testimony regarding their lives as grandparents and their lack of access to their grandchildren. They are hoping that Arkansas's current laws regarding grandparents rights are changed to be more inclusive of grandparents.

**Mr. Joe Heard, Licensed Professional Counselor and Psychotherapist**, was sworn in under oath by Representative Hammer. Mr. Heard stated he has 45 years of experience working as a private and public sector counselor. In 2000, the laws in Arkansas regarding grandparents visitation rights came to a drastic change when the United States Supreme Court made a decision in the case of *Troxel v. Granville*. As a result of Troxel, and the cases that followed, Arkansas re-drafted its grandparent visitation statutes to allow a grandparent to seek visitation under certain circumstances when they establish a significant and viable relationship with their grandchild and when harm would result to the child if visitation is denied. When considering amending legislation, Mr. Heard encouraged the JPR Committee to review the definitions in the current law to redefine the terms "harmful" and "reasonable visitation" or create some more clearly defined parameters. Representative Walker asked the following questions:

1. Should the legislature impose a duty of care and financial support upon a non-parent of a child?
2. Should the legislature better define the concept of "what is in the best interest of the children" ?
3. Is there a legislative need to put some constrictions upon judicial decision making when addressing this subject matter so far as to extend grandparents rights?

Mr. Heard replied, I believe that all of these terms need to be more specifically defined.

Regarding allegations of abuse in custody cases, Senator Clark asked what has been done to change the policy since last July. Ms. Keesa Smith, Interim Director, Division of Youth Services (DYS), DHS, replied, at this time the statutes do not allow DHS the ability to treat those cases differently than any other cases. DHS county administrators will attend a training session in July to address concerns involving issues that are raised in custody battles and divorce cases when the child abuse hotline has been called and false allegations made. Ms. Smith concluded by stating that DHS may have to investigate how the child welfare process interfaces with custody and divorce proceedings.

#### **Brief Update on the Department of Human Services Licensing Agreement with CoCENTRIX**

Mr. Craig Cloud, Director, Division of Aging and Adult Services, DHS, was sworn in under oath by Representative Hammer. Mr. Cloud gave a brief update on the DHS licensing agreement with CoCENTRIX. He stated that within the last several weeks, DHS negotiated a maintenance and operation (M&O) agreement to pay the vendor for maintenance and operation costs to cover this calendar year. Within this agreement, DHS has the option of exiting this agreement, which would reduce its liability after the end of the fiscal year, and any new or additional work performed on this project would follow a competitive procurement that matched the direction for traditional Medicaid moving forward. DHS has completed its review of the licensing agreement and approval must be given by the Governor, the Department of Finance and Administration, and the Department of Information Systems before it is presented to the JPR Committee. In response to a question by Representative Sorvillo regarding the M&O cost, Mr. Cloud replied the price tag is approximately \$1.2 million.

#### **Brief Update on the Rite of Passage Company Recently Contracted by DHS to Operate and Manage the DYS Juvenile Treatment Centers**

Ms. Keesa Smith, Interim Director, Division of Youth Services (DYS), DHS, was sworn in under oath by Representative Hammer. Ms. Smith gave a brief update regarding the transition from the G4S contract to the Rite of Passage contract. She stated DHS has re-procured the Alexander facility. In May, DHS reviewed the submitted applications for the Request For Proposal (RFP), and without any challenges the Rite of Passage was awarded the contract and will start as the new vendor/provider for the Alexander facility on August 1, 2016. At the request of Representative Hammer, DHS and the Rite of Passage staff will update the Committee regarding the transition progress at a later date.

#### **Brief Discussion of Various Divisions at the Arkansas Department of Human Services**

Mr. Cloud, Director, Division of Aging and Adult Services, DHS, Mr. Charlie Green, Director, Division of Behavioral Health Services (DBHS), DHS, Ms. Mischa Martin, Director, Division of Children and Family Services (DCFS), DHS, Ms. Melissa Stone, Director, Division of Developmental Disabilities Services (DDS), DHS, and Ms. Keesa Smith, Interim Director, Division of Youth Services (DYS), DHS, and Mr. Kelley Linck, Chief, Office of Legislative and Intergovernmental Affairs, DHS, were recognized by Representative Hammer. He charged the agency directors with providing responses to a list of questions that Committee Staff will send to them via email. Committee members were encouraged to forward their questions to add to the list.

Representative Hammer announced two judges will be invited to attend the next committee meeting to discuss issues regarding grandparents rights and grandchildren custody in DHS settings and non-DHS settings.

There being no further business, the meeting adjourned at 11:53 a.m.