

Minutes
Senate Committee on Children and Youth and the House Committee on
Aging, Children and Youth, Legislative and Military Affairs
Meeting Jointly
Tuesday, December 8, 2015

The Senate Committee on Children and Youth and the House Committee on Aging, Children and Youth, Legislative and Military Affairs met jointly on Tuesday, December 8, 2015, at 1:00 p.m., in Room 171 of the State Capitol Building in Little Rock, Arkansas.

Committee members present: *Senators* **Stephanie** Flowers, Chair; Linda Chesterfield, Alan Clark, Missy Irvin and Greg Standridge. *Representatives* George B. McGill, Chair; Charlene Fite, Vice Chair; Mary Broadaway, Karilyn Brown, Vivian Flowers, Bob Johnson, Julie Mayberry, David Meeks, Rebecca Petty, Marcus E. Richmond, Sue Scott, James Sturch, Dan Sullivan and Clarke Tucker.

Non-committee members present: *Senators* John Cooper and Eddie Joe Williams. *Representatives* John Baine, Michael John Gray, James Ratliff, James Sorvillo and Dwight Tosh.

Senator Flowers called the meeting to order.

Consideration to approve minutes of October 14, 2015 [EXHIBIT B]

Senator Flowers made a motion to approve October 14, 2015, meeting minutes and without objection the minutes were approved.

Discussion of Juvenile Justice Interim Study Proposals, Dr. Eldon Shultz, Arkansas Academy of Pediatrics, Arkansas Children Hospital

Senator Flowers recognized Dr. Shultz to discuss her Interim Study Proposals (ISPs). One ISP explores requiring school districts to make referrals prior to sending students to juvenile court by way of Families In Need of Service (FINS) or delinquency allegations and recommends that the child be evaluated for disabilities.

Dr. Shultz noted that children represent 12 to 15 percent of the disability sector with Arkansas being on the higher end. Over 50 to 60 percent of children in the foster care system have some form of disability such as chronic illness or special needs. It is estimated that in the juvenile justice system 40 to 50 percent of children has some form of chronic illness and developmental or behavioral disorders. In closing, he stressed the importance of early diagnosis for kids with disabilities and preventable treatments as well as addressing the issues with kids with diagnosed disabilities entering the juvenile justice system.

Representative Smith asked Dr. Shultz to provide a case study after diagnosis has been determined and later intervention resulting in a positive result. Dr. Shultz stated these studies are performed daily, resulting in positive outcomes. Once the diagnosis has been determined the intervention process begins which involves classroom placement, alternate curriculum, counseling, as well as medication.

Representative Flowers asked if there are any data available to highlight the cost and health benefits that support preventative measures that are utilized today. Dr. Shultz stated that he can't quote specifically the body of literature evolving around this issue, adding that this particular questioning is

not his area of expertise.

Representative Mayberry asked if Dr. Shultz can share the importance of school nurses in schools. He suggested that in-service medical staff within schools is needed for various reasons and not providing this service to the school is an injustice to the students, teachers and everyone involved.

Representative Sorvillo shared that Pulaski County Special School District (PCSSD) spends \$81 million annually on children with special needs and asked if those children with special needs are being evaluated on a regular basis. Mr. Shultz stated that schools perform an ongoing evaluation, which is part of the Individualized Education Plan (IEP). This plan determines whether or not the student is progressing and can be transferred into a general education environment or a regular classroom setting. Representative Sorvillo asked if there are any added incentives for specialized teaching. Dr. Shultz answered that he is not sure about the salary spectrum for teachers.

Senator Flowers pointed out that her main interest in presenting the ISPs is to help the members understand that children with disabilities are better served if they are evaluated first, to determine if they have a disability.

Senator Flowers mentioned the Legislative Task Force on the Best Practices for Special Education that is addressing special education issues within the different school districts; she also noted they are scheduled to meet on December 9th.

Senator Chesterfield asked about the federal funds that are used for Individuals with Disabilities Education Act (IDEA) and 504 kids “are those funds used to supplement or supplant the funds that are available”. Senator Flowers followed up stating that she will invite someone from the Arkansas Department of Education (ADE), Special Education Unit to address the committee on that subject.

Discussion of Child Welfare Reform in Arkansas, Ms. Connie Hickman-Tanner, Director, Court Services, Administrative Office of the Courts (AOC)

Ms. Hickman-Tanner provided data on “Dependency-Neglect Proceedings” and “Permanency Outcomes” 2012-2013. The chair recognized Judge Rhonda Wood, Arkansas Supreme Court and chair of the Arkansas Supreme Court Commission on Children, Youth and Family Services. She also recognized Judge Gary Arnold, Circuit Judge, Saline County. Judge Wood noted nine years of juvenile justice experience and that last session legislation sponsored by Representative C. Fite passed creating the Child Death Review Committee. She stated that Arkansas was #1 per capita death for children with interactions with the child welfare system during the passing of this legislation. The #1 concern is addressing child death, #2 is quality over quantity; the need to provide more case workers, services, foster homes and adoptive homes. Which are all quantitative concerns, but the need is to provide a more qualitative service in these areas. Judge Wood stated the goal should be to improve bureaucracy in the child welfare system; addressing matters of hiring and firing within the departments and also internal policies.

Judge Arnold echoed Judge Wood’s concerns and noted that alleviating issues within the child welfare system bureaucracy is number one. He noted his commitment to efficient scheduling of cases and participation in training. He felt there is a lack of support from central office to the field staff, too many cases, lack of discretion and not enough training as relates to the Family Service Workers.

Senator Clark inquired about the testimony of caseworkers in cases in general and where a death has occurred. Judged Wood replied that the Child Death Review Committee only reviews cases where a death has occurred, other cases have not been considered for review by the committee at this time.

Senator Flowers recognized Ms. Christi Carr, Attorney Ad Litem. Attorney Ad Litem are appointed as soon as the pleading is filed. Ad Litem are mandated to perform certain duties that involve investigations, hearings, staffing, travel and utilizing other viable resources such as Court Appointed Special Advocate (CASA), and the Department of Human Services (DHS) to perform duties.

Senator Flowers asked about the salary for Attorney Ad Litem. Ms. Carr replied that she is a part-time Ad Litem and they are paid \$900 per case.

Senator Flowers recognized Ms. Mary Beth Luibel, CASA, Director, AOC. She explained the responsibilities of the CASA Program and the importance of acting in the best interest of the child. She explained that the CASAs are volunteers and there are 1200 volunteers around the state.

Senator Flowers recognized Ms. Kim Bethune, CASA Volunteer, White County. She shared that as an advocate she sees the child once every 30 days and is required to provide a report to the court 7 days in advance of a hearing.

Senator Flowers requested that Ms. Renia Robinette, Attorney Ad Litem Program Director, AOC, provide staff a copy of Ad Litem standards.

Senator Flowers asked Ms. Robinette to clarify the responsibilities of the Ad Litem and maintaining contact with their client. Ms. Robinette will forward standards to staff and followed up stating that there are 65 attorneys with half of them being part-time each with 25-35 cases, providing services to 6,487 kids. They are currently looking to fill 6 part-time positions with plans to analyze staffing in January, 2016 to determine where they stand and possibly add more contractors.

Representative Brown asked if the CASA volunteers are reimbursed for their expenses. Ms. Laura Burks, Executive Director, CASA, White County stated that they are reimbursed for mileage in White County however; it varies from program to program.

Senator Flowers noted for future reference that anyone who wants to be on the agenda should contact staff. This allows the chairs to approve the agenda and know before the meeting who will be presenting.

Senator Flowers recognized Mr. Brian Welch, Arkansas Parent Counsel Program Director, AOC. He currently oversees 63 part-time attorneys that represent parents in approximately 2,700 cases. Mr. Welch deferred to Ms. Dee Scritchfield, Attorney, Benton County, and pointed out that Ms. Scritchfield initiated a very creative, innovative approach to helping parents become more involved in cases. Ms. Scritchfield provided her experience as an attorney since she began practicing and working dependency neglect cases in 1999. She brought along with her a copy of the booklet that she developed to assist the parents with parenting skills and regaining control of their lives. **Senator Flowers asked that a copy be provided to staff to send out to the committee.**

Senator Flowers recognized Christin Harper, DHS, Division of Children and Family Services (DCFS), DCFS Policy Unit Manager she reviewed rules for consideration “Contact with Biological Parents Involved in Out of Home Placement Cases”. **Without objection the committee recommended approval.**

With no further business, the meeting adjourned at 4:21 p.m.

DRAFT