

**JOINT PERFORMANCE REVIEW COMMITTEE (JPR)
90TH GENERAL ASSEMBLY**

**SUMMARY REPORT OF ISSUES REVIEWED DURING
2015-2016 MEETINGS OF THE JPR COMMITTEE**



PRESENTED BY:

SENATOR ALAN CLARK, SENATE CO-CHAIR

AND

REPRESENTATIVE KIM HAMMER, HOUSE CO-CHAIR

JOINT PERFORMANCE REVIEW COMMITTEE

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1. May 18, 2015
2. June 17, 2015
3. June 18, 2015
4. July 30, 2015 (all-day meeting)
5. September 9, 2015
6. September 10, 2015
7. September 16, 2015
8. October 1, 2015
9. October 2, 2015
10. October 28, 2015
11. October 29, 2015
12. November 4, 2015
13. November 5, 2015
14. November 9, 2015
15. December 9, 2015
16. December 20, 2015
17. February 11, 2016 (all-day meeting)
18. February 25, 2015 (all-day meeting)
19. March 16, 2015
20. March 17, 2016 (all-day meeting)
21. March 30, 2016 (all-day meeting)
22. April 14, 2016
23. June 14, 2016
24. July 26, 2016
25. August 30, 2016
26. September 14, 2016
27. September 15, 2016
28. October 20, 2016
29. November 29, 2016
30. December 20, 2016

B. Minutes of the Meetings

1. May 18, 2015
2. June 17, 2015
3. June 18, 2015
4. July 30, 2015 (all-day meeting)
5. September 9, 2015
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26. September 14, 2016
27. September 15, 2016
28. October 20, 2016
29. November 29, 2016
30. December 20, 2016

C. Supplemental Reports

1. Special Report – *“Review of Eligibility and Enrollment Framework (EEF) Project Procurement—Arkansas Department of Human Services - For the Period May 2011 through January 2016”* -Released on October 14, 2016 by Arkansas Legislative Audit
2. *“Analysis of the Rise in Arkansas’ Foster Care Population”*-Arkansas Department of Human Services – Division of Children and Family Services -Produced June 2016 by Hornby Zeller Associates, Inc.
3. Special Report – *“Moving Beyond Crisis” Phase one: Plan to Stabilize the Arkansas Child Welfare System* –Released November 2016 by the Arkansas Department of Human Services

**MEMBERSHIP OF THE 2015-2016
JOINT PERFORMANCE REVIEW COMMITTEE
(total of 30 members)**

Senator Alan Clark, Senate Co-Chair
Senator Jane English, Senate Vice Chair
Senator Missy Irvin
Senator Jeremy Hutchinson
Senator Gary Stubblefield
Senator David Sanders
Senator Bryan King
Senator John Cooper
Senator Terry Rice
Senator Linda Collins-Smith

Representative Kim Hammer, House Co-Chair
Representative Micah Neal, House Vice Chair
Representative Mary P. “Prissy” Hickerson
Representative John W. Walker
Representative Scott Baltz
Representative Chris Richey
Representative Josh Miller
Representative Richard Womack
Representative Charlene Fite
Representative David Whitaker
Representative Michelle Gray
Representative Dwight Tosh
Representative Jana Della Rosa
Representative Clarke Tucker
Representative Kenneth B. Ferguson
Representative Dan Sullivan
Representative Lance Eads
Representative Mickey Gates
Representative Milton Nicks, Jr.
Representative Dave Wallace

DUTIES

Arkansas Code Annotated Title 10, Chapter 3, Subchapter 9 — Joint Performance Review Committee

10-3-902. Duties.

The Joint Performance Review Committee shall have the authority and responsibility to:

(1) Make random and periodic performance review of specific governmental programs and agencies;

(2) Conduct investigations into such specific problem areas of the administration of state government as may be brought to the attention of the Joint Performance Review Committee;

(3) Refer specific problems regarding the operation of state government to appropriate interim committees of the General Assembly for continuing study;

(4) Conduct hearings on citizen complaints and views regarding the operation of state government and serve as a forum for citizens to air their complaints and suggestions regarding the operation of state government;

(5) Review the expenditures of the various agencies, departments, and programs of state government to assure that they are being administered in accordance with legislative intent and are being administered in such manner as to provide the taxpayers with the greatest service at the lowest reasonable cost; and

(6) Make such reports and recommendations to the Governor, the General Assembly, and the Legislative Council as the Joint Performance Review Committee deems necessary or appropriate to promote more effective and efficient operation of state government.

History. Acts 1977, No. 392, § 2; A.S.A. 1947, § 4-1014; Acts 1997, No. 1354, § 21.

2015-2016 JPR COMMITTEE -- MEETING TOPICS

Total of 30 meetings (Updated 12/22/16)

MAY 18, 2015

- A. Discussion of ISP 2015-008 *"REQUESTING THE JOINT PERFORMANCE REVIEW COMMITTEE STUDY THE PROFESSIONAL LICENSING AGENCIES IN ARKANSAS, THE PROFESSIONAL LICENSING STANDARDS, AND WHETHER THE NEED FOR THESE REGULATORY ACTIVITIES EXISTS"* by Senator Jane English Adoption of ISP approved by Committee. Senator English plans to have the JPR Committee hold an in-depth meeting on this in August or September of this year
- B. History, Overview and Panel Discussion of the C.H. Mack Contract and the CoCENTRIX Licensing Agreement with the AR Department of Human Services

JUNE 17, 2015

- A. Overview of the AR Department of Human Services (DHS) Medicaid/SNAP Eligibility and Enrollment Framework (EEF) Project]
- B. Discussion of Western State Contracting Alliance (WSCA)-State Cooperative Purchase Agreement
- C. Question and Answer Session with Vendors Affiliated With the EEF Project
--Invited Vendors and Agencies:
Arkansas Department of Information Services (DIS)
Centers for Medicare and Medicaid Services (CMS)
Cognosante, LLC
Computer Aid, Incorporated (CAI)
eSystems
First Data
IBM-CURAM/IBM Software Group[
iLantus Technologies PVT Ltd.
Northrop Grumman Health IT Division/Information Systems
Protech-PSI (Arkansas EEF Project)
RedMane Technology
EngagePoint

JUNE 18, 2015

- A. Overview of Programs Offered at the Second Chance Youth Ranch, a DHS Licensed Residential Child Care Facility, With Staff Comments, Interaction With the Children Housed at the Ranch, and Tour of the Facilities
- B. Overview by AR Department of Human Services (DHS) Staff Regarding Policies for Removing Children from a Troubled Home Environment, Placement of Children in Licensed DHS Facilities, Foster Care, Adoptions, and Funding Sources

JULY 30, 2015 (all-day meeting)

- A. Discussion of Licensing Procedures Used by the Office of Motor Vehicle, AR Department of Finance and Administration (DFA)
- B. Review of the State Employee Performance Evaluation Process and Training Process
- C. Report of Transparency Plans-Act 1265 of 2015 the Public Safety Transparency and Accountability Act
- D. Update of the CoCENTRIX Contract Status and the Functionality of the Universal Assessment Platform
- E. Continuation of Review of Vendors Affiliated with the Arkansas Department of Human Services' Medicaid Eligibility and Enrollment Framework (EEF) Project

- F. Review of Procedures Used by the Arkansas Department of Human Services (DHS) to Remove Children From Their Home, and an Overview of the Child Maltreatment Registry, the Child Abuse Hotline, the Attorney Ad Litem Program, and the CASA Program (Arkansas Child Maltreatment Act (A.C.A. §12-18-101-1202))

SEPTEMBER 9, 2015

- A. Continued Discussion of Licensing Procedures Used by the Office of Motor Vehicle and the Office of Revenue Office Administration, AR Department of Finance & Administration (DF&A)
- B. Continued Discussion of the Review of State Employee Evaluations/Vetting Process, and Overview of the 360° Employee/Leadership Evaluation Process
- C. Overview of the Information Network of Arkansas (INA), A State Governing Board, What They Do and Their Mission (Established by Statute §25-27-101 et. seq.)

SEPTEMBER 10, 2015

- A. Continued Review of the Arkansas Department of Human Services' Medicaid Eligibility and Enrollment Framework (EEF) Project
- B. Review of Medicaid Management Information System (MMIS)
- C. Update on the Status of the CoCENTRIX Contract with the AR Department of Human Services and the Current Functionality of the Universal Assessment Platform

SEPTEMBER 16, 2015

- A. Consideration of the Joint Performance Review Committee's Exercise of Subpoena Power. Members of the JPR Committee Will Consider Whether Subpoenas for Persons, Documents, and Records are Appropriate as Part of Its Ongoing Review of the Arkansas Department of Human Services and the Medicaid Eligibility and Enrollment Framework (EEF) Contracts (CMS subpoena)

OCTOBER 1, 2015

- A. Continuation of the Review of Procedures Used by the AR Department of Human Services to Remove Children From the Home, and the Child Maltreatment Registry (Arkansas Child Maltreatment Act A.C.A. §12-18-101-1202)
- B. Discussion of Adult Protective Services

OCTOBER 2, 2015

- A. Continued Review of the Arkansas Medicaid Eligibility and Enrollment Framework (EEF) Platform and EEF Vendor Contracts
- B. Review of the EEF Governance Board's History, Duties and Responsibilities
- C. Update on the Status of the CoCENTRIX Contract with the AR Department of Human Services and the Current Functionality of the Universal Assessment Platform

OCTOBER 28, 2015

- A. Review of the Decision by the U. S. Supreme Court in the Matter of the FTC versus the North Carolina Board of Dental Examiners and its Impact on Scope of Practice in the Medical Profession
- B. Continued Review of the Information Network of Arkansas (INA) Regarding State Contracts and Fees

- C. Continued Review of the Co-CENTRIX Licensing Agreement with the AR Department of Human Services

OCTOBER 29, 2015

- A. Discussion of the Contract Negotiations for the Medicaid Enrollment and Eligibility (EEF) Platform, AR Department of Human Services
- B. Presentation by the Institute for Organizational Excellence-University of Texas at Austin Regarding Their “Survey of Employee Engagement” (SEE) Assessment Tool Used by State Agencies, Businesses, and Industry to Assess Their Strengths and Concerns, Including the 360-Degree Leadership Assessment

NOVEMBER 4, 2015

- A. Continued Review of Procedures Used by the Crimes Against Children Division, AR State Police, and the AR Department of Human Services to Remove Children From the Home, the Child Abuse Hotline, and the Child Maltreatment Registry (Arkansas Child Maltreatment Act A.C.A. §12-18-101-1202)

NOVEMBER 5, 2015

- A. Discussion of the Financial Impact and the Benefit to Donors for Removing Taxes on Charitable Giving— **ISP 2015-090** (SB 560 of 2015) by Senator Clark

NOVEMBER 9, 2015

- A. Address Licensure Issues, Discuss the Frequency and Revision Process of the “Provider Medicaid Manual”
- B. Review of Scope of Practice Rules in Arkansas and Task Switching
- C. Review of the Policies and Regulations of Various Medical-Related Boards Regarding Reciprocity with Other States, Issuing Temporary/Provisional Licenses, In-State Relicensing, Amount of Time to Process Applications, Telemedicine in Arkansas, and Plans to Shorten and Improve the Licensing Process
Representatives From:
 - 1. Arkansas State Medical Board
 - a. Arkansas Occupational Therapy Examining Committee
 - 2. Arkansas State Board of Physical Therapy
 - 3. Board of Examiners in Speech-Language Pathology and Audiology
 - 4. Arkansas State Board of Nursing
 - 5. Arkansas Psychological Board
 - 6. Arkansas Board of Examiners in Counseling
 - 7. Arkansas State Board of Pharmacy

DECEMBER 9, 2015

- A. Status of the Universal Assessment Tool Software Being Implemented by CoCENTRIX
- B. Discussion of Foster Care and Grandparent Issues
- C. Review of the Differences in Statutes, Policies, and Procedures Regarding the Removal of Children From Their Home
- D. Overview of Adult Protective Services Division, AR Department of Human Services

DECEMBER 10, 2015

- A. Report on the Arkansas Workforce Integrated Network System (ARWINS) Developed by the Arkansas Department of Workforce Services
- B. Overview of the Process and Best Practices for Writing Requests for Proposals (RFP) and Requests for Qualifications (RFQ)
- C. Continued Review of the Policies and Regulations of Various Medical-Related Boards Regarding Reciprocity with Other States, Issuing Temporary/Provisional Licenses, In-State Relicensing, Amount of Time to Process Applications, and Plans to Shorten and Improve the Licensing Process

FEBRUARY 11, 2016 (all-day meeting)

- A. Brief Update on the Licensing Agreement Between CoCENTRIX and the Department of Human Services
- B. Brief Review of Vendor Changes for the Health Services Account (HSA) and the Flexible Spending Account (FSA), Employee Benefits Division (EBD), AR Department of Finance and Administration
- C. Discussion of Issues with the Division of Children and Family Services (DCFS), Arkansas Department of Human Services (DHS) and the Role of the Attorney Ad Litem Program, the Parent Counsel Program, and Court Appointed Special Advocates (CASA)
- D. Discussion to Focus on Providing Better Services to Foster Care Children, Judicial Conflicts, and Enhancing Case Worker Performance

FEBRUARY 25, 2016 (all-day meeting)

- A. Continued Discussion of Methods and Options to Improve Efficiency, Accountability, and Transparency in State Government and Foster Better Communication Between Agencies and Their Employee
- B. Brief Update on the Status of the CoCENTRIX Software for the Universal Assessment Tool Being Used by the Division of Aging and Adult Services, Department of Human Services (DHS)
- C. Review of the Technical & General Services Contract Between the Employee Benefits Division (EBD) and the American Health Holding, Inc.--Assigned to the JPR Committee by Legislative Council
- D. Discussion of Foster Care and Adoptions Procedures in Arkansas (Mandy Moss)

MARCH 16, 2016

- A. Discussion of the Procurement Process and Vendor Contracts for the Employee Benefits Division (EBD), Arkansas Department of Finance and Administration (DF&A)
- B. Review of the Recent Contract Between WageWorks and the Arkansas Employee Benefits Division, DF&A
- C. Overview of the Training Program Provided by MidSOUTH, University of Arkansas at Little Rock (UALR) for the Employees with the Division of Children and Family Services (DCFS), Arkansas Department of Human Services (DHS)
- D. Overview of the Structure, Services and Training Programs for DCFS/DHS Employees Provided by Hornby Zeller Associates (HZA)

MARCH 17, 2016 (all-day meeting)

- A. To Provide Non-DHS Focused Testimony on Issues that have Contributed to the Child Welfare Crisis, and Solutions to Fix Systemic Problems, As Seen by Attorneys Who Handle a Majority of the Child Welfare Appeals Statewide
- B. Overview of the Structure, Services, and Training Programs for DCFS/DHS Employees Provided by Hornby Zeller Associates (HZA)

MARCH 30, 2016 (all-day meeting)

- A. Consideration of the Joint Performance Review Committee's Exercise of Subpoena Power. Members of the JPR Committee will Consider Whether Subpoenas for Persons, Documents, and Records are Appropriate as Part of Its Ongoing Review of the Arkansas Department of Human Services and the Division of Children and Family Services (DCFS), DHS
- B. Update on the Implementation of the Universal Assessment Tool Software Developed by CoCENTRIX
- C. Continued Discussion of the Policies and Procedures, Goals and Direction of the Division of Children and Family Services (DCFS), Arkansas Department of Human Services (DHS)
- D. Continued Overview of the Structure, Services, and Training Programs for DCFS/DHS Employees Provided by Hornby, Zeller Associates (HZA)
- E. Practicing Parent Counsel Representing 150-250 Parents Per Year Whose Children Have Been Taken Into Custody, Provide Testimony Explaining the Process from the Prospect of the Parents and Their Attorneys, Discuss Improvements to the System and Offer Proposals that Should Result in the Maintenance and Reunification of Arkansas Families
- F. Continuation of the Review of Procedures Used by the AR Department of Human Services and the State Police to Remove Children From the Home, Including Use of the Child Maltreatment Registry (Arkansas Child Maltreatment Act A.C.A. §12-18-101-1202)
- G. Update on the Stanley Family Appeal

APRIL 14, 2016

- A. Discussion of Non-DHS Focused Testimony on Issues That Have Contributed to the Child Welfare Crisis as Seen by Attorneys Who Handle a Majority of the Child Welfare Appeals Statewide, and Offer Solutions to Fix Systemic Problems With the System

JUNE 14, 2016

- A. 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
- B. Brief Update on the Department of Human Services Licensing Agreement with CoCENTRIX
- C. Brief Update on the *Rite of Passage* Company Recently Contracted by DHS to Operate and Manage the DYS Juvenile Treatment Centers
- D. Brief Discussion of Various Divisions at the Arkansas Department of Human Services

JULY 26, 2016

- A. Review of the interRAI Assessment Instrument System for Evaluating Persons Who Are Disabled, Elderly, or Medically Complex
- B. Overview of the Project Management Program, Integrated Data System, and Research Services Provided by the Arkansas Research Center (ARC)
- C. Discussion of Regulations and Policies -- Enforcement of Entertainment Taxes Levied on Gaming Machines by the Alcoholic Beverage Control (ABC) Division, Department of Finance & Administration
- D. Brief Review of the Procurement Process for State Agencies in Arkansas

AUGUST 30, 2016

- A. Consideration of the Joint Performance Review Committee's Exercise of Subpoena Power. Committee Members Will Consider Whether Subpoenas for Judge Patricia James, Sixth Judicial Circuit Court, Other Persons, Documents, and Records are Appropriate as Part of the Committee's Ongoing Review of the Arkansas Department of Human Services (DHS) and the Division of Children and Family Services (DCFS)

Recess at 9:50 a.m. for 1 hour TOUR of the DYS Juvenile Treatment Facility at Alexander—led by LaMont Daniels, AJATC Supervisor, Rite of Passage

- B. Overview of the Operation of the Division of Youth Services' Alexander Juvenile Assessment & Treatment Center (AJATC), Intake Procedures, and the Transition to the Heartland Region Rite of Passage Provider. Copies of the G4S and Rite of Passage Contracts can be Found at the Legislative Website Listed Below
- C. Brief Review of Driver's License Reinstatement Fees (Act 1193 of 2015)
- D. Brief Discussion of the Freedom of Information Act (FOIA) Policies and Procedures

SEPTEMBER 14, 2016

- A. Review of the Driver's License Reinstatement Fees Pilot Program (Act 1193 of 2015)
- B. Discussion of the Decision by the Division of Developmental Disabilities Services (DDS), Department of Human Services to Decertify ***Support Solutions***
- C. Discussion of Procedures Used by the Dept. of Human Services' Consulting Team (formerly known as the Qualifications Review Committee) Evaluating Job Applications for Hiring or Promotion

SEPTEMBER 15, 2016

- A. Review of the General Education Development Test (GED) Program and Discussion of Test Score Levels
- B. Discussion of the Need for Legislative Oversight of the Crimes Against Children Division, Arkansas State Police, the Division of Children & Family Services, Department of Human Services (DHS), and Child Maltreatment Procedures
- C. Discussion of Family Members Being Denied Temporary Custody, Foster Care, or Adoption of Related Children

OCTOBER 20, 2016

- A. Review of the Impact to State Agencies if the Medical Marijuana Ballot Measures Prevail
 - Ann Purvis, Deputy Director for Administration, Arkansas Department of Health
 - Paul Gehring, Assistant Revenue Commissioner, AR Dept. of Finance and Administration (DFA)
 - Boyce Hamlet, Director, Alcoholic Beverage Control—Enforcement, DFA
 - Bud Roberts, Director, Alcoholic Beverage Control—Administration, DFA
 - Colonel Bill Bryant, Director, Arkansas State Police

NOVEMBER 29, 2016

- A. Discussion of Recent Reports Pertaining to the of Division of Children & Family Services (DCFS), DHS
 - (1) *“Analysis of the Rise in Arkansas’ Foster Care Population”-Arkansas Department of Human Services – Division of Children and Family Services* --Produced June 2016 by Hornby Zeller Associates, Inc.
 - (2) Special Report – *“Moving Beyond Crisis” Phase one: Plan to Stabilize the Arkansas Child Welfare System* --Released November 2016 by the Arkansas Department of Human Services
- B. Department of Human Services Contract with Deloitte Consulting, LLP (Contract #46000038911)
- C. Review of the Developmental Disability Services Providers Contracted with the Department of Human Services
- D. Brief Review of the Special Report – *“Review of Eligibility and Enrollment Framework (EEF) Project Procurement—Arkansas Department of Human Services - For the Period May 2011 through January 2016”* -Released on October 14, 2016 by Arkansas Legislative Audit
- E. Other Business: JPR Meets Tuesday, December 20, 2016 at 9:30 a.m. in Room A, MAC, Little Rock. The Committee’s 2015-2016 Summary Report will be presented at this meeting

DECEMBER 20, 2016

- A. Discussion of Child Welfare Procedures from the Perspective of the Courts 1)
 - a. The Honorable Rhonda Wood, Justice Position 7, Arkansas Supreme Court
 - b. The Honorable Joyce Williams Warren, Circuit Court Judge, Division 10, Pulaski County
 - c. The Honorable Gary Arnold, Circuit Court Judge, Division 2, Saline County
 - d. The Honorable Earnest E. Brown, Jr., Circuit Court Judge, Division 6, Jefferson-Lincoln Counties
 - e. David J. Sachar, Executive Director, Judicial Discipline and Disability Commission
- B. Discussion of Child Welfare Procedures from the Perspective of Associated Agencies
 - 1) J. D. Gingerich, Director, Administrative Office of the Courts (AOC)
 - 2) Connie Hickman Tanner, Director of Court Services, AOC
 - 3) Parent Counsel, AOC
 - 4) Renia Robinette, Director, Attorney Ad Litem Program, AOC
 - 5) Debbie Roark, Investigative Administrator, Crimes Against Children Division (CACD) Arkansas State Police
 - 6) Mischa Martin, Director, Children and Family Services Division, AR Dept. of Human Services
- C. Summary Report of Work Performed by the Joint Performance Review Committee During the 2015-2016 Biennium

SUMMARY REPORT

The Joint Performance Review Committee met a total of thirty times (30) during the 2015-2016 legislative interim. The first meeting was held on May 18, 2015. The final meeting was held December 20, 2016. Some meetings lasted an entire day. Numerous issues were discussed throughout the biennium, with several subjects requiring multiple hearings. The most extensive hearings centered on the following issues.

MEDICAID ELIGIBILITY and ENROLLMENT FRAMEWORK (EEF) PROJECT

The JPR Committee held a total of seven (7) meetings where the Medicaid EEF Framework Project was discussed. As a component of their investigation, the JPR Committee requested that Arkansas Legislative Audit (ALA) review procurements made by the Department of Human Services (DHS) pertaining to the Medicaid Eligibility and Enrollment Framework (EEF) Project. The objectives of the report were to review the following regarding the EEF Project:

1. Approval process and documentation supporting billable time
2. Additions to and deletions of remote resources from the EEF Project
3. Skills, knowledge, and experience of the personnel employed under the cooperative purchasing agreement or other contracts
4. Payment of invoices for adherence to applicable laws and regulations
5. Contractual delivery dates and whether they were met

Appendix C contains the entire ALA Special Report – “*Review of Eligibility and Enrollment Framework (EEF) Project Procurement—Arkansas Department of Human Services - For the Period May 2011 through January 2016*”, which was released on October 14, 2016 by Arkansas Legislative Audit. It contains the findings of the review and includes the response to the report by the Department of Human Services.

DIVISION OF CHILDREN & FAMILY SERVICES (DCFS)

Arkansas Department of Human Services (DHS)

The JPR Committee held a total of sixteen (16) meetings where issues pertaining to the Division of Children and Family Services (DCFS) and child welfare were discussed. Following is a list of areas of concerns and suggested improvements that were extensively discussed during the committee meetings:

1. Continue the discussion of the possibility of loosening the legal restrictions placed on DCFS/DHS staff when discussing the specifics of a particular case with legislators
2. Develop a long-term plan to stabilize and improve the child welfare system
3. Make relative placement a priority to help keep families intact, with emphases on placing children with immediate family members or extended family members
4. Address the increasing number of children in Arkansas foster care (30% increase over last year)
5. Broaden placement options through more emphasis on including faith-based facilities and non-profit partners
6. Keep children who go into foster care as close to home as possible
7. Limit the number of placements for foster children to prevent transfer trauma
8. Established consistent guidelines and options for the placement of abused and neglected children and provide adequate prevention programs
9. Address the backlog of foster parent applications

10. Place a renewed focus on reinforcing family units so children can remain safely at home
11. Institute better policies for children in need of behavioral health treatment and families in need of help with substance abuse
12. Simplify some of the foster care approval processes, work with local law enforcement to run background checks, have workers on call to approve homes after hours
13. Improve foster care through a stronger DCFS outreach and establish community partnerships
14. Address issues faced by children placed in juvenile treatment centers and juvenile correctional facilities, offer more comprehensive support services
15. Improve retention of DCFS staff (32% turnover rate among family service workers)
16. Address the excessive number of cases each DCFS staff handles, which substantially contributes to a high burnout rate

Appendix C contains supplemental DCFS/DHS reports:

- 1) *“Analysis of the Rise in Arkansas’ Foster Care Population”-Arkansas Department of Human Services – Division of Children and Family Services*, which was produced June 2016 by Hornby Zeller Associates, Inc.
- 2) Special Report – *“Moving Beyond Crisis” Phase one: Plan to Stabilize the Arkansas Child Welfare System*, which was released November 2016 by the Arkansas Department of Human Services

CRIMES AGAINST CHILDREN DIVISION (CACD), ARKANSAS STATE POLICE

Discussions were held concerning the methods of reporting child abuse and neglect, which included the exploitation of the Child Abuse Hotline, which is maintained by the CACD. Harassment through repeated false reports to the Child Abuse Hotline is an on-going issue. Spouses involved in divorce proceedings, disgruntled family members, or neighbors use the Hotline to make anonymous calls reporting bogus abuse or neglect. However, there are concerns with doing away entirely with anonymous calls to the Hotline because it potentially could greatly limit the number of true findings DCFS gets from sources such as neighbors, from the parent of the child’s friend, or other close friends, but who don’t want to get involved.

Procedures and policies regarding DCFS and CACD were discussed. CACD is a contractor for DCFS and CACD does not seem to have the same supervision and reporting/accountability that DCFS has. DCFS is based on family preservation and DCFS investigators are required to interview the alleged offender, alleged victims, and all siblings in the home. DCFS can only remove children if there is absolute imminent danger to the child. DCFS is not focused on illegal activity unless that activity directly impacts the parenting of the adults in the home. CACD investigates cases that have potential for criminal prosecution and for this reason, CACD focuses more on maintaining the integrity of potential criminal prosecution.

Three potential solutions:

- 1) Consider placing CACD’s workforce directly under DCFS supervision so everyone has the same mandates, monitoring and supervision procedures. Allocate the current CACD positions to DCFS to work the high priority cases so investigators continue to have time to work on criminal prosecution when necessary, but still have the oversight and focus of family preservation and safety.

- 2) Consider eliminating CACD, with those positions going to DCFS for investigations of the cases currently going to CACD. Work with state and local police to have an officer assigned to work with DCFS investigators on Priority 1 investigations of severe abuse for the purpose of potential prosecution.
- 3) Keep CACD with modifications to its interactions with DCFS. Have Quality Assurance reviews of CACD work. Have Peer Reviews by a DCFS panel of CACD's work. Have CHRIS reports created that are monitored by DCFS on individual worker's findings and overturn rates. This makes CACD responsible for timely sharing of information and it would be held accountable for their proper investigation of all allegations by the current DCFS standards and policies with a focus on family preservation above that of criminal prosecution.

There is currently is a pilot project between Garland County DCFS and the local police departments where police departments are asked to accompany DCFS investigators on Priority 1 investigations. If this pilot project is successful, an extension of this program might be used to help accomplish the prosecution of criminal activity found during DCFS investigations.

CHILD WELFARE SYSTEMIC PROBLEMS

ADDITIONAL RECOMMENDATIONS:

9-27-310 Commencement of Proceedings

In the 2015 legislative session, (b)(2) was amended to add language allowing an Attorney *Ad Litem* to file a Petition for Dependency-Neglect seeking *ex parte* emergency relief (for the removal of a child). That language needs to be repealed. Many who practice in child welfare were against this new language for several reasons:

- The *Ad Litem* has no investigative arm like DHS does.
- The *Ad Litem* has no training to determine when a child needs to be removed (it's purely subjective with no governing guidelines like the ones that DHS investigators must follow). At the very least, this promotes inconsistency from county to county because what might be egregious to one *Ad Litem* might not be egregious to another, meaning that standards governing parental behavior would vary depending on where the parent lived. That's dangerous. At the worst, it allows an *Ad Litem* to seek removal of a child with no oversight..
- At the time the *Ad Litem* files the Petition on behalf of the child, the *Ad Litem* does not represent the child. It is not only unethical to file pleadings on behalf of a person the attorney does not represent (either through appointment or through being hired), but it is an infringement on a parent's rights because at the moment that the *Ad Litem* files that petition with the circuit clerk, the parent is still the custodian, and hasn't hired the attorney (and the attorney hasn't been appointed) to represent this child. An attorney cannot file pleadings on behalf of someone they don't represent. And yet here is this lay person, out in the community, who has no qualification to assess a situation of neglect. That is why DHS has guidelines and policies regarding removal, and an investigatory arm that is Crimes Against Children Division (CACD).
- When DHS removes a child, the trained DHS investigator is the affiant. There has to be an affidavit attached to the petition for custody.
- When DHS files, they seek custody as an agency. When the *Ad Litem* files, they are asking that custody be removed from the parent, but who are they asking custody to be given to? An *Ad Litem* shouldn't be able to ask a court to give custody to third party

who hasn't consented to accept custody, and who has already investigated and determined that removal is not warranted.

- Allowing an *Ad Litem* to file an emergency petition usurps DHS's authority, and it allows a lay person to employ removal when DHS declines to remove.
- In some situations, it requires the *Ad Litem* to engage in potential illegal conduct in order to file the petition.

9-27-316 Right to Counsel

There is a problem with *Ad Litem*s not seeing the children they represent before making life-altering decisions about them, including adoption. The *Ad Litem*s fill in the gaps by relying on CASA to obtain information about a case and/or child in order for the *Ad Litem* to make informed decisions. In compliance with Administrative Order No. 15, which sets the compliance standards for *Ad Litem*s, the code needs to clarify that *Ad Litem*s are to obtain first-hand information by meeting their due diligence standards while investigating the parties and facts of a case. This code section was targeted in the 2013 session to clarify an *Ad Litem*'s obligations:

- (f)(1) The court shall appoint an Attorney *Ad Litem* who shall meet standards and qualifications established by the Supreme Court to obtain first-hand, a clear understanding of the situation and needs of the juvenile and make recommendations to the court concerning ~~represent~~ the best interest of the juvenile when a dependency-neglect petition is filed or when an emergency ex parte order is entered in a dependency-neglect case, whichever occurs earlier.

9-27-327 Adjudication Hearing

Non-custodial parents are frequently ignored, and while the statute was amended in the last session to require the court to determine if the non-custodial parent contributed to the removal, and whether the non-custodial parent is fit for custody or visitation, there is no clarification as to which party carries the burden of proof, and the statute ignores U.S. Supreme Court holdings that a parent is presumed fit and that presumption must be overcome before they may be constitutionally deprived of their rights as parents. *See, e.g., Troxel v. Granville, 530 U.S. 57 (2000)*. If there are no allegations—much less findings—against a non-custodial parent, why are non-custodial parents required to prove their fitness when they are already presumed fit under the law? The statute—specifically (a)(1)(B)(i)—should be amended to require the court to determine if a non-custodial parent contributed to the removal, and if they didn't, then the statute needs to affirmatively state that the non-custodial parent is entitled to a presumption of fitness for custody, and it is the burden of the petitioner, or anyone who is challenging the presumption, to prove that the non-custodial parent is not fit. The burden should never be on the non-custodial parent to prove his or her fitness.

9-27-329(d) Disposition Hearing

The code sets out two different standards for removal and for dependency-neglect. Removal is warranted if the child is at "imminent risk" of harm, whereas a child is dependent-neglected if at "substantial risk of serious harm." Arkansas case law says this is "future" harm. Thus, even if a child has been removed because he or she is at imminent risk of harm, that imminent risk can be alleviated, and the child can still be dependent-neglected because he or she is still at substantial risk of future harm. However, there is no mechanism to appeal the court's decision to maintain the child in foster care, despite the alleviation of the "imminent risk." In many cases, the child could have gone back home with the continuation of the case and services, and yet it is rarely considered or advocated for. This statute, as well as all other statutes pertaining to each hearing, needs to require the court to make a determination as to whether there continues to exist an imminent risk, and if so, the court must identify what that imminent risk is. If there is no imminent risk, then the court should be required to return the child home (even if on a trial visit), while the rest of the case goes forward. The child's return home should have to be assessed in this manner at each hearing from probable cause to permanency planning. However, because this is a "disposition" finding, the specifics of the

court's obligations need to be laid out in § 9-27-334 and § 9-27-355, with § 9-27-329(d) and all other hearing statutes referencing 9-27-334 and 9-27-355.

9-27-337 Six Month Reviews Required

Two things need to be added here:

1) a determination of whether the child is still at imminent risk (in an effort to review whether the child can return home despite the case and services continuing). The court already has to make a finding as to whether the case plan meets the child's best interests, whether the Department has provided reasonable services, whether the case plan goal is moving toward a permanency plan for the child, whether visitation is appropriate for all involved. Yet there is no requirement for the court to consider whether it is appropriate for the child to return home, either on a trial visit or through a custodial placement, in light of the "imminent risk" standard that must be met before the child can remain out of the home. The best place to put this is to add an extra factor the court must consider, codified at (e)(1)(B)(i)(e).

2) a clarification that completion of every single task in the case plan is not required before a child can return home as long as the parent is making considerable and measureable progress and the child would not be at imminent risk of harm if returned home. The Department and the court have a mentality that the case plan must be completed in order for the child to be returned home. Nowhere in the code or case law is that required. Perhaps under (e)(1)(C)(i), an additional subsection (a) should be included that states, "Failure to complete the case plan is an insufficient reason to deny the return of the child to the family home." Then add (b), which states, "The circuit court must assess the benefit the parent has received from services, and not whether all requirements have been completed."

Consideration of (e)(1)(C)(iii) should be stricken given the amendments noted above.

9-27-341 Termination of Parental Rights

Termination has to be based on two factors: Best interest and then at least one of the nine enumerated grounds. It is the "best interest" factor that needs some attention.

Best interest has two factors: likelihood of adoptability and potential harm to the child if the child is returned home. Even though the statute says that termination must be based on "clear and convincing evidence," the Court of Appeals has held that it is the overall finding that has to be made at that higher standard, not each factor.

This has allowed the appellate court to gut the adoptability factor, and literally, any witness, including a CASA, a foster parent, a caseworker, or even an adoption specialist who has never met the child can simply state that the child is adoptable, and that is sufficient. This has been argued many times, and the appellate court has said over and over that as long as the court hears some evidence (no matter how minimal) as to the factor, then that is sufficient. However there are still many kids aging out of foster care who never get adopted, because adoption as a permanency plan is implemented as a matter of course, even though the child has very little hope of getting adopted. This needs to be resolved legislatively. Perhaps the code needs to be amended to clarify that adoptability requires more evidence—that it requires consideration of multiple factors. For instance, North Carolina lists six factors relevant to an adoptability analysis: (1) The age of the juvenile; (2) The likelihood of adoption of the juvenile; (3) Whether the termination of parental rights will aid in the accomplishment of the permanent plan for the juvenile; (4) The bond between the juvenile and the parent; (5) The quality of the relationship between the juvenile and the proposed adoptive parent, guardian, custodian, or other permanent placement; (6) Any relevant consideration. Other states, such as Wisconsin, require evidence as to whether the child will be able to enter into a more stable and permanent family relationship as a result of the termination, taking into account the conditions of the child's current placement, the likelihood of future placements and the results of prior placements. Perhaps, too, the "adoptability" factor itself should require the heightened burden of proof of "clear and convincing."

The best interest factors also could be expanded to include other considerations, especially when the child is placed with a relative, or the goal is a return to the other parent. Consideration such as the cessation of child support payments from the unfit parent, whether the unfit parent is toxic to the child such that an irrevocable break needs to be made or whether the parent/child relationship could be renewed at some point, relationships with other relatives, etc. Arkansas' appellate court has expanded the best interest analysis in a sense; statute needs to track the appellate court's perspective.

9-27-355 Relative Placement

9-27-355, which is the relative placement statute, states that "A relative of a juvenile placed in the custody of the Department of Human Services shall be given preferential consideration for placement if the relative caregiver meets all relevant child protection standards and it is in the best interest of the juvenile to be placed with the relative caregiver."

Under rules of statutory interpretation, statutes are to be given their plain meaning, meaning that words cannot be added to, or taken away, from the statute so that the true legislative intent remains intact. The appellate courts have already had an opportunity to address it, and the misinterpretation has yet to be resolved.

The starting point to fix the relative placement issue is to codify around the problem and make clear in the statute that relatives are to be given preferential consideration at all stages of the case, including adoption, which the legislature has already made clear in 9-28-105.

In addition, relative placement is critical now. A recent study of the Arkansas Division of Children and Family Services revealed that the total number of children in Arkansas' foster care system is growing and a relatively high number of children are in non-family settings. *A Review of the Arkansas Division of Children and Family Services*, The Child Welfare Policy and Practice Group, July 6, 2015. A continuing trend known as the "placement crisis" exists with an underlying cause being an insufficient number of foster and relative homes to meet the demand. The current child-to-placement bed ratio is .66 (for the 4,095 children in care at the end of the second quarter of 2015, only 2,716 family foster home beds were available). Increased use of relative placement was touted as "the simplest and most promising next step toward expanding placement options."

Clarification is that relatives are given preferential consideration at every stage of the case.

A new policy attorney at DHS is taking the position that the word "placed" in the definition ("A relative of a juvenile placed...") applies only to provisional placements or foster care placements, and not to custodial placement (such as when a relative seeks custody of a child). To ward off any further problems with this statute, perhaps that should be clarified, as well, to mean that in any type of placement sought by a relative, that relative should be given preferential consideration at every stage of the case.

12-18-108 Removal From Home (Parent's Ability to Place)—Procedure

Regarding the parent's ability to place upon removal, additional language needs to be added to clarify that the parent who makes the placement is still entitled to the same rights delineated in the code that the parent is entitled to if DHS had removed the child and placed the child in foster care, including appointment of counsel, notice and opportunity to be heard, and reunification services.

Foster Parents' Role in the Case: A provision should be added in the code preventing foster parents from intervening as a party in a case. There is no reason for a foster parent to intervene in order to file pleadings, unless it was to thwart reunification or to influence the court in a decision that should remain between the parent/custodian and the child.

Foster Parents' Bond with the Child: Language needs to be added in the code, and perhaps also in the public policy statement, that a foster parents' bond with a child cannot trump family integrity, including the denial of placement with a relative. (Possibly be addressed in 9-27-355). Foster parents will/should bond with foster children. Allowing that bond to be a factor in the ultimate disposition of the child, even denying relatives placement, erodes the public policy of strengthening family bonds and pursuing family integrity.

Ad Litem's role in the case: Ad Litem's should have a greater role in the case; as it stands, Ad Litem's are treated as respondents, and have no primary responsibility in calling witnesses or putting on a case on direct, yet they are required to make recommendations to the court that will have a lifelong impact on the child. There needs to be legislation that places burdens on the ad litem where they make recommendations to the court on the front end; tells the court the basis of the recommendation (like an opening argument telling the court what the evidence will demonstrate), and if the recommendation is aligned with DHS, then the ad litem has to put on its own case on direct, and if they are aligned with the parent, then they have to put on a defense to the Department's petition. They should also have to demonstrate how they have complied with their Administrative Order 15 by filing a report stating what type of contact they had with the child, the child's parent and the placement provider (if making a recommendation for permanent placement or adoption), prior to making a recommendation.

—SUMMARY COMMENTS BY CO-CHAIRS—
Senator Alan Clark and Representative Kim Hammer

Below is additional information regarding specific Joint Performance Review Committee meetings. The JPR Committee considered a number of issues.

1. Regarding the Center for Medicare and Medicaid Services (CMS)/Arkansas Department of Human Services (DHS) Medicaid /SNAP Eligibility and Enrollment Framework (EEF) Project, during several legislative meetings of the Joint Performance Review (JPR) Committee, members questioned and brought to the attention of the legislature and the public the **\$129 million** that was spent on the procurement of EEF software, which does not work. Before the Committee intervened, DHS had planned to spend an additional \$100 million on the same software. That purchase was halted following the Committee's findings. Numerous other problems were also highlighted by the Committee during its meetings where these issues were discussed. The problems in the state's procurement process are now being remedied.
2. When this process started, the DHS Division of Children & Family Services (DCFS) sometimes, if not often, failed to share information with legislators that they were legally required to share. The agency was very clear on what could not be done, but not nearly as clear on what they must do. This has changed and it would not have happened without the work of the Committee.
3. When the Committee began to look into whether or not there were problems at DCFS and if so, what were the problems, members were assured in the beginning that everything was fine except for a one-time aberration (the Stanley case).
4. It took a lot of work and the Committee's willingness to be in conflict with the agency, but by the time Cecile Blucker stepped down on March 31, 2016, she not only admitted there were problems, she spelled them out in great detail, which are contained in the audio recording of the March 30, 2016 meeting. The hope is that someone will continue the investigation using the wealth of new leads Ms. Blucker provided to the Committee.
5. One of the achievements Committee members and the rest of the legislature most appreciate, was the creation of a DHS dedicated legislative liaison position, which former state Representative Kelly Linck has filled. Having someone legislators can contact, who will stay on top of their constituent concerns, is a huge benefit to members. Having a former legislator who understands how legislators think and what members expect was a stroke of genius by the Governor and the agency. The liaison idea came directly from the JPR Committee and was called for at its December 2016 meeting.

6. The JPR Committee uncovered the fact that almost perfect grandparents are losing their grandchildren forever through Arkansas's child welfare system, which is a nightmare. It was discovered that the national average for placing children with relatives was 29% and Arkansas's was only 14%. Since this fact was exposed, Arkansas is now up to 24%; and Pulaski County, which was noted for judges who refuse to place children with relatives, is now leading the state in relative placements (according to DCFS leadership). The Committee Co-Chairs took the brunt of the criticism for subpoenaing a judge, but would definitely do it again in order to guarantee that children who are removed from their homes are placed with loving grandparents rather than put into foster care.
7. The Committee discovered that there are rogue DCFS and Arkansas State Police Crimes Against Children's Division (CACD) employees who thrive due to the secrecy of the system. A quality control plan will soon be implemented to help correct that.
8. The Committee discovered that impacted families, relatives, foster parents, and adoptive parents, very often unhappy with the system, had nowhere to take a complaint to other than to a caseworker, who might very well be the problem. This will soon be corrected.
9. JPR discovered that having Parent Council placed under the Administrative Office of the Courts (AOC) is a serious conflict. This had been addressed by the Paul Vincent Report, the American Bar Association, and the Hornby Zeller Associates report. The AOC has steadfastly refused to remedy this. AOC is now scrambling to offer a solution, if for no other reason than to keep the legislature from doing it. This is a direct result of the work of this Committee.
10. Along with Parent Counsel being under AOC, there are a number of ways the system is stacked against parents. That is a terrible thing if you are innocent. It can and has bankrupted families.
11. The Hornby Zeller Associates report, which was given to DCFS in June and not released by the department until September, might never have been asked for, if not for the work of JPR and its exposure of serious problems within DCFS. The report is a good start for reform and a comprehensive vindication of the work of the Committee. The JPR Co-Chairs completely concur with the report's findings and recommendations.
12. JPR exposed the need for outside oversight of DCFS, legislatively or otherwise. In just the few DCFS cases the Committee chose to make public, out of dozens which could have been, even the DHS leadership had to admit there were serious problems within DCFS and the child welfare process.
13. The Committee discovered that many Arkansas laws, which the Committee was told matched federal statutes and could not be changed, could in fact be changed. For example: under Arkansas law, DHS and its employees cannot testify about closed cases, even when a family has waived their right to privacy. That law CAN be changed. This important component is needed for looking into problems, policies, and possible wrongdoing within the agency. Federal law also does not mandate the overly strict privacy/secrecy rules of these courts.
14. This issue was highlighted when JPR uncovered an email twenty-one months after Hal Stanley's seven children were removed from their home. The email was written and sent by a DCFS supervisor the day the children were removed telling all concerned that a mistake had been made by taking the children. That email was either buried or "lost" for the entire twenty-one months. Although the email demonstrates a cover-up within two state agencies, JPR could not share the email, even with fellow legislators. This restriction has to change. The email can be referred to now because it has

since been leaked and is now in the public domain. It is absurd that it is against the law for one legislator to share with another legislator evidence of wrongdoing by a state agency, and the cover-up of wrongdoing by a state agency.

15. The Committee discovered that, shockingly, over 50% of the Arkansas cases where there are "True Findings" are overturned when appealed. The Committee found that many families are afraid to appeal because of the cost and the psychological toll exacted on them from being in the system. Others have no idea how to appeal. The agencies have argued that they tell affected families how to appeal. Even if true in every case, this system is so complicated that many attorneys do not understand it. How can an often uneducated and poor parent, under the stress of losing their children, be expected to understand the workings of the system and the weight of its outcomes.

16. Members were told that as many as 30% of child abuse investigations stem from custody cases in divorces and everyone in the system knows it. However, there is no mechanism for noting that the complaint is related to a custody case when being investigated.

17. 89% of cases reported through the Child Abuse Hotline are not True Findings. There is a question that the system might be casting too broad a net, considering how intrusive these investigations can be.

18. Originally Committee members were told that the Hotline has no caller ID feature. Even DCFS employees said that is a problem because often the address, etc. they are given is incorrect and investigators have no way to go back and find out the correct information. At another meeting, the Committee was told they do have caller ID. Members are not sure what to believe.

19. It was discovered that turnover in DCFS is not simply because of low pay and burnout, but because of frustration with the system, management not being responsive, and allowing rogue employees to get away with wrongdoing or high-handedness.

20. The former director and others reported that it is both too hard to hire and too hard to fire a state employee.

21. A "Foster Parent of the Year" recipient told the Committee her horror story about the prolonged and agonizing process of her adoption of a child, which kept the Committee spellbound and appalled for over 2 hours. There could be no denial by the department that the situation was real. This emphasizes the need for foster parents to be able to complain to a higher level.

22. A state employee told the Committee he was fired immediately upon having a True Finding issued against him. It took him months to successfully appeal it, which made it impossible for him to find a job because of this being on his record. Upon the True Finding being overturned, the state gave him the runaround on getting his job back. His state Senator and the Governor's office had to intervene. This needs to be remedied.

23. The Committee heard testimony under oath from a DCFS supervisor saying that he was in a meeting with a CACD investigator when the CACD investigator said that in cases where she lacked evidence, but thought parents were guilty of abuse, she would "make True Findings and let them appeal". This is worthy of being noted in this report for a number of reasons:

A. This same investigator admitted under oath that in an appeal hearing, she did not have the evidence for any of nine True Findings in one case. That transcript will soon be available.

B. Another CACD investigator was recently charged with forty-three counts of filing fraudulent reports. Members have reason to believe that this practice could be widespread among overzealous investigators.

C. This is especially concerning since CACD has never admitted to any problems with their procedures, training, or personnel. As far as the Committee knows, there has been no investigation nor repercussions resulting from the incident in listed in (A) of an investigator finding nine True Findings and removing children for an extended period of time, without the evidence prescribed by the 357 procedures manual. This is especially concerning when it is coupled with the email that indicated DCFS disagreed with the taking of these children and that it was covered up and never turned over to legislators despite repeated requests for "everything" pertaining to this same case. There is no retrieval method currently available under which this email could have been found without direct knowledge by others that the email existed.

24. There was testimony from CACD, that in a case where parents were found to be educationally negligent regarding a 10th grader who later took his/her GED and scored college proficient, or almost college proficient, in every area and was enrolled in college (Career Ed testified that 30% of high school graduates would fail the GED), those parents should be kept on the Child Maltreatment list for that offense. Being on that list has serious consequences. No logic for that assessment was offered, or what was to be gained by punishing these parents for successfully educating their child.

25. CACD was the leader, but DCFS concurred, in insisting that the home schooling parents should be kept on the Child Maltreatment list even after testing proved that all of their children were in the normal range for age and grade level. Their main argument was that the parents had pled to educational negligence. Somehow, both departments missed the fact that:

A. The parents were in duress because their children had been removed from their home for sixty days

B. After the appeal, both departments knew that the state never had evidence of True Findings of abuse or negligence to begin with

C. Even after the buried email was exposed which indicated that the state's experts thought the child removal was a mistake from the second day, yet the children were held for 60-90 days, and the extortion of the parents to get their children back should be held against the parents. Both agencies insisted instead that "to protect the children" the email could not be given even to members of the JPR Committee

D. Not until the email was leaked to the public after 21 months did DHS finally relent and send a Do Not Defend order in the case.

E. We believe this indicates that CACD division needs a comprehensive investigation performed to examine it for practices, procedures, and personnel "for the good of the children". DCFS is not included in this recommendation only because they have admitted to extensive problems, have instituted new leadership, and have started their own considerable program of overhaul and reform. The proper committees, including JPR, should keep a careful eye on their progress.

26. The Administrative Office of the Courts (AOC) needs a thorough review as to making possible changes in their role in child welfare system and especially to their understanding and responsiveness to those needs:

A. As cited earlier, their refusal to respond over a number of years to the overwhelming evidence that Parent Counsel being under their auspices is a conflict. This seems to be for no other reason than their unwillingness to give up political power

B. AOC will be soon be offering "a plan" to finally rectify this situation. We have evidence that this "plan" not only does not go far enough, but is only being offered as a paltry change due to pressure from this committee and the Judiciary Committee

C. We have what we believe to be significant evidence of perjury from employees of AOC on this subject. We have reason to believe that an aggressive prosecutor would also find that the perjury occurred because people were threatened by their superiors with loss of their jobs. We realize these are serious charges and we do not make them lightly. People who do business this way in a democracy should not be allowed to continue with their deeds left in the darkness of a political vacuum

D. AOC has refused to cooperate with this committee. They have refused to provide witnesses. Upon agreeing to provide witnesses, they have deliberately not responded to our inquiries for confirmation of attendance, causing us to cancel committee meetings where we asking for their testimony

27. The Committee had serious objections to the standard language contained in orders written by Judge Patricia James:

"No placement with relatives or fictive kin unless ordered by this Court. This includes provisional placement, foster care, or any other placement with a relative or fictive kin"

28. DCFS will be making an announcement soon about some exciting answers to many of these problems. I wish I was at liberty today to share it with you. Suffice it to say, that this reform would not be happening without the serious work of the Joint Performance Review Committee.

29. Reform legislation introduced during the 2017 Legislative Session comes directly from the issues heard by the JPR Committee. Some will be from legislators, more will come from the agencies as a direct result of our investigations.

Senator Clark and Representative Hammer wish to thank the members of the Joint Performance Review Committee for their diligence, dedication, commitment, and the time and hard work that they put into delving into the many topics that were covered at the thirty meetings of the JPR Committee.

**Child Welfare Legislation Passed During the 2017 Session of the
Ninety-First General Assembly**

Act 701 (SB 15)—*TO AMEND PROVISIONS CONCERNING JUVENILE COURTS AND PROCEEDINGS*

Act 713 (SB 556)—*TO CREATE THE CHILD MALTREATMENT INVESTIGATIONS OVERSIGHT COMMITTEE; TO AMEND THE FREEDOM OF INFORMATION ACT; AND TO AMEND PROVISIONS CONTAINED IN THE CHILD MALTREATMENT ACT*

Act 861 (SB 132)—*CREATING THE COMMISSION FOR PARENT COUNSEL; CONCERNING DEPENDENCY-NEGLECT REPRESENTATION FOR THE PARENT OF A MINOR CHILD; AND CONCERNING REPRESENTATION IN THE JUVENILE DIVISION OF CIRCUIT COURT*

Act 940 (SB 494)—*TO REQUIRE A PUBLIC SCHOOL DISTRICT TO REPORT TO THE PARENT OR LEGAL GUARDIAN OF EACH STUDENT THE READING LEVEL OF THE STUDENT*

Act 1025 (HB 1915)—*TO REQUIRE THE DEPARTMENT OF HUMAN SERVICES AND THE DEPARTMENT OF ARKANSAS STATE POLICE TO PROVIDE REPORTS CONCERNING THE NUMBER OF OVERTURNED TRUE FINDING DETERMINATIONS*

Act 1111 (SB 306)—*CONCERNING A NONCUSTODIAL PARENT'S UNSUPERVISED VISITATION WITH HIS OR HER CHILD; TO AMEND DEFINITIONS UNDER THE ARKANSAS JUVENILE CODE OF 1989; AND TO AMEND THE LAW ON PROBABLE CAUSE HEARINGS AND THE TERMINATION OF PARENTAL RIGHTS*

Act 1116 (SB 40)—*TO AMEND PROVISIONS IN THE JUVENILE CODE CONCERNING THE PLACEMENT OF JUVENILES*

APPENDIX A

AGENDAS

2015 – 2016

(SEE ATTACHMENTS)

APPENDIX B

MINUTES

2015 – 2016

(SEE ATTACHMENTS)

APPENDIX C

SUPPLEMENTAL REPORTS

1. Special Report – *“Review of Eligibility and Enrollment Framework (EEF) Project Procurement—Arkansas Department of Human Services - For the Period May 2011 through January 2016”* -Released on October 14, 2016 by Arkansas Legislative Audit
2. *“Analysis of the Rise in Arkansas’ Foster Care Population”*-Arkansas Department of Human Services – Division of Children and Family Services -Produced June 2016 by Hornby Zeller Associates, Inc.
3. Special Report – *“Moving Beyond Crisis” Phase one: Plan to Stabilize the Arkansas Child Welfare System* –Released November 2016 by the Arkansas Department of Human Services

(SEE ATTACHMENTS)