

Minutes
Senate Committee on Children and Youth and the House Committee on
Aging, Children and Youth, Legislative and Military Affairs
Meeting Jointly
Wednesday, May 13, 2015

The Senate Committee on Children and Youth and the House Committee on Aging, Children and Youth, Legislative and Military Affairs met jointly on Wednesday, May 13, 2015, at 10:00 a.m., in Room 130 of the State Capitol Building in Little Rock, Arkansas.

Committee members present: *Senators* Stephanie Flowers, Chair; Linda Chesterfield, Alan Clark, Jane English, Missy Irving, Linda Collins-Smith and Greg Standridge. *Representatives* George B. McGill, Co-Chair; Mary Broadaway, Karilyn Brown, Charlene Fite, Vivian Flowers, Mickey Gates, Justin T. Harris, Julie Mayberry, David Meeks, Marcus E. Richmond, Sue Scott, Brandt Smith, James Sturch, Dan Sullivan and Clarke Tucker.

Non-committee members present: *Representatives* Charles L. Armstrong, Bruce Cozart, Kenneth B. Ferguson, Bill Gossage, Sheilla Lampkin and Betty Overbey.

Consideration to approve minutes of November 25, 2014 [EXHIBIT C]

Senator Flowers made a motion to approve the November 25, 2014, meeting minutes. Without objection the minutes were adopted.

Consideration of Interim Study Proposal (ISP), Senator Stephanie Flowers

ISP 2015-034 [EXHIBIT D-1] *“To Protect Children in Delinquency Cases and Families in Need of Services Cases From Unwarranted Testing For Drug Or Alcohol Abuse”*, ISP 2015-035 [EXHIBIT D-2] *“To Amend The Law Concerning An Adjudication Hearing Of A Juvenile”*, ISP 2015-036 [EXHIBIT D-3] *“To Amend The Law Concerning An Adjudication Hearing Of A Juvenile”* and ISP 2015-037 [EXHIBIT D-4] *“To Amend The Law Concerning The Disposition Of Juvenile Delinquent Petition; And To Amend The Law Concerning The Contents Of A Juvenile Case Petition”*.

Senator Flowers briefly discussed each ISP. **She suggested that there is a need to make changes to existing legislation to enhance the lives of youth in state care. Input will be provided by appropriate agency personnel during the studies. Representative Harris made a motion to adopt the ISPs for interim study. Without objection the ISPs were adopted for study.**

Arkansas State Police (ASP), Crimes Against Children Division (CACD), Ronnie Stayton, Captain, CACD-Annual Report 2014 [EXHIBIT E-1], **Oversight Report** [EXHIBIT E-2]

Captain Stayton provided an overview of the 2014 Annual Report. The hotline received 63,563 calls for the year, with 31,110 being valid maltreatment reports. There are a total of 63 investigators assigned to the CACD that conduct investigations around the state including 10 supervisors who oversee the investigations. **Representative Gates requested that the CACD include in future reports, the percentage of the total population as represented in relation to the “Annual County Totals” found on page 6 of the report.**

Lastly, Captain Stayton discussed the Oversight Report for October – December 2014. During the quarter 1,469 reports were opened (initiated) and 1,501 were closed with a 39% substantiation rate. There were 15,152 calls to the Hotline with 7,637 reports being accepted. Of those accepted 1,523 involved sexual & physical abuse representing 20% of the total reports. There is some confusion between maltreatment cases and criminal cases; he explained that maltreatment cases are civil cases and in order to find or issue a true finding on a maltreatment investigation there has to be a preponderance of evidence.

Related to page 15 of the report, “Breakdown of the Identified Relationship that Alleged Offenders have with the Alleged Victim Children, by Allegation Type” Senator Flowers asked that this information be broken down to identify relationships set up by Juvenile Courts to include: mentors and/or volunteers and other resources set up by the courts.

Senator Collins-Smith asked if there is anything noted in the report about the number of appeals and how many people were cleared of wrong doing during the appeals process. Captain Stayton stated that this information is not provided in this report. **Senator Flowers indicated that the information is provided by the DHS-Office of Appeals and Hearing and suggested having someone from that office provide this information to the committee.**

Without objection the committee agreed to address Item I on the agenda.

Department of Human Services-Division of Youth Services, Second Quarterly Performance Report, SFY 2015, October 1, 2014 – December 31, 2014 Marcus Devine, Director, [EXHIBIT I]

Mr. Devine noted a decrease in population from 763 youth to 727 youth currently in DYS custody. The youth committed to custody were predominately male (89%). Over half of the offenses were misdemeanors or violation offenses, and over half of those committed were 16 years of age at the time of commitment.

Mr. Devine stated that he has toured the eight treatment facilities around the state, and five of the fourteen detention centers where DYS has a “Memorandum of Understanding (MOU)”. Counties with MOUs include: Yell, Independence, Garland, Jefferson, and Miller. **Senator Flowers asked that DYS provide in the report, the number of youth committed and the number of days youth are committed in each facility with a MOU.** Mr. Devine explained that DYS only has monitoring authority for the centers with MOUs however, it is the Department’s opinion that DYS should have monitoring authority over all of the centers; this would require legislative changes.

Representative Sullivan requested that DYS provide to the committee a summary of all DYS providers: who they are, and what services they provide, etc.

Senator Flowers asked that DYS provide correlations of youth committed to DYS with a previous history of being the subject of a dependency/neglect case as well as evaluations performed at the time of commitment to DYS custody and those performed by the schools. Senator Chesterfield suggested that DYS look into other interventions for youth such as workforce services rather than juvenile detention to give them an opportunity to obtain a trade. Mr. Devine pointed out that DYS been working in collaboration with Mr. Daryl Bassett, Director, Department of Workforce Services to do just that. He stated that Act 1010 mandates that Mr. Bassett’s agency along with other agencies work with DYS to look at Juvenile Justice Reform for the 2017 session.

(DHS), Division of Behavioral Health Services, Paula Stone, Assistant Clinical Director, Third Quarterly Report, Child and Adolescent Services System Program (CASSP) [EXHIBIT F]

Ms. Stone stated that CASSP is administered through the local Community Mental Health Centers. There are regional committees as well as state-level committees that meet on a monthly and quarterly basis to coordinate care at a community level and to bring all of those together that touch the lives of children who suffer from mental health disorders. The report details information on committee meetings at the regional level, and the services being provided by the Community Mental Health Centers.

DHS-DCFS, Review of Rule, Ms. Christin Harper, DCFS Policy Unit Manager, Out-of-Home Placement Criteria, Maintaining Family Ties in Out-of-Home Placement, Subsidized Guardianship [EXHIBIT G]

Ms. Harper gave a brief summary of the rules before the committee. The changes will allow DHS-DCFS policy to comply with federal law and recently passed legislation.

Representative McGill made a motion to recommend approval. Without objection the committee recommends approval.

DCFS Quarterly Performance Reports (QPR), Cecile Blucker, Director, First Quarter, State Fiscal Year (SFY) 2015, July 1, 2014 – September 30, 2014 [EXHIBIT H-1], Second Quarter, SFY 2015, October 1, 2014 – December 31, 2014 [EXHIBIT H-2]

Ms. Blucker reviewed information from the most recent 2nd Quarterly Report. She noted 8,177 reports of maltreatment during this period. There were 1,420 reports assigned to CACD for investigation and 6,757 reports were assigned to DCFS: of that total 5,844 were assigned for investigation and 913 were handled through Differential Response (DR). For the benefit of new members of the committee, it was noted that not only do the DCFS Investigators do the investigations that are assigned to DCFS, they are also called to perform safety assessment by CACD, as required. DCFS goes out to assess the safety of the children and has the authority to remove children from the home, if deemed necessary. Children that are involved in Protective Service Cases that come into the system are typically removed due to the caregivers drug or alcohol abuse.

As of today there are 4,500 children in foster care, which is a major increase within the last quarter. There is also a trend of fewer children leaving the system once they enter. Noting that 572 children have been in the system 36 plus months, 310 have been in the system 3 to 10 years, 223 have been in the system 5 to 10 years and 40 have been in the system 10 to 15 years. During the quarter there were 4,716 foster children in care and by the end of the quarter there were 3,875.

One of the issues that DCFS struggles with is the placement stability of children in foster care. Placement stability is measured by the percentage of children with two or fewer placements who are in care for varying lengths of time. By national standards and indicators this places Arkansas in the bottom percentile though this indicator is improving. Ms. Blucker pointed out that the placement of infants in the state is problematic. Children between the ages of 0-1 experienced 3 or more placements in this quarter.

There are 90 fulltime investigators, along with another 34 who conduct investigations and carry other cases as well, which leaves 275 family service workers to handle foster care and protective service cases. The average caseload is about 25 cases per worker.

Senator Chesterfield asked Ms. Blucker to provide the definition of child abandonment, the process for attaining license for a foster care home and the difference between environmental neglect and inadequate supervision.

Senator Collins-Smith inquired about the Foster Home Closure Reasons on page 29 of the report. Specifically, she requested detailed information regarding the reasons homes “Provider End Dated and Provider Requested” to be closed. This information should include the specific reasons for closure and past complaints made to the DCFS resulting in closures.

Representative Gates asked that DHS provide statistics for repetitive same child maltreatment reports. He also asked that a broader explanation be given in the reporting of the “Pending Fatality Reports” section on “Inadequate Supervision”.

DCFS Realistic Job Review Video, Cecile Blucker [EXHIBIT J]

Staff will provide the link for members to view the video.

Next meeting is tentatively scheduled for Wednesday, June 10, 2015.

With no further business, the meeting adjourned at 12:40 p.m.