

Minutes
Senate Committee on Children and Youth and the House Committee on
Aging, Children and Youth, Legislative and Military Affairs
Meeting Jointly
Thursday, December 17, 2015

The Senate Committee on Children and Youth and the House Committee on Aging, Children and Youth, Legislative and Military Affairs met jointly on Thursday, December 17, 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; Bart Hester, Vice Chair; Jonathan Dismang, Missy Irvin, Bobby J. Pierce, Linda Collins-Smith and Greg Standridge. *Representatives* George B. McGill, Chair; Charlene Fite, Vice Chair; Bob Johnson, David Meeks, Rebecca Petty, Marcus E. Richmond, Sue Scott, Brandt Smith and Dan Sullivan.

Non-committee members present: *Representatives* John Baine, Jim Dotson, Greg Leding, Mark McElroy and James Ratliff.

Representative McGill called the meeting to order.

Consideration to approve minutes of November 18, 2015 [EXHIBITS B]

Representative McGill made a motion to approve November 18, 2015 meeting minutes and without objection the minutes were approved.

Garrett's Law Referrals Report for SFY 2015 [EXHIBIT D]

Representative McGill recognized Ms. Cecile Blucker, Director, Department of Human Services (DHS), Division of Children and Family Services (DCFS). She provided a brief summary of the report noting the increase of substance abuse across the state with a 47% increase within the last four years. Substance abuse is the leading cause of children entering foster care. Ms. Blucker stated, that all Garrett's Law Referrals are referred to Team Decision Making (TDM) to gain some insight into these instances and to possibly gain some control in the area of substance abuse. The TDM groups are currently located in Sebastian, Garland, Crawford, Hot Springs, Prairie, Saline, Miller, Lafayette, Columbia, Union, Faulkner, Pope, Conway, Randolph, Lawrence, Green and Craighead Counties. These are some of the larger counties with the highest drug abuse activity.

Representative McGill recognized Ms. Angela Newcomb, Area Director, DCFS, Area 7 and Ms. Leslie Sebren, Program Administrator, DCFS who explained how the TDM facilitators in her area handle referrals and the process of getting everyone involved.

Senator Flowers asked Mr. James Swearingen, Investigator, Benton County, if there is a law that requires medical providers to report detected substance abuse during pregnancy. Mr. Swearingen stated that during his 9 ½ year tenure, he has never received a report from a provider indicating such allegations during pregnancy, this is usually reported only after the infant is born and test positive for drugs.

Annual Report Card, SFY 2015, DCFS [EXHIBIT E]

Ms. Blucker reviewed the report in detail. DCFS will be addressing two items that require a Program Improvement Plan specifically, “Placement Stability” and “Maltreatment in Foster Care” which will require recruitment of more foster families. Summaries are provided throughout the report as quick references.

Senator Flowers asked about the national standards for the Program Improvement Plan and when it is due. Ms. Blucker replied that the standards vary state by state and the process for the improvement plan and the review will begin in 2016.

Senator Flowers recognized Ms. Sheri Magram, Area Director, DCFS, Area 8. She provided testimony and addressed some of the concerns of the committee.

Senator Flowers recognized Ms. Ashley Johnson, Supervisor, DCFS, Fulton County who addressed some of the concerns regarding drug testing. She stated typically they do not drug test unless the need is present; she also stated it is harder to retrieve information on parents due to HIPPA laws. DCFS on occasions administers drug test to the parents. Ms. Blucker noted that DCFS administers 1600 drug test per week.

Senator Flowers asked that staff follow up with the Attorney Ad Litem coordinator concerning providing a copy of the standards to the committee.

Representative Petty asked about the death of a specific child. Ms. Blucker stated that the agency is required to perform an intensive internal review and everyone who has had any involvement with the child’s case is involved.

Senator Flowers asked about the consistency in applying the law in the state of Arkansas as relates to child deaths. Ms. Blucker answered that the agency is consistent with the cases they investigate, but prosecutors and local law enforcements that are looking at potential criminal charges may cause a few setbacks as to the disclosure of information in a case. Senator Flowers asked if true findings are found and a parent is placed on the child maltreatment registry, can that information be made available. Ms. Blucker deferred to Ms. Lisa McGee, Deputy Chief Counsel, DHS. Ms. McGee stated that certain information can be shared with legislators individually, but not in committee. As it relates to child maltreatment, congress has dropped the shield of confidentiality a little to allow states some disclosure in fatalities and near fatalities. Arkansas statute states that when a report is made through the hotline that involves a fatality or near fatality, if it is found true or unsubstantiated the report should show if due process has been satisfied or if the offender has been arrested; if due process is satisfied or if the person has been arrested the statute allows the name of the offender to be released.

With no further business, the meeting adjourned at 3:12 p.m.