

State of Arkansas

76th General Assembly

Regular Session, 1987

AS ENGROSSED 2/16/87

HOUSE BILL 1369

By: Representatives Doramus, Foster and Capps

"THE CHILD ABUSE AND NEGLECT PREVENTION ACT."

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. This Act shall be known and may be cited as the "Child Abuse and Neglect Prevention Act."

SECTION 2. It is the purpose of this Act to encourage the direct provision of services to prevent child abuse and neglect.

SECTION 3. As used in this Act:

(a) "Board" means the State Child Abuse and Neglect Prevention Board created by this Act.

(b) "Child" means a person under 18 years of age.

(c) "Child abuse" means any non-accidental physical injury, mental injury, sexual abuse or sexual exploitation inflicted by those legally responsible for the care and maintenance of the child, or an injury which is at variance with the history given. The term encompasses both acts and omissions.

(d) "Local council" means an organization formed under regulations prescribed by the Board and consisting an employee of the Department of Human Services, an employee of the Department of Health, an employee of a public secondary or elementary school, an employee of the county sheriff's office or a city police department, a citizen at-large, and any other persons deemed necessary by the Board, including but not limited to representatives from other groups or entities involved with child abuse and neglect or family violence.

(e) "Neglect" means (1) a failure to provide, by those legally responsible for (i) the care and maintenance of the child the proper or necessary support;

(ii) education, as required by law; or (iii) medical, surgical or any other care necessary for his well-being; or (2) any maltreatment of the child. The term includes both acts and omissions. Nothing in this Act shall be construed to mean a child is neglected or abused for the sole reason he is being provided treatment by spiritual means through prayer alone in accordance with the tenets or practices of a recognized church or religious denomination by a duly accredited practitioner thereof in lieu of medical or surgical treatment.

(f) "Prevention program" means a system of direct provision of child abuse and neglect primary and secondary prevention services to a child or guardian, and includes research programs related to prevention of child abuse and neglect. "Primary prevention" means programs and services designed to promote the general welfare of children and families. "Secondary prevention" means the identification of children who are in circumstances where there is a high risk that abuse or neglect will occur and assistance is necessary and appropriate to prevent abuse or neglect from occurring.

(g) "Trust Fund" means the Children's Trust Fund created by this Act.

SECTION 4. (a) The State Child Abuse and Neglect Prevention Board is created as an autonomous agency. The Office of the Governor will provide housing and limited secretarial assistance for a period covering the fiscal years 1988-89. If at any time during that two-year period, the Board becomes fiscally able to sustain itself, they may provide their own housing and secretarial assistance thus relieving the Governor's office from all prior commitments.

(b) The Board may appoint an executive director who, subject to approval by the Board, shall hire all staff required to implement this Act.

SECTION 5. (a) The Board shall be composed of nine members appointed by the Governor, one from each of the present four Congressional Districts, and five from the State-at-large, provided however that no more than three members of the Board shall reside in the same Congressional District. As a group, the members shall demonstrate knowledge in the area of child abuse and neglect prevention; and to the extent practicable shall be representative of the professional providers of child abuse and neglect prevention services, volunteers in child abuse and neglect prevention services, and providers of domestic violence programs.

(b) The term of each member shall be three years, except that of the members first appointed, three shall serve for three years, three for two years, and three for one year. The Governor shall designate the term which each of the members first appointed shall serve when he makes such appointments. A member shall not serve more than two consecutive terms whether partial or full. A vacancy shall be filled for the remainder of the unexpired term in the same manner as the original appointment.

(c) The Governor shall designate a chairperson of the Board from among its members, which chairperson shall serve in that position at the pleasure of the Governor. The Board may elect other officers and committees as it considers appropriate.

(d) Board members shall receive reimbursement for expenses in the same amount as prescribed for State employees.

(e) All books, records and documents pertaining to the Board or the performance of any official function of the Board shall be public records and open to the public at all reasonable times.

SECTION 6. There is hereby created on the books of the State Treasurer, the State Auditor and the Chief Fiscal Officer of the State a special trust fund to be known as the Children's Trust Fund. All county clerks in this State shall charge a fee of \$5.00 in addition to all other fees prescribed by law for each marriage license issued, and the clerks shall transmit the \$5.00 fee to the State Treasurer who shall deposit the same in the Children's Trust Fund as special revenues. Until the balance of the Trust Fund reaches \$10,000,000.00 not more than one-half of the money credited to the Trust Fund during any fiscal year shall be disbursed during that fiscal year. When the balance in the Trust Fund reaches \$10,000,000.00, disbursements from the Fund shall be limited to the amount in excess of \$10,000,000.00. The State Treasurer shall credit to the Children's Trust Fund all monies earned on the Trust Fund balance. No more than twenty percent of the revenues derived from the marriage license fees during any fiscal year shall be used to cover the administrative costs of the Trust Fund and the operation of the Board. The twenty percent limitation does not apply to capital expenditures.

SECTION 7. (a) The Board shall:

(1) Meet not less than twice annually.

(2) Promulgate regulations prescribing the procedure for establishing local councils.

(3) Provide for the coordination and exchange of information on the establishment and maintenance of local councils and prevention programs.

(4) Develop and publicize criteria for the distribution of Trust Fund money under Section 8 of this Act.

(5) Monitor the expenditure of Trust Fund money by persons, groups and entities who receive Trust Fund money from the Board.

(6) Provide statewide educational and public information seminars for the purpose of developing appropriate public awareness regarding the problems of child abuse and neglect; encourage professional persons and groups to recognize and deal with problems of child abuse and neglect; make information about the problems of child abuse and neglect available to the public and organizations and agencies which deal with problems of child abuse and neglect; and encourage the development of community prevention programs.

(7) Establish a procedure for the annual, internal evaluation of the functions, responsibilities and performance of the Board.

(8) Promulgate such regulations as are necessary for the implementation of this Act.

(b) The Board may enter into contracts with any person, group of persons or legal entity to fulfill the requirements of this Section.

SECTION 8. The Board shall be the sole entity authorized to receive money from the federal government, other governments, persons or any other entities for deposit into the Children's Trust Fund. The Board shall not accept money or other assistance from the federal government or any other entity or person if the acceptance would obligate the State of Arkansas except to the extent money is available in the Trust Fund subject to the expenditure limitations prescribed by this Act. All money received in the manner described in this Section shall be transmitted to the State Treasurer for deposit in the Trust Fund.

SECTION 9. (a) The Board may disburse money appropriated from the Trust Fund for exclusively the following purposes:

(1) To make grants or loans to any person, group of persons or legal entity for the development or operation of a prevention program if at least

all of the following conditions are met:

(i) The appropriate local council has reviewed and approved the program.

(ii) The organization demonstrates an ability to match, through money or in-kind services, at least 25% of the amount of any Trust Fund money to be disbursed to it.

(iii) The organization demonstrates a willingness and ability to provide prevention program models and consultation to organizations and communities regarding prevention program development and maintenance.

(iv) Other conditions that the Board may deem appropriate.

(2) The operating expenses of of the Board.

(b) Disbursement of Trust Fund money under subsection (a)(3) of this Section shall be kept at a minimum in furtherance of the primary purpose of the Trust Fund which is to disburse money under subsections (a)(1) and (2) of this Section to encourage the direct provision of services to prevent child abuse and neglect.

SECTION 10. In making grants or loans to a local council, the Board shall consider the degree to which the local council meets the following criteria:

(a) Has as its primary purpose the development and facilitation of a community prevention programs in a specific geographical area. The prevention programs shall utilize trained volunteers and existing community resources wherever practicable.

(b) Does not provide direct services except on a demonstration project basis, or as a facilitator of interagency projects.

(c) Demonstrates a willingness and ability to provide prevention program models and consultation to organizations and communities regarding prevention program development and maintenance.

SECTION 11. All laws or parts of laws which conflict with this Act are hereby repealed.

/s/ Paul Doramus

