

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 83rd General Assembly
3 Regular Session, 2001

A Bill

HOUSE BILL 1704

4
5 By: Representative J. Elliott
6
7

For An Act To Be Entitled

9 AN ACT TO RELIEVE THE DEPARTMENT OF HUMAN SERVICES
10 FROM COURT ORDERS TO PERFORM HOME STUDIES AND
11 SUPERVISION; AND FOR OTHER PURPOSES.
12

Subtitle

13 AN ACT TO RELIEVE THE DEPARTMENT OF
14 HUMAN SERVICES FROM COURT ORDERS TO
15 PERFORM HOME STUDIES AND SUPERVISION.
16
17
18

19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
20

21 SECTION 1. Arkansas Code 9-8-101 is amended to read as follows:
22 9-8-101. Definitions.

23 (1) "Division" means the Department of Human Services, Division of
24 Children and Family Services;

25 (2) "Child" means a person under the age of eighteen (18) years;

26 (3) "Investigation" means the process of obtaining a home study, home
27 report, home assessment, home evaluation, or marital study;

28 (4) "Study" means home study, home report, home assessment, home
29 evaluation, or marital study;

30 (5) "Supervision" means periodic visitation to the home or school or
31 other places for monitoring or observation to determine a child's situation or
32 condition or to regulate or facilitate visitation and may include court
33 appearances to provide testimony on the visitation; ~~and~~

34 (6) "Regulations" means regulations promulgated by the division for the
35 purpose of implementing this chapter pursuant to the Arkansas Administrative
36 Procedure Act, § 25-15-201 et seq.; and

1 (7) "Licensed social worker" means a social worker authorized to
2 perform home studies or supervised visits under the Social Work Licensing Act,
3 which begins at § 17-103-101.

4
5 SECTION 2. Arkansas Code 9-8-102 is amended to read as follows:

6 9-8-102. Investigation, study, or supervision involving children -
7 Court order - Fee.

8 (a)(1) If a court of the State of Arkansas requests or orders ~~the~~
9 ~~division or any~~ a licensed social worker of the court's choice to perform any
10 investigation, study, or supervision involving the custody, placement,
11 adoption, or other pertinent matter with regard to a child or children, the
12 ~~division or any~~ licensed social worker selected by the court may charge a fee
13 ~~in an amount to be determined by regulations promulgated by the division that~~
14 shall not exceed the fair market value of the investigation, study, or
15 supervision.

16 ~~(2) The determination of the amount of the fee shall include~~
17 ~~consideration of the responsible party's or parties' ability to pay. However,~~
18 ~~the fee shall not exceed the fair market value of the investigation, study, or~~
19 ~~supervision.~~

20 (2)(A) The division shall not be ordered by any court to conduct
21 an investigation, study, or supervision unless the court has first determined
22 the responsible party to be indigent.

23 (B) The juvenile division of the circuit court may order
24 the division to conduct home studies.

25 ~~(3) No charge shall be made where the division is a party to~~
26 ~~litigation regarding the child or children.~~

27 (b) When the court requests or orders ~~the division or any~~ a licensed
28 social worker to perform an investigation, study, or supervision, the court
29 shall specify the party or parties responsible for payment of the fee and may
30 grant a reasonable period of time for payment.

31 (c) If payment is not made within the established time frame as set
32 forth in the court order or as prescribed by regulations, the obligation shall
33 be considered a delinquent debt, as defined by regulation, and the ~~department~~
34 licensed social worker may recover the fee as provided by law for the recovery
35 of a debt.

36 ~~(d) All fees received by the division shall be paid into the State~~

1 ~~Treasury as special revenues, to be distributed by the division as necessary~~
2 ~~to purchase professional services to conduct investigations, studies, or~~
3 ~~supervision, or to defray the costs thereof.~~

- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28
- 29
- 30
- 31
- 32
- 33
- 34
- 35
- 36