

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 *As Engrossed: H3/17/03 H3/20/03 H3/27/03*

2 84th General Assembly

A Bill

3 Regular Session, 2003

HOUSE BILL 1694

4

5 By: Representatives Judy, Blair, King, Borhauer, Eason, C. Johnson, *Dees, Jones, Elliott, Lewellen,*
6 *Green, Roebuck, Goss, Clemons, Wood, J. Johnson, Martin, Walters, Dobbins*

7 By: Senator Brown

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10 For An Act To Be Entitled

11 AN ACT TO AMEND THE CHILD ABUSE AND NEGLECT
12 PREVENTION ACT; AND FOR OTHER PURPOSES.

13

14

Subtitle

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TO AMEND THE CHILD ABUSE AND NEGLECT
16 PREVENTION ACT.

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

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21 SECTION 1. Arkansas Code Title 9, Chapter 30, Subchapter 1 is amended
22 to read as follows:

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9-30-102. Purpose.

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It is the purpose of this chapter to encourage the direct provision of
25 services to prevent:

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(1) ~~child~~ Child abuse and neglect; and

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(2) Children of prisoners from becoming our future prisoners.

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9-30-103. Definitions.

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As used in this chapter, unless the context otherwise requires:

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(1) "Board" means the State Child Abuse and Neglect Prevention

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Board created by this chapter;

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

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(3) "Child abuse" means any nonaccidental physical injury,

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mental injury, sexual abuse, or sexual exploitation inflicted by those

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legally responsible for the care and maintenance of the child, or an injury



1 which is at variance with the history given. The term encompasses both acts
2 and omissions;

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

11 (5) "Neglect" means:

12 (A) Failure to provide, by those legally responsible for:

13 (i) The care and maintenance of the child and the
14 proper or necessary support;

15 (ii) Education, as required by law; or

16 (iii) Medical, surgical, or any other care necessary
17 for his or her well-being; or

18 (B) Any maltreatment of the child. The term includes both
19 acts and omissions. Nothing in this chapter shall be construed to mean a
20 child is neglected or abused for the sole reason he or she is being provided
21 treatment by spiritual means through prayer alone in accordance with the
22 tenets or practices of a recognized church or religious denomination by a
23 duly accredited practitioner thereof in lieu of medical or surgical
24 treatment;

25 (6) "Parenting from prison program" means classes or services
26 provided to incarcerated parents at any detention or correctional facility;

27 ~~(6)(A)~~(7)(A) "Prevention program" means a system of direct
28 provision of child abuse and neglect primary and secondary prevention
29 services to a child or guardian, and includes research programs related to
30 prevention of child abuse and neglect.

31 (B)(i) "Primary prevention" means programs and services
32 designed to promote the general welfare of children and families.

33 (ii) "Secondary prevention" means the identification
34 of children who are in circumstances where there is a high risk that abuse or
35 neglect will occur and assistance is necessary and appropriate to prevent
36 abuse or neglect from occurring; and

1 ~~(7) "Trust fund" means the Children's Trust Fund created by this~~
2 ~~chapter.~~

3 (8) "Program for the children of prisoners" means school or
4 community based services provided to:

5 (A) The children of individuals incarcerated in any
6 detention or correctional facility; or

7 (B) The caregivers of children of individuals incarcerated
8 in any detention or correctional facility.

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10 SECTION 2. Arkansas Code Title 9, Chapter 30, Subchapter 1 is amended
11 to read as follows:

12 9-30-105. Powers and duties of board.

13 (a) The State Child Abuse and Neglect Prevention Board shall:

14 (1) Meet not less than twice annually;

15 (2) Establish a procedure for the annual internal evaluation of
16 the functions, responsibilities, and performance of the board; and

17 (3) Promulgate the regulations as are necessary for the
18 implementation of this chapter.

19 (b) Regarding the administration of the Children's Trust Fund, the
20 State Child Abuse and Neglect Prevention Board shall:

21 ~~(2)~~(1) Promulgate regulations prescribing the procedure for
22 establishing local councils;

23 ~~(3)~~(2) Provide for the coordination and exchange of information
24 on the establishment and maintenance of local councils and prevention
25 programs;

26 ~~(4)~~(3) Develop and publicize criteria for the distribution of
27 ~~trust fund~~ Children's Trust Fund money under § 9-30-106;

28 ~~(5)~~(4) Monitor the expenditure of ~~trust fund~~ Children's Trust
29 Fund money by persons, groups, and entities who receive ~~trust fund~~ Children's
30 Trust Fund money from the board; and

31 ~~(6)~~(5) Provide statewide educational and public information
32 seminars for the purpose of developing appropriate public awareness regarding
33 the problems of child abuse and neglect, encourage professional persons and
34 groups to recognize and deal with problems of child abuse and neglect, make
35 information about the problems of child abuse and neglect available to the
36 public and organizations and agencies which deal with problems of child abuse

1 and neglect, and encourage the development of community prevention programs+.

2 ~~(7) Establish a procedure for the annual internal evaluation of~~
3 ~~the functions, responsibilities, and performance of the board; and~~

4 ~~(8) Promulgate the regulations as are necessary for the~~
5 ~~implementation of this chapter.~~

6 (c) Regarding the administration of the One Percent to Prevent Fund,
7 to the extent funding is appropriated and available, the State Child Abuse
8 and Neglect Prevention Board shall:

9 (1) Develop and implement parenting from prison programs with
10 preference given to facilities where parenting from prison programs exist or
11 where community based services are available;

12 (2) Develop and implement a post-release parenting program for
13 parents who have been recently released from a detention or correctional
14 facility in communities that can establish a need for the services;

15 (3) Develop and implement a program for the children of
16 prisoners in communities that can establish a need for the services;

17 (4) Develop and implement other services and programs as needed
18 that prevent children of prisoners from becoming future prisoners;

19 (5) Provide training, quality assurance, and technical
20 assistance for each of the services and programs funded under the One Percent
21 to Prevent Fund;

22 (6) Provide for the evaluation by an independent source of all
23 services and programs funded by the One Percent to Prevent Fund; and

24 (7) On or before October 1 of each year, provide an annual
25 report to the chairpersons of the Senate Interim Committee on Children and
26 Youth and the House Interim Committee on Aging, Children and Youth,
27 Legislative and Military Affairs summarizing the evaluations of the One
28 Percent to Prevent Fund.

29 ~~(b)(d)~~ The board may enter into contracts with any person, group of
30 persons, or legal entity to fulfill the requirements of this section.

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

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35 9-30-106. Receipt of money.

36 (a)(1) The State Child Abuse and Neglect Prevention Board shall be the

1 sole entity authorized to receive money from the federal government, other
2 governments, persons, or any other entities for the Children's Trust Fund and
3 the One Percent to Prevent Fund.

4 (2) The moneys received for the Children's Trust Fund and the
5 One Percent to Prevent Fund are separate and shall only be used for the
6 purposes provided in this subchapter.

7 (b) Regarding the Children's Trust Fund:

8 (1) The board shall not accept money or other assistance from
9 the federal government or any other entity or person if the acceptance would
10 obligate the State of Arkansas, except to the extent money is available in
11 the trust fund subject to the expenditure limitations prescribed by this
12 chapter for the Children's Trust Fund; and

13 ~~(e)~~(2) All money except money from the federal government
14 received in the manner described in this section shall be transmitted to the
15 Treasurer of State for deposit in the ~~trust fund~~ Children's Trust Fund.

16 (c) Regarding the One Percent to Prevent Fund, the board shall not
17 accept money or other assistance from the federal government or any other
18 entity or person if the acceptance would obligate the State of Arkansas,
19 except to the extent money is available in the One Percent to Prevent Fund.

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21 9-30-107. Disbursement of funds.

22 (a) The State Child Abuse and Neglect Prevention Board may disburse
23 money appropriated from the ~~trust fund~~ Children's Trust Fund for exclusively
24 the following purposes:

25 (1) To make grants or loans to any person, group of persons, or
26 legal entity for the development or operation of a prevention program if at
27 least all of the following conditions are met:

28 (A) The appropriate local council has reviewed and
29 approved the program;

30 (B) The organization demonstrates an ability to match
31 through money or in-kind services at least twenty-five percent (25%) of the
32 amount of any ~~trust fund~~ Children's Trust Fund money to be disbursed to it;

33 (C) The organization demonstrates a willingness and
34 ability to provide prevention program models and consultation to
35 organizations and communities regarding prevention program development and
36 maintenance; and

1 (D) Other conditions that the board may deem appropriate;
2 (2) The operating expenses of the board.

3 (b) Disbursement of ~~trust fund~~ Children's Trust Fund money under
4 subsection (a) of this section shall be kept at a minimum in furtherance of
5 the primary purpose of the ~~trust fund~~ Children's Trust Fund which is to
6 disburse money under subdivisions (a)(1) and (2) of this section to encourage
7 the direct provision of services to prevent child abuse and neglect.

8 (c)(1)(A) Except as provided in subdivision (c)(2) of this section,
9 the State Child Abuse and Neglect Prevention Board may disburse money
10 appropriated from the One Percent to Prevent Fund exclusively to make grants
11 to any person, group of persons, or legal entity for the development,
12 implementation, operation, or improvement of a parenting from prison program,
13 a program for the children of prisoners, or a post-release parenting program
14 as provided in § 9-30-105(c)(2).

15 (B) To make a grant under this subsection (c), the
16 following requirements must be met:

17 (i) The board or its designee reviewed and approved
18 the program;

19 (ii) The person or entity applying for the grant
20 demonstrated the academic background and evaluative experience necessary to
21 provide program models and consultation on any of the programs under § 9-30-
22 105(c); and

23 (iii) Other conditions that the board may deem
24 appropriate.

25 (2) The State Child Abuse and Neglect Prevention Board may
26 disburse money appropriated from the One Percent to Prevent Fund for the
27 operating expenses of the board.

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29 9-30-108. Criteria for grants or loans.

30 ~~In~~ Regarding the Children's Trust Fund, in making grants or loans to a
31 local council, the State Child Abuse and Neglect Prevention Board shall
32 consider the degree to which the local council meets the following criteria:

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

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

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

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7 9-30-109. Children's Trust Fund.

8 (a) There is created on the books of the Treasurer of State, the
9 Auditor of State, and the Chief Fiscal Officer of the State a special trust
10 fund to be known as the Children's Trust Fund.

11 (b) All county clerks in this state shall charge a fee of ten dollars
12 (\$10.00) in addition to all other fees prescribed by law for each marriage
13 license issued, and the clerks shall transmit the ten-dollar fee to the
14 Treasurer of State who shall deposit it in the ~~fund~~ Children's Trust Fund as
15 special revenues.

16 (c)(1) Until the balance of the ~~trust fund~~ Children's Trust Fund
17 reaches ten million dollars (\$10,000,000), not more than eighty percent (80%)
18 of the money credited to the trust fund during any fiscal year shall be
19 disbursed during that fiscal year.

20 (2) When the balance in the ~~trust fund~~ Children's Trust Fund
21 reaches ten million dollars (\$10,000,000), disbursements from the trust fund
22 shall be limited to the amount in excess of ten million dollars
23 (\$10,000,000).

24 (d) The Treasurer of State shall credit to the ~~trust fund~~ Children's
25 Trust Fund all moneys earned on the trust fund balance.

26 (e) No more than twenty percent (20%) of the revenues derived from the
27 marriage license fees during any fiscal year shall be used to cover the
28 administrative costs of the ~~trust fund~~ Children's Trust Fund and the
29 operation of the board.

30 (f) The twenty percent (20%) limitation does not apply to capital
31 expenditures.

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33 SECTION 3. Arkansas Code Title 19, Chapter 6, Subchapter 4 is amended
34 to add an additional section to read as follows:

35 19-6-487. One Percent to Prevent Fund.

36 (a) There is created on the books of the Treasurer of State, Auditor

1 of State, and Chief Fiscal Officer of the State a special revenue fund to be
2 known as the "One Percent to Prevent Fund".

3 (b)(1) The fund shall consist of any other revenues as may be
4 authorized by law.

5 (2) The fund shall also consist of any federal funds or private
6 foundation grants.

7 (c) The fund shall be exclusively used by the State Child Abuse and
8 Neglect Prevention Board to prevent the children of prisoners from becoming
9 our future prisoners as provided under §§ 9-30-105(c) and 9-30-107(c).

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11 */s/ Judy, et al*
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