

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 84th General Assembly
3 Regular Session, 2003

A Bill

HOUSE BILL 2306

4
5 By: Representative Bledsoe
6
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For An Act To Be Entitled

8
9 AN ACT TO AMEND THE CHILD WELFARE AGENCY
10 LICENSING ACT; AND FOR OTHER PURPOSES.
11

Subtitle

12
13 AN ACT TO AMEND THE CHILD WELFARE AGENCY
14 LICENSING ACT.
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17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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19 SECTION 1. Arkansas Code § 9-28-407(h), concerning licenses required
20 and issued under the Child Welfare Agency Licensing Act, is amended to read
21 as follows:

22 (h)(1) Reports, correspondence, memoranda, case histories, or other
23 materials compiled or received by a licensee or a state agency engaged in
24 placing a child, including both foster care and protective services records,
25 shall be confidential and shall not be released or otherwise made available
26 except to the extent permitted by federal law and only:

27 (A) To the director as required by regulation;

28 (B) For adoptive placements as provided by the Revised
29 Uniform Adoption Act, § 9-9-201 et seq.;

30 (C) To multidisciplinary teams under § 12-12-502(b);

31 (D)(i) To the child's parent, guardian, or custodian.

32 (ii) However, the licensee or state agency may
33 redact information from the record such as the name or address of foster
34 parents or providers when it is in the best interest of the child.

35 (iii) The licensee or state agency may redact
36 counseling records, psychological or psychiatric evaluations, examination or



1 records, drug screens or drug evaluations, or similar information concerning
 2 a parent if the other parent is requesting a copy of a record;

3 (E) To the child;

4 (F)(i) To health care providers to assist in the care and
 5 treatment of the child at the discretion of the licensee or state agency and
 6 if deemed to be in the best interest of the child.

7 (ii) "Health care providers" includes doctors,
 8 nurses, emergency medical technicians, counselors, therapists, mental health
 9 professionals, and dentists;

10 (G) To school personnel and day care centers caring for
 11 the child at the discretion of the licensee or state agency and if deemed to
 12 be in the best interest of the child;

13 (H)(i) To foster parents, the foster care record for
 14 foster children currently placed in their home.

15 (ii) However, information about the parents or
 16 guardians and any siblings not in the foster home shall not be released;

17 (I)(i) To the board.

18 (ii) However, at any board meeting no information
 19 which identifies by name or address any protective services recipient or
 20 foster care child shall be orally disclosed or released in written form to
 21 the general public;

22 (J) To the Division of Youth Services of the Department of
 23 Human Services, including child welfare agency licensing specialists;

24 (K) For any audit or similar activity conducted in
 25 connection with the administration of any such plan or program by any
 26 governmental agency which is authorized by law to conduct the audit or
 27 activity;

28 (L) Upon presentation of an order of appointment, to a
 29 court-appointed special advocate;

30 (M) To the attorney ad litem for the child;

31 (N) For law enforcement or the prosecuting attorney at the
 32 discretion of the licensee or state agency and if deemed to be in the best
 33 interest of the child;

34 (O) To juvenile courts as provided for in the Arkansas
 35 Juvenile Code of 1989, § 9-27-301 et seq.;

36 (P) In a criminal or civil proceeding conducted in

1 connection with the administration of any such plan or program;

2 (Q) For purposes directly connected with the
 3 administration of any of the state plans as outlined at 42 U.S.C. 671(a)(8),
 4 as in effect January 1, 2001;

5 (R) For the administration of any other federal or
 6 federally assisted program which provides assistance, in cash or in kind, or
 7 services, directly to individuals on the basis of need; ~~or~~

8 (S)(i) To individual federal and state representatives and
 9 senators and their staff members with no redisclosure of information.

10 (ii) No disclosure shall be made to any committee or
 11 legislative body of any information which identifies by name or address any
 12 recipient of services; or

13 (T) To a grand jury or court, upon a finding that
 14 information in the record is necessary for the determination of an issue
 15 before the court or grand jury.

16 (2) Foster home and adoptive home records are confidential and
 17 shall not be released except:

18 (A) To the foster parents or adoptive parents;

19 (B) For purposes of review or audit, by the appropriate
 20 federal or state agency;

21 (C) Upon allegations of child maltreatment in the foster
 22 home or adoptive home, to the investigating agency;

23 (D) To the board;

24 (E) To the Division of ~~Youth Services~~ Children and Family
 25 Services, including child welfare agency licensing specialists; ~~or~~

26 (F) To law enforcement or the prosecuting attorney, upon
 27 request; or

28 (G) To a grand jury or court, upon a finding that
 29 information in the record is necessary for the determination of an issue
 30 before the court or grand jury; or

31 (H)(i) To individual federal and state representatives and
 32 senators and their staff members with no redisclosure of information.

33 (ii) No disclosure shall be made to any committee or
 34 legislative body of any information that identifies by name or address any
 35 recipient of services.

36 (3)(A) Any person or agency to whom disclosure is made shall not

1 disclose to any other person reports or other information obtained pursuant
2 to this subsection.

3 (B) Any person disclosing information in violation of this
4 subsection shall be guilty of a Class C misdemeanor.

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6 SECTION 2. Arkansas Code § 9-28-407, concerning licenses required and
7 issued under the Child Welfare Agency Licensing Act, is amended to add an
8 additional subsection to read as follows:

9 (j) The provisions of § 19-10-305 concerning liability insurance do
10 not apply to private motor vehicle liability insurance paid for by and
11 covering employees of the Division of Children and Family Services of the
12 Department of Human Services who provide transportation as part of their job
13 duties.