

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 86th General Assembly  
3 Regular Session, 2007  
4

*As Engrossed: S3/13/07*

# A Bill

SENATE BILL 956

5 By: Senator Madison  
6  
7

## For An Act To Be Entitled

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

### Subtitle

12 TO AMEND THE CHILD WELFARE AGENCY  
13 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 § 9-28-404(a), concerning the composition of  
20 the Child Welfare Agency Review Board, is amended to read as follows:

21 (a) The Child Welfare Agency Review Board shall consist of  
22 Arkansas residents who shall be qualified as follows:

23 (1) The director of the division or his or her  
24 designee;

25 (2) One (1) representative from a privately owned, licensed  
26 child placement agency with expertise in foster care or adoptions;

27 ~~(3) One (1) representative from a privately owned, licensed~~  
28 ~~child placement agency with expertise in adoptions;~~

29 ~~(4) Two (2) representatives from licensed residential child care~~  
30 ~~facilities;~~

31 ~~(5)~~(3) One (1) representative from a licensed psychiatric residential  
32 treatment facility or a licensed residential child care facility;

33 ~~(6)~~(4) One (1) representative from a licensed emergency shelter;  
34 and

35 ~~(7)~~(5) ~~One (1) representative~~ Four (4) representatives from the  
36 public at-large.



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2 SECTION 2. Arkansas Code § 9-28-405, concerning the duties of the  
3 Child Welfare Agency Review Board is amended to add an additional subsection  
4 to read as follows:

5 (p) The board shall have the authority to require the attendance  
6 of witnesses and the production of books, records, or other documents through  
7 the issuance of subpoenas when that testimony or information is necessary to  
8 adequately present the position of the board, licensee, or the division on an  
9 issue before the board.

10  
11 SECTION 3. Arkansas Code § 9-28-406, concerning requests for subpoenas  
12 is amended to add an additional subsection to read as follows:

13 (f)(1) Requests for subpoenas shall be granted by the director of the  
14 division or his or her designee if the testimony or documents desired are  
15 considered necessary.

16 (2) Subpoenas issued pursuant to the authority of the director  
17 shall be substantially in the following form: "The State of Arkansas to the  
18 Sheriff of \_\_\_\_\_ County: You are commanded to subpoena  
19 (name) \_\_\_\_\_, (address) \_\_\_\_\_,  
20 to attend a proceeding before the Child Welfare Agency Review Board to be  
21 held at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,  
22 at \_\_\_\_\_ m., and testify and/or produce the following books, records, or other  
23 documents, to wit: \_\_\_\_\_ in a matter of (style of proceeding)  
24 \_\_\_\_\_ to be conducted under the authority of  
25 \_\_\_\_\_. WITNESS my hand this \_\_\_\_\_ day of \_\_\_\_\_.

26 \_\_\_\_\_  
27 Director or designee, Department of Health and Human Services"

28 (3) Subpoenas provided for in this section shall be served in  
29 the manner provided by the Arkansas Rules of Civil Procedure, and returned  
30 and a copy made and kept by the department.

31 (4) The fees and mileage for officers serving the subpoenas and  
32 witnesses answering the subpoenas shall be the same as now provided by the  
33 Arkansas Rules of Civil Procedure.

34 (5) Witnesses duly served with subpoenas issued under the  
35 authority provided in this section who refuse to testify or give evidence may  
36 be cited on affidavit through application of the director to the Pulaski

1 County Circuit Court or any circuit court of the state where the subpoenas  
 2 were served.

3 (6) Failure to obey the subpoena may be deemed contempt, and may  
 4 be punished accordingly.

5  
 6 SECTION 4. Arkansas Code § 9-28-407(e) and (f) are is amended to read  
 7 as follows:

8 9-28-407. Licenses required and issued.

9 (e)(1) The board shall issue a regular license, subject to terms and  
 10 conditions as it relates to Minimum Licensing Standards for Child Welfare  
 11 Agencies, which shall be effective for a period of time not to exceed two (2)  
 12 years until adverse action is taken on the license if the board finds that:

13 (A) The applicant for a child welfare agency license meets  
 14 all licensing requirements; or

15 (B) The applicant for a child welfare agency license meets  
 16 all essential standards, has a favorable compliance history, and has the  
 17 ability and willingness to comply with all standards within a reasonable  
 18 time.

19 (2) The board may issue a provisional license ~~which shall be~~  
 20 ~~effective for up to one (1) year~~ if the board finds that the applicant meets  
 21 all essential standards but the applicant requires more frequent monitoring  
 22 because the applicant's ability or willingness to meet all standards within a  
 23 reasonable time has not been favorably determined. The board shall at no time  
 24 issue a regular or provisional license to any agency or facility that does  
 25 not meet all essential standards.

26 (3) A fee may be assessed for any license issued by the board.

27 (f)~~(1)~~ A license to operate a child welfare agency shall apply only to  
 28 the address and location stated on the application and license issued, ~~and it~~  
 29 ~~shall be transferable from one (1) holder of the license to another or from~~  
 30 ~~one (1) place to another.~~

31 ~~(2) Whenever ownership of a controlling interest in the~~  
 32 ~~operation of a child welfare agency is sold, the following procedures must be~~  
 33 ~~followed:~~

34 ~~(A) The seller shall notify the division of the sale at~~  
 35 ~~least thirty (30) days prior to the completed sale;~~

36 ~~(B) The seller shall remain responsible for the operation~~

1 ~~of the child welfare agency until such time as the agency is closed or a~~  
2 ~~license is issued to the buyer;~~

3 ~~(C) The seller shall remain liable for all penalties~~  
4 ~~assessed against the child welfare agency that are imposed for violations or~~  
5 ~~deficiencies occurring before the transfer of a license to the buyer;~~

6 ~~(D) The buyer shall be subject to any corrective action~~  
7 ~~notices to which the seller was subject; and~~

8 ~~(E) The provisions of subsection (a) of this section,~~  
9 ~~including those provisions regarding obtaining licenses or permits from the~~  
10 ~~office and regarding obtaining any permits from the Health Services Permit~~  
11 ~~Agency or the commission shall apply in their entirety to the new owner of~~  
12 ~~the child welfare agency.~~

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14 */s/ Madison*  
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