

1 State of Arkansas
2 92nd General Assembly
3 Regular Session, 2019

A Bill

SENATE BILL 352

4
5 By: Senator A. Clark

For An Act To Be Entitled

8 AN ACT TO AMEND THE LAW CONCERNING PRIVATE CHILD
9 WELFARE AGENCIES; AND FOR OTHER PURPOSES.

Subtitle

12 TO AMEND THE LAW CONCERNING PRIVATE CHILD
13 WELFARE AGENCIES.

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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 Title 9, Chapter 28, Subchapter 4, is amended
20 to add an additional section to read as follows:

21 9-28-415. Private child welfare agencies – Exemption from
22 participation in child placement.

23 (a) Unless otherwise provided by federal law, a private child welfare
24 agency shall not be required to perform, assist, counsel, recommend, consent
25 to, refer, or participate in a placement of child in foster care or adoption
26 if the proposed placement would violate the written religious or moral
27 convictions or policies of the private child welfare agency.

28 (b) The Child Welfare Agency Review Board shall not:

29 (1) Deny the application of a private child welfare agency for
30 an initial license or for the renewal of a license based on the decision of
31 the private child welfare agency to refrain from performing, assisting,
32 counseling, recommending, consenting to, referring, or participating in a
33 child placement for the reasons provided under subsection (a) of this
34 section; or

35 (2) Suspend or revoke the license of a private child welfare
36 agency based on the decision of the private child welfare agency to refrain



1 from performing, assisting, counseling, recommending, consenting, to,
2 referring, or participating in a child placement for the reasons provided
3 under subsection (a) of this section.

4 (c) A state or local government entity shall not deny a private child
5 welfare agency a grant, contract, or participation in a government program
6 based on the decision of the private child welfare agency to refrain from
7 performing, assisting, counseling, recommending, consenting to, referring, or
8 participating in a child placement for the reasons provided under subsection
9 (a) of this section.

10 (d) A private child welfare agency is immune from civil liability if
11 the basis for the civil action arises out of the decision of the private
12 child welfare agency to refrain from performing, assisting, counseling,
13 recommending, consenting to, referring, or participating in a child placement
14 for the reasons provided under subsection (a) of this section.

15 (e) This section does not:

16 (1) Authorize a private child welfare agency to perform an act
17 that is prohibited by state or federal law; or

18 (2) Permit a private child welfare agency to refuse to:

19 (A) Perform an act that is otherwise required by state or
20 federal law; or

21 (B) Provide services to a child who is in the custody of
22 the Department of Human Services.

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