

1 State of Arkansas
2 93rd General Assembly
3 Regular Session, 2021
4

As Engrossed: H2/3/21

A Bill

HOUSE BILL 1270

5 By: Representative C. Fite
6 By: Senator J. Hendren
7

For An Act To Be Entitled

9 AN ACT TO DEFINE "CHILDCARE INSTITUTION" UNDER THE
10 CHILD WELFARE AGENCY LICENSING ACT; TO AMEND THE LAW
11 CONCERNING CRIMINAL RECORD AND CHILD MALTREATMENT
12 CHECKS UNDER THE CHILD WELFARE AGENCY LICENSING ACT;
13 AND FOR OTHER PURPOSES.
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Subtitle

16 TO DEFINE "CHILDCARE INSTITUTION" UNDER
17 THE CHILD WELFARE AGENCY LICENSING ACT;
18 AND TO AMEND THE LAW CONCERNING CRIMINAL
19 RECORD AND CHILD MALTREATMENT CHECKS
20 UNDER THE CHILD WELFARE AGENCY LICENSING
21 ACT.
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25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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27 SECTION 1. Arkansas Code § 9-28-402, concerning definitions applicable
28 to the Child Welfare Agency Licensing Act, is amended to add an additional
29 subdivision to read as follows:

30 (29)(A) "Childcare institution" means a public or private
31 placement or care setting for children.

32 (B) Except as otherwise provided by subdivision (29)(C),
33 "childcare institution" includes without limitation a group home, residential
34 treatment center, shelter, or other congregate care setting, that is licensed
35 or approved by the following:

36 (i) If the public or private placement or care



1 setting is located in this state, by the Child Welfare Agency Review Board;

2 (ii) If the public or private placement or care
3 setting is located out-of-state, by the authority in the state of origin of
4 the public or private placement or care setting that is responsible for
5 licensing or approving a childcare institution;

6 (iii) If the public or private placement or care
7 setting is on or near an Indian reservation, by the tribal authority of the
8 Indian reservation; or

9 (iv) If the public or private placement or care
10 setting is located in the service area of a Tribal Title IV-E agency, by the
11 Tribal Title IV-E agency.

12 (C) "Childcare institution" does not include a foster
13 home, detention facility, forestry camp, training school, or other facility
14 operated primarily for the detention of children who are determined by a
15 court to be delinquent; and

16 (30) "Public childcare institution" means a child care
17 institution that accommodates no more than twenty-five (25) children at a
18 time and is operated by a state or local government entity.

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20 SECTION 2. Arkansas Code § 9-28-409(a)(1), concerning criminal record
21 and child maltreatment checks under the Child Welfare Agency Licensing Act,
22 is amended to add an additional subdivision to read as follows:

23 (G) An adult working in a childcare institution.

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25 SECTION 3. Arkansas Code § 9-28-409(b)(1), concerning criminal record
26 and child maltreatment checks under the Child Welfare Agency Licensing Act,
27 is amended to add an additional subdivision to read as follows:

28 (G) An adult working in a childcare institution.

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30 SECTION 4. Arkansas Code § 9-28-409(c)(1), concerning criminal record
31 and child maltreatment checks under the Child Welfare Agency Licensing Act,
32 is amended to read as follows:

33 (c)(1) Each of the following persons in a child welfare agency ~~who has~~
34 ~~not lived in Arkansas continuously for the past five (5) years~~ shall have a
35 fingerprint-based criminal background check performed by the Federal Bureau
36 of Investigation in compliance with federal law and regulation to determine

1 if the person has pleaded guilty or nolo contendere to or been found guilty
2 of the offenses listed in this ~~subchapter~~ section:

3 (A) An employee having direct and unsupervised contact
4 with children;

5 (B) A volunteer having direct and unsupervised contact
6 with children;

7 (C) An owner having direct and unsupervised contact with
8 children;

9 (D) A member of the agency's board of directors having
10 direct and unsupervised contact with children;

11 (E) Foster parents, house parents, and each member of the
12 household eighteen and one-half (18½) years of age and older, excluding
13 children in foster care; ~~and~~

14 (F)(i) Adoptive parents and each member of the household
15 eighteen and one-half (18½) years of age and older, excluding children in
16 foster care.

17 (ii) Adoptive parents and each member of the
18 household eighteen and one-half (18½) years of age and older, excluding
19 children in foster care, shall not be required to have a criminal background
20 check performed by the Federal Bureau of Investigation if:

21 (a) The adoptive parents and each member of
22 the household age eighteen and one-half (18½) years of age and older,
23 excluding children in foster care, have continuously resided in a state for
24 at least five (5) years before the adoption; and

25 (b) The state-of-residence criminal records
26 check is available; and

27 (G) An adult working in a childcare institution.

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31 /s/C. Fite

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34 **APPROVED: 3/4/21**