

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
91st General Assembly
Regular Session, 2017

A Bill

HOUSE BILL 1696

By: Representative D. Meeks

By: Senator Hester

For An Act To Be Entitled

AN ACT TO TRANSFER THE STATE CHILD ABUSE AND NEGLECT PREVENTION BOARD TO THE DEPARTMENT OF HUMAN SERVICES THROUGH A TYPE 3 TRANSFER; TO ABOLISH THE STATE CHILD ABUSE AND NEGLECT PREVENTION BOARD; AND FOR OTHER PURPOSES.

Subtitle

TO TRANSFER THE STATE CHILD ABUSE AND NEGLECT PREVENTION BOARD TO THE DEPARTMENT OF HUMAN SERVICES THROUGH A TYPE 3 TRANSFER; AND TO ABOLISH THE STATE CHILD ABUSE AND NEGLECT PREVENTION BOARD.

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

SECTION 1. DO NOT CODIFY. Abolition of the Child Abuse and Neglect Prevention Board.

(a) The State Child Abuse and Neglect Prevention Board is abolished, and its powers, duties, and functions, records, personnel, property, unexpended balances of appropriations, allocations, or other funds are transferred to the Department of Human Services to be administered by the Division of Children and Family Services of the Department of Human Services by a type 3 transfer under § 25-2-106.

(b) For the purposes of this act, the Department of Human Services shall be considered a principal department established by Acts 1971, No. 38.



SECTION 2. Arkansas Code § 9-11-203(c), concerning the issuance of a marriage license, is amended to read as follows:

(c)(1) In addition to the standard certificate of marriage issued under subsection (a) of this section, the county clerk shall offer and, upon payment of a fee established by ~~regulation~~ rule promulgated by the ~~State Child Abuse and Neglect Prevention Board~~ Department of Human Services, issue an heirloom certificate of marriage.

(2)(A) The ~~board~~ department shall adopt rules for the design of the heirloom certificate and shall print and distribute the certificates to each county clerk in this state.

(B)(i) The ~~board~~ department shall set the amount of the fee for the heirloom certificates to exceed the estimated actual costs for the development and distribution of the certificates but not to exceed the estimated fair market value of a comparable artistic rendition.

(ii) The fee is in addition to any other fee established by law for the issuance of a certificate of marriage.

(iii) The additional fees from the sale of heirloom certificates shall be transmitted monthly by the county clerk to the Treasurer of State for deposit into the State Treasury to the credit of the Children's Trust Fund.

(3)(A) The heirloom certificate shall be in a form consistent with the need to protect the integrity of vital records and suitable for display.

(B) It may bear the seal of the state and may be signed by the Governor.

(4) An heirloom certificate of marriage issued under this subsection has the same status as evidence as the standard certificate of marriage issued under subsection (a) of this section.

(5) Heirloom certificates of marriage may be issued for any marriage certificate issued at any time in this state, whether before or after August 13, 2001.

SECTION 3. Arkansas Code § 9-30-101 is repealed.

~~9-30-101. Title.~~

~~This chapter shall be known and may be cited as the "Child Abuse and Neglect Prevention Act".~~

SECTION 4. Arkansas Code § 9-30-102 is repealed.

~~9-30-102. Purpose.~~

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

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

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

SECTION 5. Arkansas Code § 9-30-103 is amended to read as follows:

9-30-103. Definitions.

As used in this chapter:

~~(1) "Board" means the State Child Abuse and Neglect Prevention Board created by this chapter;~~

~~(2)~~(1) "Child" means a person under eighteen (18) years of age;

~~(3)~~(2)(A) "Child abuse" means any nonaccidental physical injury, mental injury, sexual abuse, or sexual exploitation inflicted by those legally responsible for the care and maintenance of the child, or an injury that is at variance with the history given.

(B) ~~The term~~ "Child abuse" encompasses both acts and omissions;

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

~~(5)~~(4) "Neglect" means:

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

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

(ii) Education, as required by law; or

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

(B)(i) Any maltreatment of the child.

(ii) The term includes both acts and omissions. ~~Nothing in this~~ This chapter shall not be construed to mean a child is neglected or abused for the sole reason he or she is being provided treatment by spiritual means through prayer alone in accordance with the tenets or practices of a recognized church or religious denomination by a duly accredited practitioner thereof in lieu of medical or surgical treatment;

~~(6)~~(5) "Parenting-from-prison program" means classes or services provided to incarcerated parents at any detention or correctional facility;

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

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

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

~~(8)~~(7) "Program for the children of prisoners" means school or community-based services provided to:

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

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

SECTION 6. Arkansas Code § 9-30-104 is repealed.

~~9-30-104. State Child Abuse and Neglect Prevention Board.~~

~~(a) The State Child Abuse and Neglect Prevention Board is created as an autonomous agency.~~

~~(b)(1) The board shall be composed of nine (9) members appointed by the Governor:~~

~~(A) One (1) from each of the present four (4) congressional districts;~~

~~(B) Four (4) from the state at large; and~~

~~(C) The Director of the Division of Children and Family Services of the Department of Human Services or his or her designee.~~

~~(2) No more than three (3) members of the board shall reside in the same congressional district.~~

~~(3) As a group, the members shall demonstrate knowledge in the area of child abuse and neglect prevention and to the extent practicable shall be representative of the professional providers of child abuse and neglect prevention services, volunteers in child abuse and neglect prevention services, and providers of domestic violence programs.~~

~~(c)(1) The term of each member shall be three (3) years with the exception of the position designated for the director.~~

~~(2) A member shall not serve more than two (2) consecutive terms, whether partial or full.~~

~~(3) A vacancy shall be filled for the remainder of the unexpired term in the same manner as the original appointment.~~

~~(d)(1) The Governor shall designate a chair of the board from among its members, who shall serve in that position at the pleasure of the Governor.~~

~~(2) The board may elect such other officers and committees as it considers appropriate.~~

~~(e) Board members may receive expense reimbursement in accordance with § 25-16-901 et seq.~~

~~(f) The board may appoint an executive director who, subject to approval by the board, shall hire all staff required to implement this chapter.~~

SECTION 7. Arkansas Code § 9-30-105 is amended to read as follows:

9-30-105. Powers and duties of ~~board~~ the Department of Human Services.

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

~~(1) Meet not fewer than two (2) times annually;~~

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

~~(3) Adopt (a) The Department of Human Services shall adopt rules necessary for the implementation of this chapter; and~~

~~(4) In cooperation with the Department of Health and the Department of Human Services, adopt rules to implement a home visitation program under § 20-78-901 et seq.~~

(b) Regarding the administration of the Children's Trust Fund, the

~~board~~ department shall:

(1) Promulgate ~~regulations~~ rules prescribing the procedure for establishing local councils;

(2) Provide for the coordination and exchange of information on the establishment and maintenance of local councils and prevention programs;

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

(4) Monitor the expenditure of Children's Trust Fund money by persons, groups, and entities who receive Children's Trust Fund money from the ~~board~~ department; and

(5) Provide statewide educational and public information seminars for the purpose of developing appropriate public awareness regarding the problems of child abuse and neglect, encourage professional persons and groups to recognize and deal with problems of child abuse and neglect, make information about the problems of child abuse and neglect available to the public and organizations and agencies that deal with problems of child abuse and neglect, and encourage the development of community prevention programs.

(c) Regarding the administration of the One Percent to Prevent Fund, to the extent funding is appropriated and available, the ~~board~~ department shall:

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

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

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

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

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

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

(7) On or before October 1 of each year, provide an annual

report to the Chair of the Senate Interim Committee on Children and Youth and the Chair of the House Committee on Aging, Children and Youth, Legislative and Military Affairs summarizing the evaluations of the One Percent to Prevent Fund.

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

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

SECTION 8. Arkansas Code § 9-30-106 is amended to read as follows:
9-30-106. Receipt of money.

(a)(1) The ~~State Child Abuse and Neglect Prevention Board~~ Department of Human Services shall be the sole entity authorized to receive money from the federal government, other governments, persons, or any other entities for the Children's Trust Fund and the One Percent to Prevent Fund.

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

(b)(1) Regarding the Children's Trust Fund, the ~~board~~ department shall not accept money or other assistance from the federal government or any other entity or person if the acceptance would obligate the State of Arkansas, except to the extent money is available in the Children's Trust Fund subject to the expenditure limitations prescribed by this chapter for the Children's Trust Fund; and

(2) All money except money from the federal government received in the manner described in this section shall be transmitted to the Treasurer of State for deposit into the Children's Trust Fund.

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

SECTION 9. Arkansas Code § 9-30-107 is amended to read as follows:

9-30-107. Disbursement of funds.

(a) ~~The State Child Abuse and Neglect Prevention Board~~ Department of Human Services may disburse money appropriated from the Children's Trust Fund exclusively ~~for the following purposes:~~

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

~~(A)(1)~~ (1) The appropriate local council has reviewed and approved the program;

~~(B)(2)~~ (2) The organization demonstrates an ability to match through money or in-kind services at least twenty-five percent (25%) of the amount of any Children's Trust Fund money to be disbursed to it;

~~(C)(3)~~ (3) The organization demonstrates a willingness and ability to provide prevention program models and consultation to organizations and communities regarding prevention program development and maintenance; and

~~(D)(4)~~ (4) Other conditions that the ~~board~~ department may deem appropriate; ~~and.~~

~~(2) The operating expenses of the board.~~

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

(c)(1)~~(A)~~ Except as provided in subdivision (c)(2) of this section, the ~~board~~ department may disburse money appropriated from the One Percent to Prevent Fund exclusively to make grants to any person, group of persons, or legal entity for the development, implementation, operation, or improvement of a parenting-from-prison program, a program for the children of prisoners, or a post-release parenting program as provided in § 9-30-105(c)(2).

~~(B)(2)~~ (2) To make a grant under subdivision (c)(1)(A) of this section, the following requirements must be met:

~~(i)(A)~~ (A) The ~~board~~ department or its designee reviews and approves the program;

~~(ii)(B)~~ (B) The person or entity applying for the grant demonstrates the academic background and evaluative experience necessary to

provide program models and consultation on any of the programs under § 9-30-105(c); and

~~(iii)~~(C) Other conditions that the ~~board~~ department may deem appropriate.

~~(2) The board may disburse money appropriated from the One Percent to Prevent Fund for the operating expenses of the board.~~

SECTION 10. Arkansas Code § 9-30-108 is amended to read as follows:

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

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

(1)(A) Has as its primary purpose the development and facilitation of a community prevention program in a specific geographical area.

(B) The prevention programs shall utilize trained volunteers and existing community resources wherever practicable;

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

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

SECTION 11. Arkansas Code § 9-30-109 is amended to read as follows:

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

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

(b) All county clerks in this state shall charge a fee of ten dollars (\$10.00) in addition to all other fees prescribed by law for each marriage license issued, and the clerks shall transmit the ten-dollar fee to the Treasurer of State who shall deposit it into the trust as special revenues.

(c)(1) Until the balance of the trust fund reaches ten million dollars (\$10,000,000), not more than eighty percent (80%) of the money credited to

the trust fund during any fiscal year shall be disbursed during that fiscal year.

(2) When the balance in the trust fund reaches ten million dollars (\$10,000,000), disbursements from the trust fund shall be limited to the amount in excess of ten million dollars (\$10,000,000).

(d) The Treasurer of State shall credit to the trust fund all moneys earned on the trust fund balance.

(e) No more than twenty percent (20%) of the revenues derived from the marriage license fees during any fiscal year shall be used to cover the administrative costs of the trust fund ~~and the operation of the State Child Abuse and Neglect Prevention Board.~~

(f) The twenty-percent limitation does not apply to capital expenditures.

SECTION 12. Arkansas Code § 19-5-949(b), concerning the Children's Trust Fund, is amended to read as follows:

(b) The fund shall consist of those special revenues as specified in § 19-6-301(189) and moneys received from the federal government, other governments, or persons or any other entities ~~which~~ that do not obligate the State of Arkansas, there to be used by the ~~State Child Abuse and Neglect Prevention Board as set out in the Child Abuse and Neglect Prevention Act, § 9-30-101 et seq~~ Department of Human Services.

SECTION 13. Arkansas Code § 19-6-488(c), concerning the One Percent to Prevent Fund, is amended to read as follows:

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

SECTION 14. Arkansas Code § 20-76-102(8), concerning the coordination of state agency service delivery, is repealed.

~~(8) The State Child Abuse and Neglect Prevention Board;~~

SECTION 15. Arkansas Code § 20-78-703(b), concerning the Rita Rowell Hale Prenatal and Early Childhood Nurse Home Visitation Program Advisory

Council, is amended to read as follows:

(b) The council shall consist of eleven (11) members to be appointed by the Governor as follows:

(1) ~~Two (2)~~ Three (3) members from the Department of Health to be appointed by the Governor after consulting the Director of the Department of Health and subject to confirmation by the Senate;

(2) Two (2) members from the College of Medicine of the University of Arkansas for Medical Sciences to be appointed by the Governor after consulting the Dean of the College of Medicine of the University of Arkansas for Medical Sciences and subject to confirmation by the Senate;

(3) One (1) member from the College of Nursing of the University of Arkansas for Medical Sciences to be appointed by the Governor after consulting the Dean of the College of Nursing of the University of Arkansas for Medical Sciences and subject to confirmation by the Senate;

(4) One (1) member from the Arkansas Nurses Association;

(5) One (1) member from the ~~University of Arkansas at Little Rock~~ School of Social Work of the University of Arkansas at Little Rock to be appointed by the Governor after consulting the Director of the School of Social Work of the University of Arkansas at Little Rock and subject to confirmation by the Senate;

(6) One (1) member from the Division of Child Care and Early Childhood Education of the Department of Human Services; and

~~(7) One (1) member from the State Child Abuse and Neglect Prevention Board to be appointed by the Governor after consulting the director and subject to confirmation by the Senate; and~~

~~(8)~~(7) Two (2) members from the public at large, at least one (1) of whom shall be active in child advocacy within the state and one (1) of whom shall be African-American.

SECTION 16. Arkansas Code § 20-78-902(b), concerning oversight of home visitation programs, is amended to read as follows:

(b) The ~~State Child Abuse and Neglect Prevention Board~~, the Department of Health, and the Department of Human Services shall cooperate to ensure accountability of home visitation.

SECTION 17. The introductory language of Arkansas Code § 20-78-903,

concerning evidence-based programs and promising programs in relation to home visitation programs, is amended to read as follows:

~~The State Child Abuse and Neglect Prevention Board,~~ the Department of Health, and the Department of Human Services shall cooperate to use at least ninety percent (90%) of state funds appropriated for home visitation to support home visitation programs that are:

SECTION 18. Arkansas Code § 20-78-905(a), concerning processes for oversight related to a home visiting program, is amended to read as follows:

(a) ~~The State Child Abuse and Neglect Prevention Board,~~ the Department of Health, and the Department of Human Services shall cooperate to develop interrelated processes that provide for collaborating and sharing relevant home visiting program data and information.

SECTION 19. Arkansas Code § 20-78-907 is amended to read as follows:
20-78-907. Outcomes measurement – Report.

(a) ~~The State Child Abuse and Neglect Prevention Board,~~ the Department of Health, the Department of Human Services, and providers of home visiting program services in consultation with one (1) or more research experts shall:

(1) Develop an outcomes measurement plan to monitor outcomes for children and families receiving services through state-funded home visiting programs;

(2) Develop indicators that measure each outcome area under § 20-78-902; and

(3) Create a report that documents the collective impact of home visiting program outcomes across all indicators selected through the process outlined in subdivision (a)(2) of this section, as well as data on cost per family served, number of families served, demographic data on families served, and outcomes.

(b)(1) The Department of Health, and the Department of Human Services, ~~and the board~~ shall complete and submit the outcomes measurement plan required under this section by October 1, 2014, to the Legislative Council and the Governor.

(2) The Department of Health, and the Department of Human Services, ~~and the board~~ shall update the outcomes measurement plan required under this section at least one (1) time each five (5) years, and the plan

may be updated at other times if ~~the board,~~ the Department of Health, and the Department of Human Services collaboratively agree to the need for revisions.

(c) Beginning October 1, 2014, a state-funded home visiting program shall follow the outcomes measurement plan and at least annually submit indicator data to the ~~board,~~ the Department of Health, and the Department of Human Services.

(d)(1) The ~~board,~~ the Department of Health, and the Department of Human Services shall produce collaboratively an outcomes report for the Legislative Council and the Governor following the reporting requirements in subdivision (a)(3) of this section.

(2) The report required under subdivision (d)(1) of this section may be structured to facilitate the use of existing reporting requirements including referencing rather than duplicating reports required for submission to the Legislative Council under an existing statute requiring outcome reporting for home visitation programs.

(e) The ~~board,~~ the Department of Health, and the Department of Human Services shall explore the value of including home visiting outcome data in a health-based, education-based, or child welfare-based statewide longitudinal data system for the purpose of monitoring outcomes over time for families that participate in home visiting and other state programs.

(f) The first home visitation outcomes report shall be completed on or before October 1, 2016, and shall be submitted to the Legislative Council and the Governor on or before October 1 of each even-numbered year.

SECTION 20. Arkansas Code § 25-10-142 is amended to read as follows:

25-10-142. Home visitation program.

In cooperation with the ~~State Child Abuse and Neglect Prevention Board~~ and the Department of Health, the Department of Human Services shall adopt rules to implement a home visitation program under § 20-78-901 et seq.

SECTION 21. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that it would be prudent to abolish the State Child Abuse and Neglect Prevention Board and transfer the powers and duties of the State Child Abuse and Neglect Prevention Board to the Department of Human Services; that this act facilitates the timely transfer of the State Child Abuse and Neglect Prevention Board to the Department of

Human Services; and that this act is necessary for alignment with the fiscal year. Therefore, an emergency is declared to exist, and this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2017.