

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

State of Arkansas
92nd General Assembly
Regular Session, 2019

As Engrossed: S3/27/19
A Bill

SENATE BILL 352

By: Senator A. Clark

For An Act To Be Entitled

*AN ACT TO AMEND THE LAW CONCERNING PROTECTIONS FOR
CHILD WELFARE AGENCIES; AND FOR OTHER PURPOSES.*

Subtitle

*TO AMEND THE LAW CONCERNING PROTECTIONS
FOR CHILD WELFARE AGENCIES.*

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

SECTION 1. DO NOT CODIFY. Legislative findings.

The General Assembly finds that:

(1) Child placement agencies serve children, birth mothers, and families;

(2) Child placement agencies provide some of the most vital services to those in need;

(3) There are currently over four hundred thousand (400,000) children in the foster care system, one hundred thousand (100,000) of whom are awaiting adoption;

(4) Private, faith-based child placement agencies expand the pool of qualified parents who want to adopt as child placement agencies excel at recruiting adoptive and foster parents from their own faith-based communities, including without limitation for special needs and hard-to-place children;

(5) Despite the vital work performed by child welfare agencies, providers of child placement services across the country are being forced to close or face lawsuits due to state and local governments threatening these providers with the loss of support, funding, and licensing they need to serve



children, birth mothers, and families;

(6) Ensuring protections for a diversity of child placement agencies and the ability of child placement agencies to operate according to their sincerely held beliefs, and with families who share those beliefs, makes it more likely that the greatest possible number of children will be connected with permanent, loving families;

(7) It is the policy of this state to allow all willing and qualified child placement agencies to serve free from government discrimination; and

(8) It is the policy of this state to protect all child placement agencies from government discrimination and to keep children first by ensuring that all qualified providers stay in the field to serve a diverse community of children, birth mothers, and families.

SECTION 2. Arkansas Code Title 9, Chapter 28, Subchapter 4, is amended to add additional sections to read as follows:

9-28-415. Child welfare agencies – Conscience clause.

(a) To the fullest extent allowed under the Arkansas Constitution and federal law, a child welfare agency shall be required to perform, assist, counsel, recommend, consent to, refer, or otherwise participate in any placement of a child in foster care or adoption unless the proposed placement would violate the sincerely held religious beliefs of the child welfare agency.

(b) A state agency or a political subdivision of the state shall not take the following action against a child welfare agency solely due to the decision of the child welfare agency to not perform, assist, counsel, recommend, consent to, refer, or otherwise participate in a child placement that violates the sincerely held religious beliefs of the child welfare agency:

(1) Deny a license, permit, or other authorization, or the renewal thereof; or

(2) Suspend or revoke a license, permit, or other authorization.

(c) A child welfare agency shall not be denied a grant, contract, or participation in a local government program based on the decision of the child welfare agency to refrain from performing, assisting, counseling, recommending, consenting to, referring, or otherwise participating in a child

placement that violates the sincerely held religious beliefs of the child welfare agency.

(d) The decision of a child welfare agency to refrain from performing, assisting, counseling, recommending, consenting to, referring, or otherwise participating in a child placement that violates the sincerely held religious beliefs of the child welfare agency shall not form the basis for the imposition of a civil fine, other adverse administrative action, or any claim or cause of action under any state or local law.

9-28-416. Claim or defense against state action.

A child welfare agency may assert a violation of § 9-28-415 as a claim or defense in a judicial or administrative proceeding and obtain appropriate relief against a state government.

/s/A. Clark