

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

State of Arkansas
93rd General Assembly
Regular Session, 2021

As Engrossed: H2/3/21
A Bill

HOUSE BILL 1270

By: Representative C. Fite
By: Senator J. Hendren

For An Act To Be Entitled

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

Subtitle

TO DEFINE "CHILDCARE INSTITUTION" UNDER THE CHILD WELFARE AGENCY LICENSING ACT; AND TO AMEND THE LAW CONCERNING CRIMINAL RECORD AND CHILD MALTREATMENT CHECKS UNDER THE CHILD WELFARE AGENCY LICENSING ACT.

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

SECTION 1. Arkansas Code § 9-28-402, concerning definitions applicable to the Child Welfare Agency Licensing Act, is amended to add an additional subdivision to read as follows:

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

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

(i) If the public or private placement or care



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

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

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

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

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

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

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

(G) An adult working in a childcare institution.

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

(G) An adult working in a childcare institution.

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

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

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

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

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

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

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

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

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

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

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

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

(G) An adult working in a childcare institution.

/s/C. Fite