

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

A Bill

HOUSE BILL 1270

4
5 By: Representative C. Fite

For An Act To Be Entitled

6
7
8 AN ACT TO DEFINE "CHILDCARE INSTITUTION" UNDER THE
9 CHILD WELFARE AGENCY LICENSING ACT; TO AMEND THE LAW
10 CONCERNING CRIMINAL RECORD AND CHILD MALTREATMENT
11 CHECKS UNDER THE CHILD WELFARE AGENCY LICENSING ACT;
12 AND FOR OTHER PURPOSES.

Subtitle

13
14
15
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.

22
23
24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

25
26 SECTION 1. Arkansas Code § 9-28-402, concerning definitions applicable
27 to the Child Welfare Agency Licensing Act, is amended to add an additional
28 subdivision to read as follows:

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

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

35 (i) If the public or private placement or care
36 setting is located in this state, by the Child Welfare Agency Review Board;



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

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

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

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

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

18
 19 SECTION 2. Arkansas Code § 9-28-409(a)(1), concerning criminal record
 20 and child maltreatment checks under the Child Welfare Agency Licensing Act,
 21 is amended to add an additional subdivision to read as follows:

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

23
 24 SECTION 3. Arkansas Code § 9-28-409(b)(1), concerning criminal record
 25 and child maltreatment checks under the Child Welfare Agency Licensing Act,
 26 is amended to add an additional subdivision to read as follows:

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

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

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

1 of the offenses listed in this ~~subchapter~~ section:

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

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

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

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

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

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

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

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

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

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

27
28
29
30
31
32
33
34
35
36