

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

1 State of Arkansas  
2 92nd General Assembly  
3 Regular Session, 2019  
4

As Engrossed: S3/27/19

# A Bill

SENATE BILL 352

5 By: Senator A. Clark  
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## For An Act To Be Entitled

8 AN ACT TO AMEND THE LAW CONCERNING PROTECTIONS FOR  
9 CHILD WELFARE AGENCIES; AND FOR OTHER PURPOSES.  
10

### Subtitle

11 TO AMEND THE LAW CONCERNING PROTECTIONS  
12 FOR CHILD WELFARE AGENCIES.  
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17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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19 SECTION 1. DO NOT CODIFY. Legislative findings.

20 The General Assembly finds that:

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

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

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

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

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



1 children, birth mothers, and families;

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

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

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

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

17 9-28-415. Child welfare agencies – Conscience clause.

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

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

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

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

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

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

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

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10 9-28-416. Claim or defense against state action.

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

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16 /s/A. Clark  
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