

ARKANSAS SENATE
92nd General Assembly - Regular Session, 2019
Amendment Form

Subtitle of Senate Bill No. 352

TO AMEND THE LAW CONCERNING PRIVATE CHILD WELFARE AGENCIES.

Amendment No. 1 to Senate Bill 352

Amend Senate Bill No. 352 as originally introduced:

Delete the title in its entirety and substitute:

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

AND

Delete the subtitle in its entirety and substitute:

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

AND

Delete everything after the enacting clause and substitute the following:

"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."

The Amendment was read the first time, rules suspended and read the second time and _____

By: Senator A. Clark

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Secretary