Transcript of the Testimony of

CWARB ZOOM MEETING,

Date: March 31, 2020

Case: CWARB ZOOM MEETING

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CWARB MEETING
HELD REMOTELY VIA ZOOM CONFERENCE
MARCH 31, 2020 AT 1:00 P.M.

APPEARANCES

ED APPLER, CHAIRMAN
EBONY RUSS
ASHELYN ABNEY
CHARLES FLYNN
ANDY ALTOM
JOE WEST
MISCHA MARTIN
SANDI DOHERTY
BEVERLY FOTI
SKYE MARTIN
TONYA WILLIAMS
SHARRA SINGLETON-LITZSEY
PROCEEDINGS

MR. APPLER: We have a quorum, so I'm going to call the meeting to order.

As the adoption person on the board, I have run up against several concerns that I wanted to talk to the board about and I have had a couple of conversations with our attorney, Mr. West.

I have got clients who have home studies that need to be renewed. However, they are having trouble getting a physician to conduct just a general physical on them, which has to happen every year prior to the placement of a child; also, regarding new clients, making home visits. I don't think it is such a good idea to make a home visit with a new client.

And what I'm hoping for is for the board to make a motion that until, perhaps, July 1, all home visits can be done remotely. I'm also hoping for the board to make a motion that home studies that are expiring between now and July 1 can be extended for 90 days.

So that's all I have to say at the
moment.

MR. ALTOM: This is Andy.
I think -- can you make a motion or

MR. APPLER: I can make a motion.

MS. DOHERTY: Well, could we discuss it
a minute? This is Sandi.

MR. APPLER: Yes.

MS. DOHERTY: Because we're not -- I
mean, we're doing home visits. If it is a
new client, I wouldn't think you would want
to add them on unless you had been in the
home. And we're doing our home studies, so
I'm not sure what is the obstacle.

MR. APPLER: The obstacle -- this is
Ed.

The obstacle for me is I am 70 years
old. I'm in a high-risk group and I don't
want to go to a home that I have never been
to before.

MS. DOHERTY: So would that be just
something you would ask for for your agency?

MR. APPLER: Yes, at this point.

MR. FLYNN: This is Charles Flynn.

Ed, how long does this process take
before that home would be approved?

MR. APPLER: We always do that within 60 days. But keep in mind, these are private adoptions.

MR. FLYNN: Yes. So I guess what I'm saying, even if you didn't make an initial visit, if you could begin this but before you completed the study, you would visit the home. Is that -- does that make sense?

MR. APPLER: I missed that.

MR. FLYNN: Okay. I guess -- did anybody else catch that?

I guess what I'm saying is that even if you did not make an initial visit in the home before you complete this home study, would you have had time to go in that home?

I'm assuming this is not going to go on indefinitely.

MR. APPLER: Right. With the current technology that we are using right now, today, where I can see you talking, Charles, all of our clients are going to have laptops and smart phones and things like that and they can walk around their home and show me every square inch of the home. They can
stand in a room so I can understand the
context of how large the room is. They can
show me their backyard, their dog,
everything. The only thing I won't be able
to do is pick up any smells that may exist.

So that is what I'm wanting to be able
to do for the next 90 days for Grace
Adoptions.

MR. ALTOM: This is Andy again.

I have got to just say, you know, I
have a heartburn with the situation we're in
right now and people are saying, well, we
should be doing home visits. I know I have
been on record as saying that I don't think
they should be happening. I think we should
be doing everything we can to try to flatten
the curve.

And when the governor basically has
cleaned out the hospitals and said all he
wants to do is worry about Covid, and
whenever you can't even get in to get a
physician's appointment for a physical, I
don't think this is a no-brainer, that we
need to do just like everybody else has done
and put this on hold or accept an extension
or whatever we need to do to be fair to our constituents.

MR. APPLER: Thank you.

I understand that DCFS is under different requirements than private adoption agencies are, and Mr. West sent me a copy of the guidance that DCFS has issued to their workers regarding home visits.

And, you know, that's for DCFS to do. I'm fine with that. It's just that for private adoptions, that guidance is not going to work for Grace Adoptions.

MS. WILLIAMS: This as Tonya. I just want to make a comment and I appreciate it.

I think all of you made really good points and I think we definitely need to listen and be conscious of what is happening out there and we want to remain safe, so I appreciate Ed for bringing this forward.

I do want to point out, there -- you know, I think it sounds like we have looked at the legal side of it, Joe, and there may be some things specifically for DCFS that don't necessarily apply to everyone else, so I think the legal part of it is -- that's
really important for me -- as the division
director, is to make sure that we are
following what we have to do legally.

But I also want to say that if we are
going to waive any requirements -- and you
all as a board can make that -- you know,
you can make that call here today and take a
vote on it, but we are running those
policies through and to the governor's
office so that he is aware of anything that
we are waiving. So I just want you guys to
know I will do that.

If you all make that vote and decide
that this is one that we are going to waive
as a current promulgated rule, I will write
it up and submit it for the agency to push
out, you know, and I think they go over to
the governor's office as well. I don't
think that will take a long time, just a day
or two, and then we can move it forward if
that's what the group decides. I just want
to make sure you understand the processes
that we are under.

MR. APPLER: Right. I don't think we
are waiving anything. I think we are simply
suspending something for a short period of time.

MS. WILLIAMS: Yeah, and that's what I'm hearing. And, so, that's the things -- like we suspended some rules in childcare two weeks ago, and those all -- I think he made that announcement. He may not necessarily make this as an announcement, but they are all listed as rules that are suspended temporarily, whatever timeline you all put on it.

And I know you have mentioned a timeline, but those all go through that process, so as a suspended rule for whatever period of time we want to put on it.

MR. APPLER: I'm hoping in 90 days we will see a resolution here. And, so, that's what I'm asking for and if I need to make that motion, I will.

MR. FLYNN: And, Ed, my only comment was, though, is if things do clear up in 60 or 90 days, wouldn't you probably visit that home at that point?

MR. APPLER: Yes, absolutely.

MR. FLYNN: Yeah. That was my only
point is that you could be in the home, just
at the end instead of the beginning.

MR. APPLER: Right. Right. Yeah, but,
you know, today, I'm not going to go to
anybody's house today. But, if, in 60 days,
restaurants reopen, things like that, yeah,
I will be making home visits.

But until the governor reopens
everything, I don't think it's a good idea
to be making home visits for me or Grace
Adoptions or any of my staff.

MR. ALTOM: So we need a motion to
discuss this further or do -- you know, I
guess I'm confused. I thought we make a
motion first and then we discuss.

MR. APPLER: You know, usually -- so
I'm going to make a motion. I'm going to
make a motion that home visits can be
conducted remotely until July 1, 2020.

That's the motion.

MR. ALTOM: I will second it.

MR. WEST: And, Mr. Chairman, this is
Joe West.

And I just kind of want to -- I just
want to give a quick bit of advice as far as
the motion goes, just kind of piggyback on what Tonya is saying, just for record-keeping purposes, that you make some kind of notation in your motion that this is as a result of the Covid-19 crisis and the guidance that has been issued by the governor and the Department of Health.

MR. APPLER: Okay. Let me restate the motion.

In light of the Covid-19 crisis and the governor's various executive orders, home visits will be conducted remotely until July 1.

Does that work?

MR. WEST: I think that would work. Like I said, just making a clean record.

MR. APPLER: Right. Got it.

MS. DOHERTY: So these are home visits for home -- this is Sandi -- home visits for the home studies?

MR. APPLER: Correct. And our regulations require at least one home visit.

MR. ALTOM: In fact, I think you're going to have to define what "remotely" means.
MR. APPLER: Exactly what we're doing right now.

MR. ALTOM: Right. But I think you are going to have to spell that out in the motion.

MR. APPLER: Okay. So let me add that to the motion.

The home visits can be conducted remotely by using Zoom or Skype or some other internet application that permits the social worker to see all of the home and the yard and all the people that live there in realtime.

MR. ALTOM: I will second that.

MR. APPLER: Okay. A second.

Any further discussion?

MS. FOTI: Yes. This is Beverly, Ed. Are you making a motion that we suspend the home study, the home visit, for all folks who are doing them or just for your agency?

MR. APPLER: Just for my agency today. I do know that, like, Abba Adoptions is having -- has called me yesterday to ask the same question. And there aren't that many
private agencies in Arkansas, but I know
that Abba would like to be under the same
conditions.

So I think I'm going to suggest that
for all private agencies. If they want to
go on a home visit, that's fine. But if
they don't, they should be able to do it
remotely as I had said in the motion.

MS. FOTI: I like that suggestion, that
it apply to all private adoption agencies.

MR. ALTOM: I do, too.

MR. APPLER: Okay. Then that's the
motion.

Okay. There has been a motion and a
second.

Is there any further discussion?

If none, all in favor, signify by
saying "aye," or something on this Zoom
thing.

UNANIMOUS: Aye.

MR. APPLER: Okay. So that passes.

All apposed, the same. Okay.

The other thing that I had brought up
is regarding physicians not wanting to
conduct general ordinary physicals when
clients have to renew their home study or
have a new home study and have to have
documentation of their good health.

I think that in light of the prior
motion, I think that because that is part of
the home study, that can probably be
suspended until July 1.

Am I correct on that, Joe?

MR. WEST: I think that would follow in
line with that. I know the board has very
broad alternative compliance powers. And as
you have noted, the situation has evolved to
the point that individuals who would
normally be able to get these physicals are
unable to because our medical systems are
overworked, so I think that would be up to
the discretion of the board.

MR. APPLER: Okay. Okay.

Now, moving on, last I heard, we were
supposed to be having a meeting in late
April. I just don't see that happening.

MS. RUSS: April 28th is when it is
scheduled.

MR. APPLER: Uh-huh. I don't see
meeting in Little Rock. Perhaps, a meeting
of this nature, but I don't see us meeting
in a room in Little Rock.

MS. WILLIAMS: Ed, I would agree. This
is Tonya. And I would -- I work with Ebony.

If we can arrange the remote meeting
and that works for everyone, but I
absolutely -- we're canceling meetings in
April already. And I think you are
absolutely correct. We don't need to
schedule an on-site meeting.

If we can arrange it remotely and this
works for all of you, then we will send that
out as a remote meeting and a call in, so I
think that is a great suggestion.

MR. APPLER: Okay. So, Tonya, what
about the men and women who come to the
meeting that are requesting alternative
compliances, things like that, how would
they be able to participate?

MS. WILLIAMS: Yeah, that's a little
more challenging, but let me see if we can
work with some folks here to see how we
might be able to make that happen.

If you all have any ideas -- that is a
little bit more challenging, but I think you
are right. We don't need to have an on-site
if we can figure out a way to get them to
remote in and that may be a little more
tricky.

MR. APPLER: Okay. Now, what we do
have in place is, like, if there is a family
that DCFS needs to place a child with and
they had a background hit on their criminal
history, then Sandi would call me and
explain the situation to me and to Charles,
also, if I'm not available. And, then, we
could make a temporary decision to go with
that.

Now, that is already in place. You
know, that could work, in my mind.

What does everybody else think?

MR. FLYNN: It sounds good to me.

MS. WILLIAMS: I think those
temporaries are until the next board
meeting. So if there is not a board
meeting, then would temporary be good until
the next board meeting for them?

MR. APPLER: That's what I would think,
yes.

MR. FLYNN: That has been our practice,
actually, because there have been times we did not meet and it did carry over to the next meeting, so we have done that previously.

MR. APPLER: Yeah.

MS. WILLIAMS: That sounds great. This is Tonya.

Then let's follow your normal practice on that.

MR. FLYNN: Okay. That also would be the ones like space issues and things like that that you would call the licensing unit about.

MS. WILLIAMS: Okay.

MR. APPLER: Okay. So we will allow decisions that need to be made in order to place children in a safe home, we will do what we normally do right now between meetings.

We will not plan on meeting in April and we will see what May and June look like.

Is that good with everybody?

MS. WILLIAMS: Yes.

MR. FLYNN: Yes.

MS. RUSS: I thought -- this is Ebony.
I thought that you guys were wanting to try a Zoom meeting for the April board.

MR. APPLER: I don't see a phone meeting necessary. I think that -- well, you know, I would like for everybody to be able to participate and Sanford is not here today.

And, so, I think, in light of what we just discussed, if there are any sort of board decisions that need to be made, you can call me. I can make that decision and it will hold until the next official board meeting in May or June.

MS. RUSS: Okay.

MS. FOTI: Well, I do have one question, Ed. This is Beverly. What about people that are bringing requests for new licenses forward, those kinds of things?

MR. APPLER: You know, as far as I'm concerned -- you mean like for square footage and stuff like that?

MS. FOTI: No. To license new beds, or that kind of thing.

MR. APPLER: You know, I don't see an
urgent need for a new agency to get a license. That's not like there's children waiting to be placed or anything like that.

And, you know, I just don't have a problem with new licenses and things waiting until our next meeting. Now, that's just me, you know.

What do you guys think?

MR. FLYNN: What about this process we had begun? We had an email recently about items that we did not need to bring before the board. Can we deal with those kinds of issues? Are any of those -- is there anyone hung up out there waiting for the board to make a decision on any of these?

MS. RUSS: This is Ebony. No.

MS. DOHERTY: This is Sandi with DCFS. We do have one that involved -- and it was a provisional that involved the age of the applicant because she was 18 and it was not supported by licensing and we still wanted to present it for the relative.

So I don't know how we need to do that because they're not making the placement until the board makes a decision, and they
are babies.

MR. APPLER: I mean, I thought we -- we can treat that just like we already treat criminal background checks. And just be sure to keep a record of it and then at the next board meeting, then the full board can ratify the decision that either Charles or I make.

MR. FLYNN: Okay. Ed, I think the issue on this one is, though, is the licensing unit does not support that request so DCFS would like to bring it to the full board to discuss.

So that means these children will be waiting until our next meeting to have that resolved and not placed with a family member.

MS. DOHERTY: Correct.

MR. APPLER: Okay. Sandi, do you have the information today?

MS. DOHERTY: I will have to go back through my emails. I have it. I mean, I can give you an essence. This is an aunt and uncle, and she is 18, very responsible. She works. She is also furthering her
education.

The babies are placed together now. They are one and two, have a significant tie with the family. And I think, probably, licensing felt like because of her age, at 18 -- and that's several years from being 21 -- that they could not support that.

MS. RUSS: This is Ebony.

I think the concern, if I recall, is that the 18-year-old was still in high school at the time. They were not married. She, at the time, did not have a current driver's license.

And there was concern of her capabilities of taking care of two young children, ages one and two. I didn't have enough information to see if she was even capable of doing it. And that she was --


MS. RUSS: And the concern, also, was that I think she was still living at her home. She was not living with her fiancé.

MS. DOHERTY: Correct. But they were -- they wanted to go ahead and get the
approval for her to be an applicant because they are going to get married this summer. But we wanted to go ahead and place, and she is going to be the support. There was quite a bit of support.

I can -- Ebony, I can get more information if you need more information on it.

MS. RUSS: Yes, that will be helpful.

MR. FLYNN: You know, Sandi, I may be wrong, but -- and we're not adapting this, but isn't the national standard for foster care now 18?

MS. DOHERTY: I don't know. I would have to look at that.

MR. FLYNN: You may look that up. But it seems like the national standards for foster care did lower that age.

It's not something we wanted to consider generally, but just as an added comment.

MR. ALTOM: Yes, I would like to add the comment, too, that an 18-year-old can join the military, so I don't see a problem with an 18-year-old being left to be in
charge of a couple of kids.

MR. FLYNN: Agreed.

MS. DOHERTY: Well, she is a senior in high school, but she has also been working a full-time job. I mean, she has been very -- had to be responsible all her life.

But I can provide that information -- and maybe more Ebony, to you, if you would be more comfortable so that we could get it to the board because we aren't making the placement and it's two little babies not together.

MR. FLYNN: Yeah. I think, Ebony, here is the -- those of us who have spoken, she can give that temporary approval now if you can provide that information for her.

MS. RUSS: Yes, I will do whatever the board decides.

MR. APPLER: Well, Sandi is going to get you more information and then you guys can make a decision.

MS. RUSS: Okay. Thank you.

MR. APPLER: Anything else?

(No response.)

MR. APPLER: Okay. I don't hear
anything else.

I appreciate everybody participating, and if there is nothing else to discuss, then we will just conclude this meeting.

Is that good?

(Unknown speakers affirm.)

MR. APPLER: Then we're done. Thank you, everybody.

(WHEREUPON, the proceedings were concluded in the matter at 1:31 p.m.)

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CERTIFICATE

STATE OF ARKANSAS)

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COUNTY OF PULASKI)

I, Robyn E. Bradley, Arkansas Certified Court Reporter #726, do hereby certify that the facts stated by me in the caption on the foregoing proceedings are true; and that the foregoing proceedings were reported verbatim through the use of the voice-writing method and thereafter transcribed by me at the time of the meeting via remote Zoom as set out on the caption hereto.

I FURTHER CERTIFY that I am neither counsel for, related to, nor employed by any of the parties to the action in which this proceeding was taken; and, further, that I am not a relative or employee of any attorney or counsel employed by the parties hereto, nor financially interested, or otherwise in the outcome of this action; and that I have no contract with the parties, attorneys, or persons with an interest in the action that affects or has a substantial tendency to affect impartiality that requires me to relinquish control of an original deposition transcript or copies of the transcript before it is certified and delivered to the custodial attorney, or that requires me to provide any service not made available to all parties to the action.

WITNESS MY HAND AND SEAL this 6th day of April, 2020.

Robyn E. Bradley
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