

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.

A P P E A R A N C E S

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

1 P R O C E E D I N G S

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

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

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

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

25 So that's all I have to say at the

1 moment.

2 MR. ALTOM: This is Andy.

3 I think -- can you make a motion or
4 can --

5 MR. APPLER: I can make a motion.

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

8 MR. APPLER: Yes.

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

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

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

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

23 MR. APPLER: Yes, at this point.

24 MR. FLYNN: This is Charles Flynn.

25 Ed, how long does this process take

1 before that home would be approved?

2 MR. APPLER: We always do that within
3 60 days. But keep in mind, these are
4 private adoptions.

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

10 MR. APPLER: I missed that.

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

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

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

19 MR. APPLER: Right. With the current
20 technology that we are using right now,
21 today, where I can see you talking, Charles,
22 all of our clients are going to have laptops
23 and smart phones and things like that and
24 they can walk around their home and show me
25 every square inch of the home. They can

1 stand in a room so I can understand the
2 context of how large the room is. They can
3 show me their backyard, their dog,
4 everything. The only thing I won't be able
5 to do is pick up any smells that may exist.

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

9 MR. ALTOM: This is Andy again.

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

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

1 or whatever we need to do to be fair to our
2 constituents.

3 MR. APPLER: Thank you.

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

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

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

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

20 I do want to point out, there -- you
21 know, I think it sounds like we have looked
22 at the legal side of it, Joe, and there may
23 be some things specifically for DCFS that
24 don't necessarily apply to everyone else, so
25 I think the legal part of it is -- that's

1 really important for me -- as the division
2 director, is to make sure that we are
3 following what we have to do legally.

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

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

24 MR. APPLER: Right. I don't think we
25 are waiving anything. I think we are simply

1 suspending something for a short period of
2 time.

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

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

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

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

24 MR. APPLER: Yes, absolutely.

25 MR. FLYNN: Yeah. That was my only

1 point is that you could be in the home, just
2 at the end instead of the beginning.

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

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

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

16 MR. APPLER: You know, usually -- so
17 I'm going to make a motion. I'm going to
18 make a motion that home visits can be
19 conducted remotely until July 1, 2020.
20 That's the motion.

21 MR. ALTOM: I will second it.

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

24 And I just kind of want to -- I just
25 want to give a quick bit of advice as far as

1 the motion goes, just kind of piggyback on
2 what Tonya is saying, just for
3 record-keeping purposes, that you make some
4 kind of notation in your motion that this is
5 as a result of the Covid-19 crisis and the
6 guidance that has been issued by the
7 governor and the Department of Health.

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

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

14 Does that work?

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

17 MR. APPLER: Right. Got it.

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

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

23 MR. ALTOM: In fact, I think you're
24 going to have to define what "remotely"
25 means.

1 MR. APPLER: Exactly what we're doing
2 right now.

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

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

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

14 MR. ALTOM: I will second that.

15 MR. APPLER: Okay. A second.

16 Any further discussion?

17 MS. FOTI: Yes. This is Beverly, Ed.

18 Are you making a motion that we suspend
19 the home study, the home visit, for all
20 folks who are doing them or just for your
21 agency?

22 MR. APPLER: Just for my agency today.
23 I do know that, like, Abba Adoptions is
24 having -- has called me yesterday to ask the
25 same question. And there aren't that many

1 private agencies in Arkansas, but I know
2 that Abba would like to be under the same
3 conditions.

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

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

11 MR. ALTOM: I do, too.

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

14 Okay. There has been a motion and a
15 second.

16 Is there any further discussion?

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

20 UNANIMOUS: Aye.

21 MR. APPLER: Okay. So that passes.

22 All apposed, the same. Okay.

23 The other thing that I had brought up
24 is regarding physicians not wanting to
25 conduct general ordinary physicals when

1 clients have to renew their home study or
2 have a new home study and have to have
3 documentation of their good health.

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

8 Am I correct on that, Joe?

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

18 MR. APPLER: Okay. Okay.

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

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

24 MR. APPLER: Uh-huh. I don't see
25 meeting in Little Rock. Perhaps, a meeting

1 of this nature, but I don't see us meeting
2 in a room in Little Rock.

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

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

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

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

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

24 If you all have any ideas -- that is a
25 little bit more challenging, but I think you

1 are right. We don't need to have an on-site
2 if we can figure out a way to get them to
3 remote in and that may be a little more
4 tricky.

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

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

16 What does everybody else think?

17 MR. FLYNN: It sounds good to me.

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

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

25 MR. FLYNN: That has been our practice,

1 actually, because there have been times we
2 did not meet and it did carry over to the
3 next meeting, so we have done that
4 previously.

5 MR. APPLER: Yeah.

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

8 Then let's follow your normal practice
9 on that.

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

14 MS. WILLIAMS: Okay.

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

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

22 Is that good with everybody?

23 MS. WILLIAMS: Yes.

24 MR. FLYNN: Yes.

25 MS. RUSS: I thought -- this is Ebony.

1 I thought that you guys were wanting to
2 try a Zoom meeting for the April board.

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

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

14 MS. RUSS: Okay.

15 MS. FOTI: Well, I do have one
16 question, Ed. This is Beverly.

17 What about people that are bringing
18 requests for new licenses forward, those
19 kinds of things?

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

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

25 MR. APPLER: You know, I don't see an

1 urgent need for a new agency to get a
2 license. That's not like there's children
3 waiting to be placed or anything like that.

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

8 What do you guys think?

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

16 MS. RUSS: This is Ebony. No.

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

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

1 are babies.

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

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

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

18 MS. DOHERTY: Correct.

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

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

1 education.

2 The babies are placed together now.
3 They are one and two, have a significant
4 tie with the family. And I think, probably,
5 licensing felt like because of her age, at
6 18 -- and that's several years from being
7 21 -- that they could not support that.

8 MS. RUSS: This is Ebony.

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

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

19 MS. DOHERTY: I think that's -- go
20 ahead, Ebony. Sorry.

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

24 MS. DOHERTY: Correct. But they
25 were -- they wanted to go ahead and get the

1 approval for her to be an applicant because
2 they are going to get married this summer.

3 But we wanted to go ahead and place,
4 and she is going to be the support. There
5 was quite a bit of support.

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

9 MS. RUSS: Yes, that will be helpful.

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

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

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

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

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

1 charge of a couple of kids.

2 MR. FLYNN: Agreed.

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

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

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

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

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

22 MS. RUSS: Okay. Thank you.

23 MR. APPLER: Anything else?

24 (No response.)

25 MR. APPLER: Okay. I don't hear

1 anything else.

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

5 Is that good?

6 (Unknown speakers affirm.)

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

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

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C E R T I F I C A T E

STATE OF ARKANSAS)
)SS
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
Arkansas State Supreme Court
Certified Court Reporter #726

Bushman Court Reporting
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Little Rock, AR 72201

