

1 State of Arkansas
2 88th General Assembly
3 Regular Session, 2011
4

A Bill

SENATE BILL 710

5 By: Senator D. Johnson
6 By: Representative Powers
7

For An Act To Be Entitled

9 AN ACT CONCERNING THE ARKANSAS SUBSIDIZED
10 GUARDIANSHIP ACT; AND FOR OTHER PURPOSES.
11

Subtitle

14 CONCERNING THE ARKANSAS SUBSIDIZED
15 GUARDIANSHIP ACT.
16
17

18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
19

20 SECTION 1. Arkansas Code § 9-8-204 is amended to read as follows:

21 9-8-204. Eligibility.

22 ~~(a)~~ A child is eligible for a guardianship subsidy if the Department
23 of Human Services determines the following:

24 (1) The child has been removed from the custody of his or her
25 parent or parents as a result of a judicial determination to the effect that
26 continuation in the custody of the parent or parents would be contrary to the
27 welfare of the child;

28 (2) The department is responsible for the placement and care of
29 the child;

30 (3) Being returned home or being adopted is not an appropriate
31 permanency option for the child;

32 (4) Permanent placement with a guardian is in the ~~child's~~ best
33 interest of the child;

34 (5) The child demonstrates a strong attachment to the
35 prospective guardian and the guardian has a strong commitment to caring
36 permanently for the child;



1 (6) With respect to a child who has attained fourteen (14) years
2 of age, the child has been consulted regarding the guardianship;

3 (7) ~~If permitted or required by the funding stream, the guardian~~
4 ~~is qualified pursuant to a means based test;~~

5 (8) ~~If permitted or required by the funding stream, the~~ The
6 necessary degree of relationship exists between the prospective guardian and
7 the child;

8 ~~(9) The child has special needs; and~~

9 ~~(10)~~ (8) The child:

10 (A) Is eligible for Title IV-E foster care maintenance
11 payments; ~~and or~~

12 (B) ~~While in the custody of the~~ The department, ~~resided in~~
13 ~~the home of the prospective relative guardian for at least six (6)~~
14 ~~consecutive months and the prospective relative guardian was licensed or~~
15 ~~approved as meeting the licensure requirements as a foster family home.~~
16 determines that adequate funding is available for the guardianship subsidy
17 for a child who is not Title IV-E eligible;

18 (9) The home of the prospective guardian complies with any
19 applicable rules promulgated by the:

20 (A) Child Welfare Agency Review Board for foster home
21 licensure; and

22 (B) Department of Human Services for foster home approval;
23 and

24 (10) While in the custody of the department, the child resided
25 in the home of the prospective relative guardian for at least six (6)
26 consecutive months after the prospective guardian's home was opened as a
27 foster home.

28 (b)(1) ~~The department shall redetermine eligibility of the~~
29 ~~guardianship on an annual basis and shall include confirmation that the~~
30 ~~guardian is still providing care for the child.~~

31 (2) ~~If permitted or required by the funding stream, the annual~~
32 ~~redetermination of eligibility shall include whether or not the guardian is~~
33 ~~qualified pursuant to a means based test.~~

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36 APPROVED: 03/23/2011