

**ARKANSAS SENATE**  
86th General Assembly - Regular Session, 2007  
**Amendment Form**

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**Subtitle of Senate Bill No. 370**

"TO AMEND PROVISIONS OF THE JUVENILE CODE RELATED TO CASES ARISING  
UNDER DEPENDENCY-NEGLECT, FAMILIES IN NEED OF SERVICES, AND  
DELINQUENCY."

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**Amendment No. 1 to Senate Bill No. 370.**

Amend Senate Bill No. 370 as originally introduced:

Page 7, delete line 19 and substitute:

"SECTION 8. Arkansas Code § 9-27-303, regarding the definitions in the Arkansas Juvenile Code of 1989, § 9-27-301 et seq., is amended to add an additional definition to read as follows:

(61) "Safety plan" means a plan ordered by the court to be developed for an adjudicated delinquent sex offender who is at moderate or high risk of re-offending for the purposes of § 9-27-352.

SECTION 9. Arkansas Code § 9-27-303(49), regarding the definitions in the"

AND

Page 13, line 29, delete "(13)(A)(i)" and substitute "(13)(A)"

AND

Page 13, delete lines 34 through 36 entirely

AND

Page 14, delete lines 1 through 4 entirely

AND

Page 14, delete line 16 and substitute:

"(14) When a juvenile is committed to a youth services center or detained in a juvenile detention facility and the juvenile is covered by



private health insurance, order the parent or guardian to provide information on the juvenile's health insurance coverage, including a copy of the health insurance policy and the pharmacy card when available, to the juvenile detention center or youth services center that has physical custody of the juvenile;

~~(14)(A)~~(15)(A) Order the Department of Finance and Administration to"

AND

Page 15, delete lines 32 through 36 and substitute:

~~"(3) Grant permanent custody to an individual upon proof:  
(A) That the parent or guardian from whom the juvenile has been removed has not complied with the orders of the court; or  
(B) That no reunification services should be required to reunite the juvenile with his or her parent or parents and that no further services or periodic reviews are required;~~

~~(4)(A)~~(3)(A) Order that the parent, both parents, or the guardian of"

AND

Page 16, delete lines 1 through 2 entirely

AND

Page 16, line 8, delete "(5)" and substitute "~~(5)~~(4)"

AND

Page 16, line 10, delete "(6)" and substitute "~~(6)~~(5)"

AND

Page 16, line 15, delete "(7)" and substitute "~~(7)~~(6)"

AND

Page 16, line 25, delete "(8)" and substitute "~~(8)~~(7)"

AND

Page 17, line 13, delete "(9)" and substitute "~~(9)~~(8)"

AND

Page 17, line 16, delete "(10)" and substitute "~~(10)~~(9)"

AND

Page 17, delete line 21 and substitute:

"contempt sanctions.

SECTION 19. Arkansas Code § 9-27-333(f), regarding the dispositions of families in need of services matters, is amended to read as follows:

(f) Custody of a juvenile may be transferred to a relative or other individual only after a home study of the placement is conducted by the ~~department~~ Department of Health and Human Services or a licensed ~~certified~~ social worker who is approved to do home studies and submitted to the court in writing and the court determines that the placement is in the best interest of the juvenile."

Page 18, delete lines 19 through 25 and substitute:

~~"(3) If it is in the best interest of the juvenile, grant permanent custody to an individual upon proof that the parent or guardian from whom the juvenile has been removed has not complied with the orders of the court or upon proof that no reunification services should be required to reunite the juvenile with his or her parent or parents and that no further services or periodic reviews are required; or~~

~~(4)(A)(3)(A)~~ Order that the parent, both parents, or the guardian of"

AND

Page 18, delete line 36 and substitute:

"guardian to contempt sanctions.

SECTION 21. Arkansas Code § 9-27-335(d), regarding the disposition of dependent-neglected matters, is amended to read as follows:

(d) Custody of a juvenile may be transferred to a relative or other individual only after a home study of the placement is conducted by the ~~department~~ Department of Health and Human Services or a licensed ~~certified~~ social worker who is approved to do home studies and submitted to the court in writing and the court determines that the placement is in the best interest of the juvenile.

SECTION 22. Arkansas Code § 9-27-335(e)(2), regarding the disposition of dependent-neglected matters, is amended to read as follows:

(2) If the court finds that reasonable efforts to deliver family services could have been made with the juvenile safely remaining at home but were not made, the court may:

(A) ~~Dismiss the petition;~~

~~(B)~~ Order family services reasonably calculated to prevent the need for out-of-home placement; or

~~(C)~~ (B) Transfer custody of the juvenile despite the lack

of reasonable efforts by the ~~department~~ Department of Health and Human Services ~~to prevent the need for out of home placement~~ if the transfer is necessary and in the best interest of juvenile:

- (i) To protect the juvenile's health and safety; or
- (ii) To prevent the removal of the juvenile from the jurisdiction of the court."

AND

Page 23, line 29, delete "then" and substitute "then remain or"

AND

Page 25, delete lines 4 through 36 and substitute:

"(d)(1) The director is authorized to establish a program to represent indigent parents or guardians in dependency-neglect cases.

(2) The court shall appoint counsel in compliance with federal law, ~~and § 9-27-316(h), and Supreme Court Administrative Order No. 15~~ in all proceedings to remove custody or to terminate parental rights.

~~(3) With the advice of judges who hear dependency neglect cases, the Arkansas Supreme Court shall adopt standards of practice and qualifications for service for attorneys who seek to be appointed to provide legal representation for indigent parents or guardians in dependency neglect cases.~~

~~(4)~~(3)(A) When attorneys are appointed under subdivision (d)(2) of this section, ~~the fees for services and court-appointed attorney fees and reasonable expenses shall be reimbursable~~ expenses as set forth in the Administrative Office of the Courts reimbursement guidelines which shall include contracts with attorneys for such fees and reasonable expenses.

(B) Funding for contracts shall be administered from the state or funds shall be provided to the judicial district for the county to administer the contracts.

(C) All contracts shall be paid from funds appropriated for that purpose ~~to the office of this section.~~

~~(5)~~(4) When a court orders the payment of funds for the fees and expenses authorized by this subsection, the attorney shall transmit a copy of the order to the office or county, ~~which is~~ authorized to pay the funds.

~~(6)~~(5) The court may also require the parties to pay all or a portion of the expenses, depending on the ability of the parties to pay.

~~(7)~~(6) The office shall establish guidelines to provide a maximum amount of expenses and fees per hour and per case that will be paid under this section.

~~(8)~~(7) In order to ensure that each judicial district will have an appropriate amount of funds to utilize indigent parent or guardian representation in dependency-neglect cases, the funds appropriated shall be apportioned based upon a formula developed by the office and approved by the committee.

(8) The Administrative Office of the Courts shall not be liable directly to any attorney or indirectly to the Arkansas State Claims Commission for the payment of attorney fees or expenses except to the extent specific funding is appropriated and available for the purpose of providing

indigent parent counsel in dependency-neglect cases."

AND

Page 26, delete lines 1 through 4 entirely

AND

Renumber the sections of the bill in consecutive order

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

By: Senator Madison

JSE/JSE - 03-01-2007 12:04

JSE290

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Secretary