

ARKANSAS SENATE
87th General Assembly - Regular Session, 2009
Amendment Form

Subtitle of House Bill No. 2013

"TO PROVIDE A MECHANISM FOR NONPARENTAL RELATIVES TO CONTINUE THEIR
RIGHTS AND VISITATION WITH A CHILD WHO IS INVOLVED IN TERMINATION OF
PARENTAL RIGHTS PROCEEDINGS."

Amendment No. 1 to House Bill No. 2013.

Amend House Bill No. 2013 as engrossed, H3/20/09 (version: 03-20-2009 09:18):

Delete the title entirely and substitute:

"AN ACT TO PROVIDE NOTICE TO GRANDPARENTS AND OTHER ADULT RELATIVES OF A CHILD WHO HAS BEEN TAKEN INTO THE CUSTODY OF THE DEPARTMENT OF HUMAN SERVICES RELATED TO A CHILD MALTREATMENT MATTER; TO REQUIRE COURT REPORTS TO INCLUDE INFORMATION ABOUT AND RECOMMENDATIONS CONCERNING PLACEMENT AND VISITATION WITH A GRANDPARENT OR OTHER ADULT RELATIVE; AND FOR OTHER PURPOSES."

AND

Delete the subtitle in its entirety and substitute:

"TO PROVIDE A MECHANISM FOR GRANDPARENTS AND OTHER ADULT RELATIVES TO RECEIVE NOTICE AND BE INCLUDED IN REPORTS RELATED TO A CHILD IN THE CUSTODY OF THE DEPARTMENT OF HUMAN SERVICES."

AND

Delete all language following the enacting clause and substitute:

"SECTION 1. Arkansas Code § 9-27-325, concerning hearings under the Arkansas Juvenile Code of 1989, is amended to add an additional subsection to read as follows:

(n)(1) The Department of Human Services shall exercise due diligence to identify and provide notice to all adult grandparents and other adult relatives of a juvenile transferred to the custody of the department.

(2) The notice provided under this subsection shall:

(A) Be within thirty (30) days after the juvenile is



transferred to the custody of the department; and

(B) Include adult grandparents or adult relatives suggested by the parents.

(3) The notice provided under this subsection is not required if the adult grandparents or other adult relatives have:

(A) A pending charge or past conviction or plea of guilty or nolo contendere for family or domestic violence; or

(B) A true finding of child maltreatment in the Child Maltreatment Central Registry.

(4) The content of the notice under this subsection shall include:

(A) A statement that the juvenile has been or is being removed from the parent;

(B) The option to participate in the care of, placement with, and visitation with the child, including any options that may be lost by failing to respond to the notice;

(C) The requirements to become a provisional foster home and the additional services and supports that are available for children in a foster home; and

(D) If kinship guardianship is available, how the relative could enter into an agreement with the department.

SECTION 2. Arkansas Code § 9-27-361(a)(2), concerning reports made to the court under the Arkansas Juvenile Code of 1989, is amended to add an additional subdivision to read as follows:

(C)(i) In cases in which a juvenile has been transferred to the custody of the department, the department's court report shall outline the efforts made by the department to identify and notify adult grandparents and other adult relatives that the juvenile is in the custody of the department.

(ii) The department's court report shall list all adult grandparents and other adult relatives notified by the department and the response of each adult grandparent or other adult relative to the notice, including:

(a) The adult grandparent or other adult relative's interest in participating in the care and placement of the juvenile;

(b) Whether the adult grandparent or other adult relative is interested in becoming a provisional foster parent or foster parent of the juvenile;

(c) Whether the adult grandparent or other adult relative is interested in kinship guardianship, if funding is available; and

(d) Whether the adult grandparent or other adult relative is interested in visitation.

SECTION 3. Arkansas Code § 9-27-361(a)(3), concerning reports made to the court under the Arkansas Juvenile Code of 1989, is amended to add an additional subdivision to read as follows:

(3) The report prepared by the court-appointed special advocate shall include, but is not limited to:

(A) Any independent factual information that he or she

feels is relevant to the case;

(B) A summary of the compliance of the parties with the court orders; ~~and~~

(C) Any information on adult relatives, including their contact information and the volunteer's recommendation about relative placement and visitation; and

~~(D)~~ Recommendations to the court.

SECTION 4. Arkansas Code § 9-27-361(b)(3), concerning reports made to the court under the Arkansas Juvenile Code of 1989, is amended to add an additional subdivision to read as follows:

(3) The report prepared by the court-appointed special advocate shall include, but is not limited to:

(A) Any independent factual information that he or she feels is relevant to the case;

(B) A summary of the compliance of the parties with the court orders; ~~and~~

(C) Any information on adult relatives, including their contact information and the volunteer's recommendation about relative placement and visitation; and

~~(D)~~ The recommendations to the court.”

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

By: Senator Wilkinson

JSE/JSE - 03-31-2009 14:35

JSE307

Secretary