

Hall of the House of Representatives

91st General Assembly - Regular Session, 2017

Amendment Form

Subtitle of House Bill No. 1973

TO PROVIDE FOR THE RESUMPTION OF SERVICES FOR PARENTS WHOSE PARENTAL RIGHTS ARE TERMINATED; AND TO PROVIDE FOR THE REINSTATEMENT OF PARENTAL RIGHTS.

Amendment No. 1 to House Bill No. 1973

Amend House Bill No. 1973 as originally introduced:

Page 1, delete line 24, and substitute the following:

"SECTION 1. TEMPORARY LANGUAGE. DO NOT CODIFY. Legislative findings.

The General Assembly finds that:

(1) A juvenile in the foster care system should have a family for a lifetime;

(2) Too many juveniles in the foster care system reach the age of majority without being reunited successfully with their biological families and without the security of a permanent home; and

(3) The Division of Children and Family Services' annual report for 2016 indicated that:

(A) Nine hundred seventy-four (974) juveniles between twelve (12) and fourteen (14) years of age were in the foster care system;

(B) One thousand four hundred twenty-nine (1,429) juveniles over fourteen (14) years of age were in the foster care system; and

(C) Eight hundred eleven (811) juveniles were in the foster care system for over thirty-six (36) months.

SECTION 2. TEMPORARY LANGUAGE. DO NOT CODIFY. Legislative intent.

Through the passage of this act, the General Assembly intends to:

(1) Provide additional options to the child welfare system; and

(2) Find permanency for juveniles in the foster care system, particularly for those juveniles who are over fourteen (14) years of age or older and have been in the foster care system for an extended period of time without finding a permanent family.

SECTION 3. Arkansas Code Title 9, Chapter 27, Subchapter 3, is amended"

AND

Page 1, line 28, delete "a petition" and substitute "a motion"



AND

Page 1, delete lines 32 through 35, and substitute the following:

"(B) Is not in an adoptive placement, a pre-adoptive placement, or under another permanent placement and there is some evidence that the juvenile is not likely to achieve permanency within a reasonable period of time as viewed from the child's perspective; or"

AND

Page 2, delete lines 4 through 36, and substitute the following:

"(2) The order terminating the parental rights of the parent who is the subject of a motion filed under this section was entered at least three (3) years before the date on which the motion to resume services was filed.

(b)(1) A motion filed under this section shall identify the parent for whom services would resume.

(2) A parent shall not be named as a party to a motion filed under this section.

(3) The petitioner shall serve the parent who is the subject of a motion filed under this section with the motion.

(4) A parent who is the subject of a motion filed under this section shall have the right to be heard at a hearing on the motion.

(c) When determining whether to grant or deny a motion filed under this section, the court shall consider the:

(1) Efforts made by the department to achieve adoption or other permanent placement for the child, including without limitation any barriers preventing permanency from being achieved;

(2) Current status of the parent who is the subject of the motion, including without limitation the extent to which the parent has remedied any conditions that led to the termination of his or her parental rights;

(3) Willingness of the parent who is the subject of the motion to participate with the services offered; and

(4) Child's wishes regarding a resumption of contact, visitation, or placement with the parent who is the subject of the motion.

(d)(1) A court may grant a motion filed under this section if it finds by a preponderance of the evidence that it is in the best interest of the child to resume services and establish appropriate contact or visitation between the child and the parent or placement of the child with the parent.

(2) If the court grants a motion filed under this section, the court:

(A)(i) May order family services for the purposes of assisting reunification between the child and a fit parent who is the subject"

AND

Page 3, delete lines 1 through 36, and substitute the following:

"of the motion.

(ii) The court may order the parent to pay for some or all of the costs associated with court-ordered family services;

(B)(i) May order studies, evaluations, home studies, or postdisposition reports.

(ii) A written home study on the parent who is the subject of the motion shall be submitted to the court before the court may order unsupervised visitation or placement of the juvenile with the parent.

(iii) If a study, evaluation, or home study is performed before a hearing on a motion filed under subsection (a) of this section, the results of the study, evaluation, or home study shall be served on the parent, attorney ad litem, court-appointed special advocate, and any other party to the motion at least two (2) business days before the hearing; and

(C) Shall schedule a review hearing every ninety (90) days until the court:

(i) Finds that it is not in the best interest of the child to have contact, visitation, or placement with the parent;

(ii) Enters an order reinstating the rights of the parent under § 9-27-370; or

(iii) No longer has jurisdiction over the case.

(3) A staffing shall be held and a case plan developed within thirty (30) days of the date on which the order granting a motion for resumption of services under this section is entered.

(e) A court may deny a motion filed under this section if the court finds by a preponderance of the evidence that the parent who is the subject of the motion engaged in conduct that interfered with the child's ability to achieve permanency.

(f) The written order of the court shall be filed by the court, a party, or the attorney of a party as designated by the court and distributed to the parties within thirty (30) days of the date of the hearing on the motion to resume services or before the next hearing, whichever is sooner."

AND

Page 4, line 3, delete "and" and substitute "or"

AND

Page 4, line 6, delete "a petition" and substitute "a motion"

AND

Page 4, line 10, delete "petition" and substitute "motion"

AND

Page 4, line 22, delete "Head of the Court-Appointed Special Advocates for Children" and substitute "Court Appointed Special Advocate Program Director, if applicable"

AND

Page 4, delete lines 24 and 25, and substitute the following:

"(5) Child's tribe, if applicable."

AND

Page 5, line 4, delete "by a preponderance of the evidence" and substitute "by clear and convincing evidence"

AND

Page 5, line 18, delete "that were the grounds for" and substitute "that existed at the time of"

AND

Page 5, delete line 32 through 35, and substitute the following:

"child has resided with the parent for no less than six (6) months.

(j) A written order shall be filed by the court, a party, or the attorney of a party as designated by the court within thirty (30) days of the date of the hearing on the motion to reinstate parental rights or before the next hearing, whichever is sooner."

The Amendment was read _____
By: Representative D. Meeks
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Chief Clerk