

1 State of Arkansas  
2 90th General Assembly  
3 Regular Session, 2015  
4

# A Bill

HOUSE BILL 1625

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

## For An Act To Be Entitled

9 AN ACT TO PROVIDE NOTICE OF PROCEEDINGS IN JUVENILE  
10 DEPENDENCY-NEGLECT CASES TO THE ATTORNEY AD LITEM; TO  
11 AUTHORIZE A COURT TO DETERMINE THE PRIMARY GOAL FOR  
12 JUVENILE DEPENDENCY-NEGLECT CASES; TO ADD NEW  
13 PROTECTIONS TO CHILDREN IN CUSTODY WITH REGARD TO  
14 JUVENILE DEPENDENCY-NEGLECT CASES; AND FOR OTHER  
15 PURPOSES.  
16  
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## Subtitle

18 TO PROVIDE NOTICE OF PROCEEDINGS IN  
19 JUVENILE DEPENDENCY-NEGLECT CASES TO THE  
20 ATTORNEY AD LITEM; AND TO ADD NEW  
21 PROTECTIONS TO CHILDREN IN CUSTODY WITH  
22 REGARD TO JUVENILE DEPENDENCY-NEGLECT  
23 CASES.  
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27 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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29 SECTION 1. Arkansas Code § 9-27-312 is amended to read as follows:  
30 9-27-312. Notification to defendants.

31 (a) All juvenile defendants In a delinquency and family in need of  
32 services case, a juvenile defendant ten (10) years of age and above, any  
33 persons having care and control of the juveniles, and all adult defendants  
34 shall be served with a copy of the petition and either a notice of hearing or  
35 order to appear in the manner provided by the Arkansas Rules of Civil  
36 Procedure.



1           (b) In a dependent-neglected case:

2                     (1) A juvenile respondent shall be served with a copy of the  
 3 petition and all other pleadings by serving the juvenile’s attorney ad litem  
 4 in accordance with Rule 5 of the Arkansas Rules of Civil Procedure; and

5                     (2) Each adult defendant shall be served in the manner provided  
 6 in the Arkansas Rules of Civil Procedure with a copy of the petition and  
 7 either a notice of a hearing or an order to appear.

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 9           SECTION 2. Arkansas Code § 9-27-334(a), concerning the disposition of  
 10 dependent-neglected cases generally, is amended to read as follows:

11           (a) If a juvenile is found to be dependent-neglected, the circuit  
 12 court may enter an order making any of the following dispositions:

13                     (1) Order family services;

14                     (2)(A) If it is in the best interest of the juvenile, transfer  
 15 custody of the juvenile to the Department of Human Services, to another  
 16 licensed agency responsible for the care of juveniles, or to a relative or  
 17 other individual.

18                     (B) If the court grants custody of the juvenile to the  
 19 department, the juvenile shall be placed in a licensed or approved foster  
 20 home, shelter, or facility or an exempt child welfare agency as defined at §  
 21 9-28-402(12).

22                     (C) All juveniles in shelters or awaiting foster care  
 23 placement who are in the custody of the department are “homeless children and  
 24 youth” as defined at 42 U.S.C. § 11434a(2), as in effect on February 1, 2005;

25                     (3)(A) Order that the parent, both parents, or the guardian of  
 26 the juvenile attend a court-ordered parental responsibility training program,  
 27 if available, and participate in a juvenile drug court program.

28                     (B) The court may make reasonable orders requiring proof  
 29 of completion of such a training program within a certain time period and  
 30 payment of a fee covering the cost of the training program; and

31                     (4) Determine the most appropriate goal of the case.

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 33           SECTION 3. Arkansas Code § 9-27-334(c), concerning the disposition of  
 34 dependent-neglected cases generally, is amended to read as follows:

35           (c) The court may provide that any violation of its orders shall  
 36 ~~subject the parent, both parents, the juvenile, the custodian, or the~~

1 ~~guardian, any party in violation~~ to contempt sanctions.

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 3 SECTION 4. Arkansas Code § 9-27-342(a) and (b), concerning proceedings  
 4 concerning illegitimate juveniles, is amended to read as follows:

5 (a) Absent orders of a circuit court or another court of competent  
 6 jurisdiction to the contrary, the biological mother, whether adult or minor,  
 7 of ~~an illegitimate~~ a juvenile for whom paternity has not been established is  
 8 deemed to be the natural guardian of that juvenile and is entitled to the  
 9 care, custody, and control of that juvenile.

10 (b) The biological mother, the putative father, the juvenile himself  
 11 or herself, or the Office of Child Support Enforcement of the Revenue  
 12 Division of the Department of Finance and Administration may bring an action  
 13 to establish paternity or support of a juvenile ~~alleged to be illegitimate~~  
 14 for whom paternity has not been established.

15  
 16 SECTION 5. Arkansas Code § 9-27-353(b)(2), concerning the duties and  
 17 responsibilities of a custodian in an open dependency-neglect proceeding, is  
 18 amended to read as follows:

19 (2) If there is an open dependency-neglect proceeding, the  
 20 custodian shall not make any of the following decisions without receiving  
 21 express court approval:

22 (A) Consent to the removal of bodily organs, unless the  
 23 procedure is necessary to save the life of the juvenile;

24 (B) Consent to withhold life-saving treatments;

25 (C) Consent to withhold life-sustaining treatments; or

26 (D) The amputation of any body part, unless the procedure  
 27 is necessary in an emergency to save the life of the juvenile.

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 29 SECTION 6. Arkansas Code § 9-27-365(c), concerning proceedings  
 30 concerning no reunification hearings, is amended to read as follows:

31 (c) An order terminating reunification services on a party and ending  
 32 the Department of Human Services' duty to provide services to a party shall  
 33 be based on a finding of clear and convincing evidence that:

34 (1) The termination of reunification services is in the child's  
 35 best interest; and

36 (2) One (1) or more of the following grounds exist:

1 (A) A circuit court has determined that the parent, a  
 2 guardian, or a custodian has subjected the child to aggravated circumstances  
 3 that include:

- 4 (i) A child being abandoned;
- 5 (ii) A child being chronically abused;
- 6 (iii) A child being subjected to extreme or repeated  
 7 cruelty or sexual abuse;
- 8 (iv) A determination by a circuit judge that there  
 9 is little likelihood that services to the family will result in successful  
 10 reunification; ~~or~~
- 11 (v) A child has been removed from the custody of the  
 12 parent or guardian and placed in foster care or the custody of another person  
 13 three (3) or more times in the past fifteen (15) months; or
- 14 (vi) A child or a sibling being neglected or abused  
 15 such that the abuse or neglect could endanger the life of the child; or

16 (B) A circuit court has determined that the parent has:

- 17 (i) Committed murder of a child;
- 18 (ii) Committed manslaughter of a child;
- 19 (iii) Aided or abetted, attempted, conspired, or  
 20 solicited to commit murder or manslaughter;
- 21 (iv) Committed a felony battery that results in  
 22 serious bodily injury to any child;
- 23 (v) Had parental rights involuntarily terminated as  
 24 to a sibling of the child; or
- 25 (vi) Abandoned an infant as defined in § 9-27-

26 303(1).  
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