

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 87th General Assembly
3 Regular Session, 2009
4

As Engrossed: H3/20/09 S4/2/09

A Bill

HOUSE BILL 2013

5 By: Representative M. Burris
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7

For An Act To Be Entitled

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

Subtitle

17
18 *TO PROVIDE A MECHANISM FOR GRANDPARENTS*
19 *AND OTHER ADULT RELATIVES TO RECEIVE*
20 *NOTICE AND BE INCLUDED IN REPORTS*
21 *RELATED TO A CHILD IN THE CUSTODY OF THE*
22 *DEPARTMENT OF HUMAN SERVICES.*

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24
25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
26

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

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

33 *(2) The notice provided under this subsection shall:*

34 *(A) Be within thirty (30) days after the juvenile is*
35 *transferred to the custody of the department; and*

36 *(B) Include adult grandparents or adult relatives*



1 suggested by the parents.

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

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

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

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

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

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

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

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

20
21 SECTION 2. Arkansas Code § 9-27-361(a)(2), concerning reports made to
22 the court under the Arkansas Juvenile Code of 1989, is amended to add an
23 additional subdivision to read as follows:

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

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

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

36 (b) Whether the adult grandparent or other

1 adult relative is interested in becoming a provisional foster parent or
2 foster parent of the juvenile;

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

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

8
9 SECTION 3. Arkansas Code § 9-27-361(a)(3), concerning reports made to
10 the court under the Arkansas Juvenile Code of 1989, is amended to add an
11 additional subdivision to read as follows:

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

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

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

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

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

22
23 SECTION 4. Arkansas Code § 9-27-361(b)(3), concerning reports made to
24 the court under the Arkansas Juvenile Code of 1989, is amended to add an
25 additional subdivision to read as follows:

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

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

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

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

35 ~~(G)(D)~~ The recommendations to the court.

/s/ M. Burris

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