

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 84th General Assembly
3 Regular Session, 2003
4

As Engrossed: H2/27/03

A Bill

Act 1054 of 2003
HOUSE BILL 1506

5 By: Representative Martin
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For An Act To Be Entitled

9 AN ACT TO REQUIRE WRITTEN NOTICE TO THE BIRTH
10 PARENT AND THE ATTORNEY AD LITEM IF THE
11 DEPARTMENT OF HUMAN SERVICES CHANGES THE
12 *PLACEMENT OF A CHILD IN FOSTER CARE; TO ALLOW AN*
13 *ACTION FOR VIOLATION OF THIS SECTION TO BE*
14 *BROUGHT IF NOTICE IS NOT PROVIDED; AND FOR OTHER*
15 *PURPOSES.*

Subtitle

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18 TO REQUIRE WRITTEN NOTICE TO THE BIRTH
19 PARENT AND THE ATTORNEY AD LITEM IF THE
20 DEPARTMENT OF HUMAN SERVICES CHANGES THE
21 PLACEMENT OF A CHILD IN FOSTER CARE.
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24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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26 SECTION 1. Arkansas Code § 9-28-410(b), regarding limitations on the
27 Department of Human Services, as amended to read as follows:

28 (b)(1) Exceptions to the advance notice requirement shall be made if
29 the child's health or welfare would be endangered by delaying a change in
30 placement.

31 (2) Within twenty-four (24) hours of the change in placement the
32 ~~child's attorney ad litem and birth parent shall be notified of the change,~~
33 ~~and the attorney ad litem shall be given the name and address of the new~~
34 ~~foster care provider~~ Department of Human Services shall:

35 (A) Notify the birth parent of the change;

36 (B) Notify the child's attorney ad litem of the change;



1 and

2 (C) Provide the attorney ad litem with the name and
3 address of the new foster care provider;

4 (3) Within seventy-two (72) hours of the change in
5 placement, the Department of Human Services shall provide written notice to
6 the attorney ad litem for the specific reasons justifying the change of
7 placement without advance notice.

8 (c)(1) If an agent, employee, or contractor of the Department of Human
9 Services fails to comply with this section, then an action for violation of
10 this section may be filed by any party to the action against the person who
11 failed to comply with this section, with the assessment of punishment to be
12 determined by the court.

13 (2) If the court finds the agent, employee, or contractor of the
14 Department of Human Services failed to comply with this section, then the
15 court may order the Department of Human Services or the agent, employee, or
16 contractor to pay all of the costs of the proceedings brought under this
17 section.

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19 /s/ Martin

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APPROVED: 4/3/2003

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