

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.

Act 1311 of the Regular Session

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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For An Act To Be Entitled

8
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*



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

22 ~~(G)~~(D) Recommendations to the court.
23

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

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

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

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

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

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

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/s/ M. Burris

APPROVED: 4/9/2009