

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

As Engrossed: H3/12/15
A Bill

HOUSE BILL 1674

5 By: Representative Broadway
6

7 **For An Act To Be Entitled**

8 AN ACT CONCERNING THE JURISDICTION OF A CIRCUIT COURT
9 OVER JUVENILE MATTERS; AND FOR OTHER PURPOSES.
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11 **Subtitle**

12 CONCERNING THE JURISDICTION OF A CIRCUIT
13 COURT OVER JUVENILE MATTERS.
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17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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19 SECTION 1. Arkansas Code § 9-27-306 is amended to read as follows:
20 9-27-306. Jurisdiction.

21 (a)(1) The circuit court shall have exclusive original jurisdiction of
22 and shall be the sole court for the following proceedings governed by this
23 subchapter, including ~~but not limited to~~ without limitation:

24 (A)(i) Proceedings in which a juvenile is alleged to be
25 delinquent as defined in this subchapter, including juveniles ten (10) to
26 eighteen (18) years of age.

27 (ii) The court may retain jurisdiction of a juvenile
28 delinquent up to twenty-one (21) years of age if the juvenile committed the
29 delinquent act ~~prior to~~ before reaching eighteen (18) years of age;

30 (B) Proceedings in which a juvenile is alleged to be
31 dependent or dependent-neglected from birth to eighteen (18) years of age,
32 except for the following:

33 (i)(a) A juvenile who has been adjudicated dependent
34 or dependent-neglected ~~prior to~~ before eighteen (18) years of age may request
35 the court to continue jurisdiction over the juvenile until twenty-one (21)
36 years of age so long as the juvenile is engaged in a course of instruction or



1 treatment, or is working at least eighty (80) hours a month toward gaining
2 self-sufficiency.

3 (b) The court shall retain jurisdiction only
4 if the juvenile remains or has a viable plan to remain in instruction or
5 treatment, or is working at least eighty (80) hours a month toward gaining
6 self-sufficiency.

7 (c) The court shall ~~dismiss jurisdiction upon~~
8 ~~request of the juvenile or when the juvenile completes or is dismissed from~~
9 ~~instruction or treatment~~ discontinue jurisdiction only after a hearing to
10 determine whether:

11 (1) The juvenile knowingly and
12 voluntarily is requesting to leave care or the juvenile has failed to be
13 engaged in or have a viable plan to participate in a course of instruction or
14 treatment or is not working at least eighty (80) hours per month toward
15 gaining self-sufficiency; and

16 (2) The Department of Human Services has
17 fully complied with §§ 9-27-363 and 9-28-114; or

18 (ii) A juvenile may contact his or her attorney ad
19 litem to petition the court to return to the court's jurisdiction to receive
20 independent living or transitional services if the juvenile:

21 (a) Was adjudicated dependent or dependent-
22 neglected;

23 (b) Was in foster care at eighteen (18) years
24 of age;

25 (c) Left foster care but desires to submit to
26 the jurisdiction of the court ~~prior to~~ before reaching twenty-one (21) years
27 of age to benefit from independent living or transitional services; or

28 (d) Left foster care and decides to submit to
29 the jurisdiction of the court and return to foster care to receive
30 transitional services, ~~if funding is available;~~

31 (C) Proceedings in which emergency custody or a seventy-
32 two-hour hold has been taken on a juvenile under § 9-27-313 or the Child
33 Maltreatment Act, § 12-18-101 et seq.;

34 (D) Proceedings in which a family is alleged to be in need
35 of services as defined by this subchapter, which shall include juveniles from
36 birth to eighteen (18) years of age, except for the following:

1 (i) A juvenile whose family has been adjudicated as
2 a family in need of services and who is in foster care before eighteen (18)
3 years of age may request that the court continue jurisdiction until twenty-
4 one (21) years of age if the juvenile is engaged in a course of instruction
5 or treatment, or is working at least eighty (80) hours a month towards self-
6 sufficiency to receive independent living or transitional services;

7 (ii) The court shall retain jurisdiction only if the
8 juvenile remains or has a viable plan to remain in instruction or treatment
9 to receive independent living services; or

10 (iii) The court shall ~~dismiss~~ discontinue
11 jurisdiction upon request of the juvenile or when the juvenile completes or
12 is ~~dismissed~~ discontinued from the instruction or treatment to receive
13 independent living services;

14 (E) Proceedings for termination of parental rights for a
15 juvenile under this subchapter;

16 (F) Proceedings in which custody of a juvenile is
17 transferred to the Department of Human Services;

18 (G) Proceedings for which a juvenile is alleged to be an
19 extended juvenile jurisdiction offender ~~pursuant to~~ under § 9-27-501 et seq.;

20 (H) Proceedings for which a juvenile is transferred to the
21 juvenile division from the criminal division under § 9-27-318;

22 (I) Custodial placement proceedings filed by the
23 department; and

24 (J) Proceedings in dependency-neglect or family in need of
25 services matters to set aside an order of permanent custody upon the
26 disruption of the placement.

27 (2) A juvenile shall not under any circumstance remain under the
28 court's jurisdiction past twenty-one (21) years of age.

29 (3)(A) When the department exercises custody of a juvenile under
30 the Child Maltreatment Act, § 12-18-101 et seq., files a petition for an ex
31 parte emergency order, or files a petition for dependency-neglect concerning
32 that juvenile, before or subsequent to the other legal proceeding, ~~any a~~
33 party to that petition may file a motion to transfer any other legal
34 proceeding concerning the juvenile to the court hearing the dependency-
35 neglect petition.

36 (B) Upon the ~~motion's being filed~~ filing of a motion, the

1 other legal proceeding shall be transferred to the court hearing the
2 dependency-neglect case.

3 (4) The court shall retain jurisdiction to issue orders of
4 adoption, interlocutory or final, if a juvenile is placed outside the State
5 of Arkansas.

6 (b) The assignment of cases to the juvenile division of the circuit
7 court shall be as described by the Supreme Court in Administrative Order
8 Number 14, originally issued April 6, 2001.

9 (c)(1) The circuit court shall have concurrent jurisdiction with the
10 district court over juvenile curfew violations.

11 (2) For juvenile curfew violations, the prosecutor may file a
12 family in need of services petition in circuit court or a citation in
13 district court.

14 (d) The circuit court shall have jurisdiction to hear proceedings
15 commenced in any court of this state or court of comparable jurisdiction of
16 another state that are transferred to it ~~pursuant to~~ under the Uniform Child-
17 Custody Jurisdiction and Enforcement Act, § 9-19-101 et seq.

18 (e) Regardless of funding, a juvenile will be allowed to return to
19 foster care if evidence is presented to the circuit court that the department
20 failed to comply with §§ 9-27-363 and 9-28-114 or if there is evidence that
21 the juvenile was coerced by an employee or agent of the department to leave
22 foster care.

23 (f) If a juvenile over eighteen (18) years of age who is allowed to
24 reenter foster care fails to be engaged in or have a viable plan to
25 participate in a course of instruction or treatment or is not working at
26 least eighty (80) hours per month toward gaining self-sufficiency for more
27 than sixty (60) days, the department may file a motion to discharge the
28 juvenile from foster care.

29 /s/Broadaway

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32 **APPROVED: 04/01/2015**