A Bill

SENATE BILL 656

For An Act To Be Entitled
AN ACT TO EXPAND THE DEFINITION OF "FICTIVE KIN"; AND
FOR OTHER PURPOSES.

Subtitle
TO EXPAND THE DEFINITION OF "FICTIVE KIN".

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code § 9-27-303, concerning the definitions of terms used in the Arkansas Juvenile Code, is amended to add an additional subdivision to read as follows:

(65)(A) "Fictive kin" means a person selected by the Division of Children and Family Services who:

(i) Is not related to a child by blood or marriage; and

(ii) Has a strong, positive, and emotional tie or role in the:

(a) Child’s life; or

(b) Child’s parent’s life if the child is an infant.

(B) The Director of the Division of Children and Family Services or his or her designee shall approve a fictive kin for an infant.

SECTION 2. Arkansas Code § 9-28-108(a)(1), concerning the definition of fictive kin in the context of juvenile placements, is amended to read as
(1) “Fictive kin” means a person not related to a child by blood or marriage, but who has a strong positive emotional tie to the child and has a positive role in the child’s life, such as a godparent, neighbor, or family friend selected by the Division of Children and Family Services who:

   (A) Is not related to a child by blood or marriage; and
   (B) Has a strong, positive, and emotional tie or role in the:

      (i) Child’s life; or
      (ii) Child’s parent’s life if the child is an infant; and

SECTION 3. Arkansas Code § 9-28-402(16), concerning the definition of provisional foster home under the Child Welfare Agency Licensing Act, is amended to read as follows:

(16) “Provisional foster home” means a foster home opened for no more than six (6) months by the Division of Children and Family Services of the Department of Human Services for a relative or fictive kin of a child in the custody of the Division of Children and Family Services of the Department of Human Services after it:

   (A) Determines that placement with the proposed fictive kin or relative is in the best interest of the child;
   (A)(B) Conducts a health and safety check, including a central registry check and a criminal background check or a check with local law enforcement, of the relative’s home; and
   (B)(C) Performs a visual inspection of the home of the relative to verify that the relative and the home will meet the standards for opening a regular foster home;

SECTION 4. Arkansas Code § 9-28-402, concerning the definitions of terms used under the Child Welfare Agency Licensing Act, is amended to add an additional subdivision to read as follows:

(25)(A) "Fictive kin" means a person selected by the Division of Children and Family Services who:

   (i) Is not related to a child by blood or marriage; and
(ii) Has a strong, positive, and emotional tie or role in the:

(a) Child's life; or

(b) Child's parent’s life if the child is an infant.

(B) The Director of the Division of Children and Family Services or his or her designee shall approve a fictive kin for an infant.

APPROVED: 03/27/2017