

1 State of Arkansas *As Engrossed: H3/14/17 H3/21/17*

2 91st General Assembly

# A Bill

3 Regular Session, 2017

HOUSE BILL 2104

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5 By: Representative V. Flowers

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## For An Act To Be Entitled

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AN ACT TO AMEND THE LAW CONCERNING THE RIGHTS OF

9

INCARCERATED PARENTS AND THE TERMINATION OF PARENTAL

10

RIGHTS; AND FOR OTHER PURPOSES.

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## Subtitle

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TO AMEND THE LAW CONCERNING THE RIGHTS OF

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INCARCERATED PARENTS AND THE TERMINATION

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OF PARENTAL RIGHTS.

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

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21 *SECTION 1. Arkansas Code § 9-27-303(16), concerning the definition of*

22 *"Department" under the Arkansas Juvenile Code, is repealed.*

23 ~~*(16)(A) "Department" means the Department of Human Services and*~~

24 ~~*its divisions and programs.*~~

25 ~~*(B) Unless otherwise stated in this subchapter, any*~~

26 ~~*reference to the department shall include all of its divisions and programs;*~~

27

28 *SECTION 2. Arkansas Code § 9-27-303(48), concerning the definition of*

29 *"Reasonable efforts" under the Arkansas Juvenile Code, is amended to read as*

30 *follows:*

31 *(48)(A)(i) "Reasonable efforts" means efforts to preserve the family*

32 *before the placement of a child in foster care to prevent the need for*

33 *removing the child from his or her home and efforts to reunify a family made*

34 *after a child is placed out of his or her home to make it possible for him or*

35 *her to safely return home.*

36

*(ii) Reasonable efforts shall also be made to obtain*



1 permanency for a child who has been in an out-of-home placement for more than  
2 twelve (12) months or for fifteen (15) of the previous twenty-two (22)  
3 months.

4 (iii) In determining whether or not to remove a  
5 child from a home or return a child back to a home, the child's health and  
6 safety shall be the paramount concern.

7 (iv) The ~~department~~ Department of Human Services or  
8 other appropriate agency shall exercise reasonable diligence and care to  
9 utilize all available services related to meeting the needs of the juvenile  
10 and the family.

11 (v)(a) "Reasonable efforts" include efforts to  
12 involve an incarcerated parent.

13 (b) The Department of Human Services shall:

14 (1) Involve an incarcerated parent in  
15 case planning;

16 (2) Monitor compliance with services  
17 offered by the Department of Correction to the extent permitted by federal  
18 law; and

19 (3) Offer visitation in accordance with  
20 the policies of the Department of Correction if visitation is appropriate and  
21 in the best interest of the child.

22 (B) The juvenile division of circuit court may deem that  
23 reasonable efforts have been made when the court has found that the first  
24 contact by the ~~department~~ Department of Human Services occurred during an  
25 emergency in which the child could not safely remain at home, even with  
26 reasonable services being provided.

27 (C) Reasonable efforts to reunite a child with his or her  
28 parent or parents shall not be required in all cases. Specifically,  
29 reunification shall not be required if a court of competent jurisdiction,  
30 including the juvenile division of circuit court, has determined by clear and  
31 convincing evidence that the parent has:

32 (i) Subjected the child to aggravated circumstances;

33 (ii) Committed murder of any child;

34 (iii) Committed manslaughter of any child;

35 (iv) Aided or abetted, attempted, conspired, or  
36 solicited to commit the murder or the manslaughter;

1                   (v) Committed a felony battery that results in  
2 serious bodily injury to any child;

3                   (vi) Had the parental rights involuntarily  
4 terminated as to a sibling of the child;

5                   (vii) Abandoned an infant as defined in subdivision  
6 (1) of this section; or

7                   (viii) Registered with a sex offender registry under  
8 the Adam Walsh Child Protection and Safety Act of 2006, Pub. L. No. 10-9-248.

9                   (D) Reasonable efforts to place a child for adoption or  
10 with a legal guardian or permanent custodian may be made concurrently with  
11 reasonable efforts to reunite a child with his or her family;

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13                                       /s/V. Flowers  
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