

.As Engrossed: 2/3/95

1 **State of Arkansas**

2 **80th General Assembly**

3 **Regular Session, 1995**

4 **By: Representatives J. Smith, Pollan, Flanagan and Goodwin**

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For An Act To Be Entitled

8 "AN ACT TO ESTABLISH THE KINSHIP FOSTER CARE PROGRAM; AND

9 FOR OTHER PURPOSES."

10

11

Subtitle

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"TO ESTABLISH THE KINSHIP FOSTER CARE

13

PROGRAM."

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

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17 SECTION 1. As used in this act:

18 (1) "Division" means the Division of Children and Family Services in
19 the Department of Human Services.

20 (2) "Foster parent" means any person with whom a child in the care,
21 custody or guardianship of the division, is placed for temporary or long-term
22 care, but shall not include any persons with whom a child is placed for the
23 purpose of adoption.

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25 SECTION 2. (a) There is established a Kinship Foster Care Program in
26 the Division of Children and Family Services in the Department of Human
27 Services.

28 (b) When a child has been removed from his home and is in the care,
29 custody or guardianship of the division, the division shall attempt to place
30 the child with a relative for kinship foster care. If the relative is
31 approved by the division to provide foster care services, in accordance with
32 rules and regulations adopted by the division regarding foster care services,
33 and a placement with the relative is made, the relative shall be eligible to
34 receive *payment for the full foster care rate for the care of the child and*
35 *any other benefits that might be available to foster parents, whether in money*
36 *or in services.*

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1 (c) The division shall establish in accordance with the provisions of
2 this act, eligibility standards for becoming a kinship foster parent.

3 (1) Relatives within the first, second, or third degree to the
4 parent or step-parent of a child who may be related through blood or marriage
5 may be eligible for approval as a kinship foster parent.

6 (2) The kinship foster parent shall be twenty-one (21) years of
7 age or older, except that if the spouse or partner of the relative is twenty-
8 one (21) years of age or older and living in the home, and the relative is
9 between eighteen (18) and twenty-one (21) years of age, the division may waive
10 the age requirement.

11 (3) (A) A person shall be eligible to become a kinship foster
12 parent only upon the completion of an investigation to ascertain if there is a
13 state or federal record of criminal history for the prospective kinship foster
14 parent or any other adult residing in the prospective parent_s home.

15 (B) The Arkansas Crime Information Center shall conduct the
16 investigation and shall make the results of the investigation available to the
17 division in accordance with A.C.A. § 12-12-211. The division shall maintain
18 the confidentiality of the investigation results and shall use the results
19 only for purposes of determining a person_s eligibility to become a kinship
20 foster parent.

21 (C) It shall be unlawful, except for the purpose of
22 determining a person_s eligibility for kinship foster care, for any person to
23 disclose information obtained under this subdivision. Any person violating
24 this section shall be guilty of a Class A misdemeanor.

25 (4) The division shall determine whether the person is able to
26 care effectively for the foster child by:

27 (A) Reviewing personal and professional references;

28 (B) Observing during a home visit of the kinship foster
29 parent with household members; and

30 (C) Interviewing the kinship foster parent.

31 (d) (1) The division and the kinship foster parent shall develop a case
32 plan for the foster care of the child, which shall be periodically reviewed
33 and updated. If the plan includes the use of an approved day care center or
34 family day care home, the division shall pay for child care arrangements,
35 according to established rates.

1 (2) The kinship foster parent shall cooperate with any activities
2 specified in the case plan for the foster child, such as counseling, therapy
3 or court sessions, or visits with the foster child_s parents or other family
4 members.

5 (e) The Director of the Department of Human Services shall adopt rules
6 and regulations necessary to carry out the provisions of this act, pursuant to
7 *the Arkansas Administrative Procedure Act § 25-15-201, et seq. except that the*
8 *director shall not commence the process under the Administrative Procedure Act*
9 *until the proposed rules and regulations have been reviewed by the General*
10 *Assembly's Joint Committee on Children and Youth.*

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12 SECTION 3. All provisions of this act of a general and permanent nature
13 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
14 Revision Commission shall incorporate the same in the Code.

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16 SECTION 4. If any provision of this act or the application thereof to
17 any person or circumstance is held invalid, such invalidity shall not affect
18 other provisions or applications of the act which can be given effect without
19 the invalid provision or application, and to this end the provisions of this
20 act are declared to be severable.

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22 SECTION 5. All laws and parts of laws in conflict with this act are
23 hereby repealed.

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/s/Rep. J. Smith, et al

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APPROVED: 2-27-95

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