

Stricken language would be deleted from and underlined language would be added to law as it existed prior to the 82nd General Assembly.

State of Arkansas

As Engrossed: H3/17/99

82nd General Assembly

# A Bill

Act 1363 of 1999

Regular Session, 1999

HOUSE BILL 2116

By: Representative Madison

## For An Act To Be Entitled

"AN ACT PERTAINING TO THE REMOVAL AND PLACEMENT OF  
JUVENILES AND TO AMEND THE JUVENILE CODE; AND FOR  
OTHER PURPOSES."

## Subtitle

"TO LIMIT CHANGES IN PLACEMENT OF FOSTER  
CHILDREN AND TO CLARIFY MEDICAL NEGLECT."

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

SECTION 1. Arkansas Code Title 9, Chapter 28, Subchapter 4 is amended  
by adding a new section to be appropriately numbered by the Arkansas Code  
Revision Commission and shall read as follows:

"Limitation on Department of Human Services.

The policy of the State of Arkansas is that children in the custody of  
the Department of Human Services should have stable placements. Changes in  
placement shall be made only after notification of the foster child, foster  
parent, the child's attorney ad litem, the child's birth parents, and the  
court having jurisdiction over the child. The notices shall be sent in  
writing two (2) weeks prior to the proposed change, shall specify reasons for  
the proposed change, shall convey to the attorney ad litem the address of the  
proposed new foster home or institution; and shall convey to the child the  
name and telephone number of his guardian ad litem, and a statement that if  
the child objects to the change in placement, the attorney ad litem may be  
able to assist in challenging the change.

Exceptions to the advance notice requirement shall be made if the  
child's health or welfare would be endangered by delaying a change in

1 placement. In these cases, within twenty-four (24) hours of the change in  
2 placement, the child's attorney ad litem and birth parent shall be notified of  
3 the change, and the attorney ad litem shall be given the name and address of  
4 the new foster care provider."

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6 SECTION 2. Arkansas Code 9-27-335 pertaining to the disposition of  
7 dependent-neglected children is amended by adding a new subsection to be  
8 appropriately lettered by the Arkansas Code Revision Commission and shall read  
9 as follows:

10 "In a case of medical neglect involving a child receiving treatment  
11 through prayer alone in accordance with a religious method of healing in lieu  
12 of medical care, the adjudication order shall be limited to preventing or  
13 remedying serious harm to the child or preventing the withholding of  
14 medically-indicated treatment from a child with a life-threatening condition."

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16 SECTION 3. All provisions of this Act of a general and permanent nature  
17 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
18 Revision Commission shall incorporate the same in the Code.

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20 SECTION 4. If any provision of this Act or the application thereof to  
21 any person or circumstance is held invalid, such invalidity shall not affect  
22 other provisions or applications of the Act which can be given effect without  
23 the invalid provision or application, and to this end the provisions of this  
24 Act are declared to be severable.

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26 SECTION 5. All laws and parts of laws in conflict with this Act are  
27 hereby repealed.

28 /s/ Madison

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31 APPROVED: 4/12/1999  
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