

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

Act 325 of the Regular Session

1 State of Arkansas  
2 87th General Assembly  
3 Regular Session, 2009  
4

*As Engrossed: S2/16/09*

**A Bill**

SENATE BILL 351

5 By: Senator J. Key  
6 By: Representative J. Dickinson  
7  
8

**For An Act To Be Entitled**

10 AN ACT TO AMEND THE PROVISIONS REGARDING THE  
11 ELIGIBILITY FOR A RELATIVE GUARDIANSHIP SUBSIDY  
12 FOR A CHILD; AND FOR OTHER PURPOSES.  
13

**Subtitle**

14 TO AMEND THE PROVISIONS REGARDING THE  
15 ELIGIBILITY FOR A RELATIVE GUARDIANSHIP  
16 SUBSIDY FOR A CHILD.  
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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22 SECTION 1. Arkansas Code § 9-8-204(a), regarding eligibility for a  
23 guardianship subsidy, is amended to read as follows:

24 (a) A child is eligible for a guardianship subsidy if the Department  
25 of Human Services determines the following:

26 (1) The child has been removed from the custody of his or her  
27 parent or parents as a result of a judicial determination to the effect that  
28 continuation in the custody of the parent or parents would be contrary to the  
29 welfare of the child;

30 (2) The department is responsible for the placement and care of  
31 the child;

32 (3) Being returned home or being adopted is not an appropriate  
33 permanency option for the child;

34 (4) Permanent placement with a guardian is in the child's best  
35 interest;



1 (5) The child demonstrates a strong attachment to the  
2 prospective guardian and the guardian has a strong commitment to caring  
3 permanently for the child;

4 (6) With respect to a child who has attained fourteen (14) years  
5 of age, the child has been consulted regarding the guardianship;

6 (7) If permitted or required by the funding stream, the guardian  
7 is qualified pursuant to a means-based test;

8 (8) If permitted or required by the funding stream, the  
9 necessary degree of relationship exists between the prospective guardian and  
10 the child; ~~and~~

11 (9) The child has special needs; and

12 (10) The child:

13 (A) Is eligible for Title IV-E foster care maintenance  
14 payments; and

15 (B) While in the custody of the department, resided in the  
16 home of the prospective relative guardian for at least six (6) consecutive  
17 months and the prospective relative guardian was licensed or approved as  
18 meeting the licensure requirements as a foster family home.

19  
20 /s/ J. Key

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22 **APPROVED: 3/06/2009**