

1 State of Arkansas *As Engrossed: H3/15/13 S3/28/13*

2 89th General Assembly

A Bill

3 Regular Session, 2013

HOUSE BILL 1848

4

5 By: Representative Broadway

6 *By: Senator J. Woods*

7

8

For An Act To Be Entitled

9 AN ACT TO AMEND PROVISIONS OF THE JUVENILE CODE
10 CONCERNING ADJUDICATION PROCEEDINGS, EX PARTE
11 HEARINGS, FAMILIES IN NEED OF SERVICES CASES,
12 JUVENILES DEEMED DEPENDENT OR DEPENDENT-NEGLECTED,
13 AND AWARDING TEMPORARY CUSTODY; TO PROVIDE FOR THE
14 REINSTATEMENT OF PARENTAL RIGHTS; AND FOR OTHER
15 PURPOSES.

16

17

18

Subtitle

19

TO AMEND PROVISIONS OF THE JUVENILE CODE.

20

21

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

23

24 SECTION 1. Arkansas Code § 9-27-303(2), concerning the definition of
25 "abandonment", is amended to read as follows:

26

(2) "Abandonment" means:

27

28 (A) ~~Failure~~ The failure of the parent to provide
29 reasonable support for a juvenile and to maintain regular contact with a
30 juvenile through statement or contact when the failure is accompanied by an
31 intention on the part of the parent to permit the condition to continue for
32 an indefinite period in the future ~~and support or maintain regular contact~~
~~with a juvenile without just cause; or~~

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34

(B) The failure of a parent to support or maintain regular
contact with a child without just cause; or

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(C) An articulated intent to forego parental
responsibility;



1
2 SECTION 2. Arkansas Code § 9-27-303(6), concerning the definition of
3 "aggravated circumstances" is amended to read as follows:

4 (6) "Aggravated circumstances" means:

5 (A) A child has been abandoned, chronically abused,
6 subjected to extreme or repeated cruelty, ~~or~~ sexually abused, sexually
7 exploited, or a determination has been or is made by a judge that there is
8 little likelihood that services to the family will result in successful
9 reunification; ~~or~~

10 (B) A child has been removed from the custody of the
11 parent or guardian and placed in foster care or in the custody of another
12 person three (3) or more times in the last fifteen (15) months; or

13 (C) A child or a sibling has been neglected or abused such
14 that the abuse or neglect could endanger the life of the child;
15

16 SECTION 3. Arkansas Code § 9-27-303(10)(B), concerning the definition
17 of "cash assistance", is amended to read as follows:

18 (B) "Cash assistance" does not include:

19 (i) Long-term financial assistance or financial
20 assistance that is the equivalent of the board payment ~~or~~, adoption subsidy,
21 or guardianship subsidy; or

22 (ii) Financial assistance for car insurance;
23

24 SECTION 4. Arkansas Code § 9-27-303(17), concerning the definition of
25 "dependent juvenile", is amended to add an additional subdivision as follows:

26 (H)(i) A child who has been a victim of human trafficking
27 as a result of threats, coercion, or fraud.

28 (ii) If the parent knew or should have known the
29 child was a victim of human trafficking as a result of threats, coercion, or
30 fraud, the child is not a dependent juvenile but may be dependent-neglected;
31

32 SECTION 5. Arkansas Code § 9-27-303(25)(B), concerning the definition
33 of "family services", is amended to read as follows:

34 (B) Family services are provided in order to:

35 (i) Prevent a juvenile from being removed from a
36 parent, guardian, or custodian;

1 (ii) Reunite the juvenile with the parent, guardian,
2 or custodian from whom the juvenile has been removed; ~~or~~

3 (iii) Implement a permanent plan of adoption, or
4 ~~guardianship, or rehabilitation of the juvenile for a juvenile in a~~
5 dependency-neglect case; or

6 (iv) Rehabilitate a juvenile in a delinquency or
7 Family in Need of Services case;

8
9 SECTION 6. Arkansas Code § 9-27-303(36)(A), concerning the definition
10 of "neglect", is amended to read as follows:

11 (36)(A) "Neglect" means those acts or omissions of a parent,
12 guardian, custodian, foster parent, or any person who is entrusted with the
13 juvenile's care by a parent, custodian, guardian, or foster parent,
14 including, but not limited to, an agent or employee of a public or private
15 residential home, child care facility, public or private school, or any
16 person legally responsible under state law for the juvenile's welfare, that
17 constitute:

18 (i) Failure or refusal to prevent the abuse of the
19 juvenile when the person knows or has reasonable cause to know the juvenile
20 is or has been abused;

21 (ii) Failure or refusal to provide the necessary
22 food, clothing, shelter, ~~and education required by law, excluding failure to~~
23 ~~follow an individualized education program,~~ or medical treatment necessary
24 for the juvenile's well-being, except when the failure or refusal is caused
25 primarily by the financial inability of the person legally responsible and no
26 services for relief have been offered;

27 (iii) Failure to take reasonable action to protect
28 the juvenile from abandonment, abuse, sexual abuse, sexual exploitation,
29 neglect, or parental unfitness when the existence of this condition was known
30 or should have been known;

31 (iv) Failure or irremediable inability to provide
32 for the essential and necessary physical, mental, or emotional needs of the
33 juvenile, including failure to provide a shelter that does not pose a risk to
34 the health or safety of the juvenile;

35 (v) Failure to provide for the juvenile's care and
36 maintenance, proper or necessary support, or medical, surgical, or other

1 necessary care;

2 (vi) Failure, although able, to assume
3 responsibility for the care and custody of the juvenile or to participate in
4 a plan to assume the responsibility; ~~or~~

5 (vii) Failure to appropriately supervise the
6 juvenile that results in the juvenile's being left alone;

7 (a) ~~at~~ At an inappropriate age ~~or in~~
8 ~~inappropriate circumstances~~, creating a dangerous situation or a situation
9 that puts the juvenile at risk of harm; or

10 (b) In inappropriate circumstances creating a
11 dangerous situation or a situation that puts the juvenile at risk of harm;

12 (viii) Failure to appropriately supervise the
13 juvenile that results in the juvenile being placed in:

14 (a) Inappropriate circumstances creating a
15 dangerous situation; or

16 (b) A situation that puts the juvenile at risk
17 of harm; or

18 (ix)(a) Failure to ensure a child between six (6)
19 years of age and seventeen (17) years of age is enrolled in school or is
20 being legally home-schooled; or

21 (b) As a result of the acts or omissions by
22 the juvenile's parent or guardian, the juvenile is habitually and without
23 justification absent from school.

24

25 SECTION 7. Arkansas Code § 9-27-303(41)-(63), concerning definitions
26 under the Arkansas Juvenile Code, is amended to read as follows:

27 (41) "Paternity hearing" means a legal proceeding ~~brought~~
28 ~~pursuant to bastardy jurisdiction~~ to determine the biological father of a
29 juvenile;

30 (42) "Permanent custody" means custody that is transferred to a
31 person as a permanency disposition in a juvenile case and the case is closed;

32 (43) "Pornography" means:

33 (A) Pictures, movies, and videos lacking serious literary,
34 artistic, political, or scientific value that when taken as a whole and
35 applying contemporary community standards would appear to the average person
36 to appeal to the prurient interest;

1 (B) Material that depicts sexual conduct in a patently
2 offensive manner lacking serious literary, artistic, political, or scientific
3 value; or

4 (C) Obscene or licentious material;

5 ~~(43)(A)~~(44)(A) “Predisposition report” means a report concerning
6 the juvenile, the family of the juvenile, all possible disposition
7 alternatives, the location of the school in which the juvenile is or was last
8 enrolled, whether the juvenile has been tested for or has been found to have
9 any disability, the name of the juvenile’s attorney and, if appointed by the
10 court, the date of the appointment, any participation by the juvenile or his
11 or her family in counseling services previously or currently being provided
12 in conjunction with adjudication of the juvenile, and any other matters
13 relevant to the efforts to provide treatment to the juvenile or the need for
14 treatment of the juvenile or the family.

15 (B) The predisposition report shall include a home study
16 of any out-of-home placement that may be part of the disposition;

17 ~~(44)~~(45) “Prosecuting attorney” means an attorney who is elected
18 as district prosecuting attorney, the duly appointed deputy prosecuting
19 attorney, or any city prosecuting attorney;

20 ~~(45)~~(46) “Protection plan” means a written plan developed by the
21 department in conjunction with the family and support network to protect the
22 juvenile from harm and which allows the juvenile to remain safely in the
23 home;

24 ~~(46)~~(47) “Putative father” means any man not deemed or
25 adjudicated under the laws of the jurisdiction of the United States to be the
26 biological father of a juvenile who claims to be or is alleged to be the
27 biological father of the juvenile;

28 ~~(47)(A)(i)~~(48)(A)(i) “Reasonable efforts” means efforts to
29 preserve the family ~~prior to~~ before the placement of a child in foster care
30 to prevent the need for removing the child from his or her home and efforts
31 to reunify a family made after a child is placed out of his or her home to
32 make it possible for him or her to safely return home.

33 (ii) Reasonable efforts shall also be made to obtain
34 permanency for a child who has been in an out-of-home placement for more than
35 twelve (12) months or for fifteen (15) of the previous twenty-two (22)
36 months.

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

4 (iv) The department or other appropriate agency
5 shall exercise reasonable diligence and care to utilize all available
6 services related to meeting the needs of the juvenile and the family.

7 (B) The juvenile division of circuit court may deem that
8 reasonable efforts have been made when the court has found that the first
9 contact by the department occurred during an emergency in which the child
10 could not safely remain at home, even with reasonable services being
11 provided.

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

17 (i) Subjected the child to aggravated circumstances;

18 (ii) Committed murder of any child;

19 (iii) Committed manslaughter of any child;

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

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

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

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

28 (viii) Registered with a sex offender registry under
29 the ~~2006~~ Adam Walsh Child Protection and Safety Act of 2006.

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

33 ~~(48)~~(49) "Residence" means:

34 (A) The place where the juvenile is domiciled; or

35 (B) The permanent place of abode where the juvenile spends
36 an aggregate of more than six (6) months of the year;

1 ~~(49)(A)~~(50)(A) "Restitution" means actual economic loss
2 sustained by an individual or entity as a proximate result of the delinquent
3 acts of a juvenile.

4 (B) Such economic loss shall include, but not be limited
5 to, medical expenses, funeral expenses, expenses incurred for counseling
6 services, lost wages, and expenses for repair or replacement of property;

7 ~~(50)~~(51) "Safety plan" means a plan ordered by the court to be
8 developed for an adjudicated delinquent sex offender under § 9-27-356 who is
9 at moderate or high risk of reoffending for the purposes of § 9-27-309;

10 ~~(51)~~(52) "Sexual abuse" means:

11 (A) By a person ~~thirteen (13)~~ fourteen (14) years of age
12 or older to a person younger than eighteen (18) years of age:

13 (i) Sexual intercourse, deviant sexual activity, or
14 sexual contact by forcible compulsion;

15 (ii) Attempted sexual intercourse, attempted deviant
16 sexual activity, or attempted sexual contact by forcible compulsion;

17 (iii) Indecent exposure; or

18 (iv) Forcing the watching of pornography or live
19 human sexual activity;

20 (B)(i) By a person eighteen (18) years of age or older to
21 a person who is younger than fifteen (15) years of age and is not his or her
22 spouse:

23 (a) Sexual intercourse, deviant sexual
24 activity, or sexual contact;

25 (b) Attempted sexual intercourse, attempted
26 deviant sexual activity, or attempted sexual contact; or

27 (c) Solicitation of sexual intercourse,
28 solicitation of ~~deviate~~ deviant sexual activity, or solicitation of sexual
29 contact.

30 (ii) By a person twenty (20) years of age or older
31 to a person who is younger than sixteen (16) years of age who is not his or
32 her spouse:

33 (a) Sexual intercourse, deviant sexual
34 activity, or sexual contact;

35 (b) Attempted sexual intercourse, attempted
36 deviant sexual activity, or attempted sexual contact; or

1 (c) Solicitation of sexual intercourse,
2 solicitation of deviant sexual activity, or solicitation of sexual contact;
3 (C) By a caretaker to a person younger than eighteen (18)
4 years of age:

5 (i) Sexual intercourse, deviant sexual activity, or
6 sexual contact;

7 (ii) Attempted sexual intercourse, attempted deviant
8 sexual activity, or attempted sexual contact;

9 (iii) Forcing or encouraging the watching of
10 pornography;

11 (iv) Forcing, permitting, or encouraging the
12 watching of live sexual activity;

13 (v) Forcing listening to a phone sex line; or

14 (vi) An act of voyeurism;

15 (D) By a person younger than ~~thirteen (13)~~ fourteen (14)
16 years of age to a person younger than eighteen (18) years of age:

17 (i) Sexual intercourse, deviant sexual activity, or
18 sexual contact by forcible compulsion; or

19 (ii) Attempted sexual intercourse, attempted deviant
20 sexual activity, or attempted sexual contact by forcible compulsion;

21 ~~(52)(A)~~ (53)(A) "Sexual contact" means any act of sexual
22 gratification involving:

23 (i) Touching, directly or through clothing, of the
24 sex organs, buttocks, or anus of a juvenile or the breast of a female
25 juvenile;

26 (ii) Encouraging the juvenile to touch the offender
27 in a sexual manner; or

28 (iii) Requesting the offender to touch the juvenile
29 in a sexual manner.

30 (B) Evidence of sexual gratification may be inferred from
31 the attendant circumstances surrounding the investigation of the specific
32 complaint of child maltreatment.

33 (C) This section shall not permit normal, affectionate
34 hugging to be construed as sexual contact;

35 ~~(53)~~ (54) "Sexual exploitation" includes:

36 (A) Allowing, permitting, or encouraging participation or

1 depiction of the juvenile in:

- 2 (i) Prostitution;
3 (ii) Obscene photographing; or
4 (iii) Obscene filming; or

5 (B) Obscenely depicting, obscenely posing, or obscenely
6 posturing a juvenile for any use or purpose;

7 ~~(54)~~(55) "Shelter care" means the temporary care of a juvenile
8 in physically unrestricting facilities ~~pursuant to~~ under an order for
9 placement pending or ~~pursuant to~~ under an adjudication of dependency-neglect
10 or family in need of services;

11 ~~(55)~~(56) "Significant other" means a person:

12 (A) With whom the parent shares a household; or

13 (B) Who has a relationship with the parent that results in
14 the person acting in loco parentis with respect to the parent's child or
15 children, regardless of living arrangements;

16 (57) "Temporary custody" means custody that is transferred to a
17 person during the pendency of the juvenile court case when services are being
18 provided to achieve the goal of the case plan;

19 (58) "Trial placement" means that custody of the juvenile
20 remains with the department, but the juvenile is returned to the home of a
21 parent or the person from whom custody was removed for a period not to exceed
22 sixty (60) days;

23 ~~(56)~~(59) "UCCJEA" means the Uniform Child-Custody Jurisdiction
24 and Enforcement Act, § 9-19-101 et seq.;

25 ~~(57)~~(60) "UIFSA" means the Uniform Interstate Family Support
26 Act, § 9-17-101 et seq.;

27 ~~(58)~~(61) "Victim" means any person or entity entitled to
28 restitution as defined in subdivision ~~(49)~~ (50) of this section as the result
29 of a delinquent act committed by a juvenile adjudicated delinquent;

30 ~~(59)~~(A)(62)(A) "Voyeurism" means looking for the purpose of
31 sexual arousal or gratification into a private location or place in which a
32 juvenile may reasonably be expected to be nude or partially nude.

33 (B) This definition does not apply to delinquency actions;

34 ~~(60)~~(63) "Youth services center" means a youth services facility
35 operated by the state or a contract provider;

36 ~~(61)~~(64) "Youth services facility" means a facility operated by

1 the state or its designee for the care of juveniles who have been adjudicated
2 delinquent or convicted of a crime and who require secure custody in either a
3 physically restrictive facility or a staff-secured facility operated so that
4 a juvenile may not leave the facility unsupervised or without supervision.

5 ~~(62) "Temporary custody" means custody that is transferred to a~~
6 ~~person during the pendency of the juvenile court case when services are being~~
7 ~~provided to achieve the goal of the case plan; and~~

8 ~~(63) "Permanent custody" means custody that is transferred to a~~
9 ~~person as a permanency disposition in a juvenile case when the court has~~
10 ~~ordered that:~~

11 ~~(A) Reunification services are no longer required; and~~

12 ~~(B) Six-month reviews are not required~~

13
14 SECTION 8. Arkansas Code § 9-27-315(d)(2), concerning a probable cause
15 hearing, is repealed.

16 ~~(2) If the juvenile has already been adjudicated a dependent juvenile~~
17 ~~or a dependent-neglected juvenile in the same case in which the motion for~~
18 ~~change of custody has been filed and the case has not been dismissed or~~
19 ~~closed, a subsequent adjudication shall not be necessary if the ground for~~
20 ~~the removal is the same type as the ground already adjudicated.~~

21
22 SECTION 9. Arkansas Code § 9-27-325(b), concerning hearings, is
23 amended to read as follows:

24 (b)(1) The defendant need not file a written responsive pleading in
25 order to be heard by the court.

26 (2) In dependency-neglect proceedings, ~~retained if not appointed~~
27 by the court in an order provided to all parties, counsel shall file a notice
28 of appearance immediately upon acceptance of representation, with a copy to
29 be served on the petitioner and all parties.

30
31 SECTION 10. Arkansas Code § 9-27-328, concerning the removal of a
32 juvenile, is amended to add an additional subsection to read as follows:

33 (g)(1) If the court transfers custody of a child to the department,
34 the court shall issue an order containing the following determinations
35 regarding the educational issues of the child and whether the parent or
36 guardian of the child may:

1 (A) Have access to the child's school records;

2 (B) Obtain information on the current placement of the
3 child, including the name and address of the child's foster parent or
4 provider, if the parent or guardian has access to the child's school records;
5 and

6 (C) Participate in school conferences or similar
7 activities at the child's school.

8 (2) If the court transfers custody of a child to the department,
9 the court may appoint an individual to consent to an initial evaluation of
10 the child and serve as the child's surrogate parent under the Individuals
11 with Disabilities Education Act, 20 U.S.C. § 1400 et seq., as it existed on
12 February 1, 2007.

13
14 SECTION 11. Arkansas Code § 9-27-341(b)(3)(B)(ix)(a)(3)(B)(i),
15 concerning the termination of parental rights, is amended to read as follows:

16 (i) A juvenile has been
17 abandoned, chronically abused, subjected to extreme or repeated cruelty,
18 sexually abused, or a determination has been or is made by a judge that there
19 is little likelihood that services to the family will result in successful
20 reunification; or

21
22 SECTION 12. Arkansas Code § 9-27-353 is amended to read as follows:

23 9-27-353. Duties and responsibilities of custodian.

24 (a) It shall be the duty of any person or agency appointed as the
25 custodian of any juvenile in a proceeding under this subchapter to care for
26 and maintain the juvenile and to see that the juvenile is protected, properly
27 trained and educated, and has the opportunity to learn a trade, occupation,
28 or profession.

29 (b)(1) The person or agency appointed as the custodian of a juvenile
30 in a proceeding under this subchapter has the right to obtain medical care
31 for the juvenile and to enroll the juvenile in school upon presentation of an
32 order of custody, including giving consent to specific medical, dental, or
33 mental health treatments and procedures as required in the opinion of a duly
34 authorized or licensed physician, dentist, surgeon, or psychologist, whether
35 or not such care is rendered on an emergency, inpatient, or outpatient basis.

36 (2) If there is an open dependency-neglect proceeding, the

1 custodian shall not make any of the following decisions without receiving
2 express court approval:

3 (A) Consent to the removal of bodily organs, unless the
4 procedure is necessary to save the life of the juvenile;

5 (B) Consent to withhold life-saving treatments;

6 (C) Consent to withhold life-sustaining treatments; or

7 (D) The amputation of any body part.

8 (c) The custodian has the right to enroll the juvenile in school upon
9 the presentation of an order of custody.

10 (d) The custodian has the right to obtain medical and school records
11 of any juvenile in his or her custody upon presentation of an order of
12 custody.

13 ~~(d)~~(e) Any agency appointed as the custodian of a juvenile has the
14 right to consent to the juvenile's travel on vacation or similar trips.

15 ~~(e)-(1)~~(f)(1) It shall be the duty of every person granted custody,
16 guardianship, or adoption of any juvenile in a proceeding ~~pursuant to~~ under
17 or arising out of a dependency-neglect action ~~under~~ the this subchapter to
18 ensure that the juvenile is not returned to the care or supervision of any
19 person from whom the child was removed or any person the court has
20 specifically ordered not to have care, supervision, or custody of the
21 juvenile.

22 (2) This section shall not be construed to prohibit these
23 placements if the person who has been granted custody, guardianship, or
24 adoption obtains a court order to that effect from the juvenile division of
25 circuit court that made the award of custody, guardianship, or adoption.

26 (3) Failure to abide by subdivision (e)(1) of this section is
27 punishable as a criminal offense ~~pursuant to~~ under § 5-26-502(a)(3).

28 ~~(f)~~(g) The court shall not split custody, that is, grant legal custody
29 to one (1) person or agency and grant physical custody to another person or
30 agency.

31
32 SECTION 13. Arkansas Code § 9-27-355(b)(4)(C), concerning the
33 placement of juveniles, is amended to read as follows:

34 (C) The department shall not be ordered to pay the
35 equivalent of board payments ~~or~~, adoption subsidies, or guardianship
36 subsidies, to the relative or other person as reasonable efforts to prevent

1 removal of custody from the relative.

2

3 SECTION 14. Arkansas Code § 9-27-359(b)(1), concerning the fifteenth-
4 month review hearing, is amended to read as follows:

5 (1)(A)(i) The child is being cared for by a relative or
6 relatives; ~~and~~

7 ~~(B)(ii)~~ Termination of parental rights is not in the best
8 interest of the child;

9 (iii) The relative has made a long-term commitment
10 to the child; and

11 (iv) The relative is willing to pursue adoption,
12 guardianship, or permanent custody of the juvenile; or

13 (B)(i) The child is being cared for by his or her parent
14 who is in foster care; and

15 (ii) Termination of parental rights is not in the
16 best interest of the child;

17

18 SECTION 15. Arkansas Code § 9-27-363 is amended to read as follows:
19 9-27-363. Foster youth transition.

20 (a) The General Assembly finds that:

21 (1) A juvenile in foster care should have a family for a
22 lifetime, but too many juveniles in foster care reach the age of majority
23 without being successfully reunited with their biological families and
24 without the security of permanent homes;

25 (2) A juvenile in foster care who is approaching the age of
26 majority shall be provided the opportunity to be actively engaged in the
27 planning of his or her future;

28 (3) The Department of Human Services shall:

29 (A) Include the juvenile in the process of developing a
30 plan to transition the child into adulthood;

31 (B) Empower the juvenile with information about all of the
32 options and services available;

33 (C) Provide the juvenile with the opportunity to
34 participate in services tailored to his or her individual needs and designed
35 to enhance his or her ability to receive the skills necessary to enter
36 adulthood;

1 (D) Assist the juvenile in developing and maintaining
2 healthy relationships with nurturing adults who can be a resource and
3 positive guiding influences in his or her life after he or she leaves foster
4 care; and

5 (E) Provide the juvenile with basic information and
6 documentation regarding his or her biological family and personal history.

7 (b) The department shall develop a transitional plan with every
8 juvenile in foster care not later than the juvenile's seventeenth birthday or
9 within ninety (90) days of entering a foster care program for juveniles who
10 enter foster care at seventeen (17) years of age or older. The plan shall
11 include without limitation written information and confirmation concerning:

12 (1) The juvenile's right to stay in foster care after reaching
13 eighteen (18) years of age for education, treatment, or work and specific
14 programs and services, including without limitation the John H. Chafee Foster
15 Care Independence Program and other transitional services; and

16 (2) The juvenile's case, including his or her biological family,
17 foster care placement history, tribal information, if applicable, and the
18 whereabouts of siblings, if any, unless a court determines that release of
19 information pertaining to a sibling would jeopardize the safety or welfare of
20 the sibling.

21 (c) The department shall assist the juvenile with:

22 (1) Completing applications for:

23 (A) ARKids First, Medicaid, or assistance in obtaining
24 other health insurance;

25 (B) Referrals to transitional housing, if available, or
26 assistance in securing other housing; and

27 (C) Assistance in obtaining employment or other financial
28 support;

29 (2) Applying for admission to a college or university, to a
30 vocational training program, or to another educational institution and in
31 obtaining financial aid, when appropriate; and

32 (3) Developing and maintaining relationships with individuals
33 who are important to the juvenile and who may serve as resources to the
34 juvenile based on his or her best interest.

35 (d) A juvenile and his or her attorney shall fully participate in the
36 development of his or her transitional plan, to the extent that the juvenile

1 is able to participate medically and developmentally.

2 (e) Before closing a case, the department shall provide a juvenile in
3 foster care who reaches eighteen (18) years of age or before leaving foster
4 care, whichever is later, his or her:

5 (1) Social security card;

6 (2) Certified birth certificate or verification of birth record,
7 if available or should have been available to the department;

8 (3) Family photos in the possession of the department;

9 (4)(A) All of the juvenile's health records for the time the
10 juvenile was in foster care and other medical records that were available or
11 should have been available to the department.

12 (B) A juvenile who reaches eighteen (18) years of age and
13 remains in foster care shall not be prevented from requesting that his or her
14 health records remain private; and

15 (5) All of the juvenile's educational records for the time the
16 juvenile was in foster care and any other educational records that were
17 available or should have been available to the department.

18 (f) Within thirty (30) days after the juvenile leaves foster care, the
19 department shall provide the juvenile a full accounting of all funds held by
20 the department to which he or she is entitled, information on how to access
21 the funds, and when the funds will be available.

22 (g) The department shall not request a circuit court to close a family
23 in need of services case or dependency-neglect case involving a juvenile in
24 foster care until the department complies with this section.

25 (h) The department shall provide notice to the juvenile and his or her
26 attorney before a hearing in which the department or another party requests a
27 court to close the case is held.

28 (i) A circuit court shall continue jurisdiction over a juvenile who
29 has reached eighteen (18) years of age to ensure compliance with § 9-28-114.

30 ~~(b)~~ (j) This section does not limit the discretion of a circuit court
31 to continue jurisdiction for other reasons as provided for by law.

32 ~~(e)~~ (k) A court may terminate jurisdiction upon a showing that:

33 (1) The ~~Department of Human Services~~ department has complied
34 with this section; or

35 (2) The juvenile has refused the services.

36

1 SECTION 16. Arkansas Code § 9-27-365(a)(1)(B), concerning no
2 reunification hearing, is amended to read as follows:

3 (B) The motion shall be provided to all parties in writing
4 at least ~~fourteen (14)~~ twenty (20) days before a scheduled hearing.

5
6 SECTION 17. Arkansas Code § 9-27-365(c)(2)(A), concerning no
7 reunification hearing, is amended to add an additional subdivision to read as
8 follows:

9 (vi) A child or a sibling being neglected or abused
10 such that the abuse or neglect could endanger the life of the child.

11
12 SECTION 18. Arkansas Code § 9-27-303(8), concerning the definition of
13 "caretaker", is amended to read as follows:

14 (8) "Caretaker" means a parent, guardian, custodian, foster
15 parent, significant other of the child's parent, or any person ~~ten (10)~~
16 fourteen (14) years of age or older who is entrusted with a child's care by a
17 parent, guardian, custodian, or foster parent, including, but not limited to,
18 an agent or employee of a public or private residential home, child care
19 facility, public or private school, or any person responsible for a child's
20 welfare;

21
22 SECTION 19. Arkansas Code § 9-27-327(a), concerning an adjudication
23 hearing, is amended to add an additional subdivision to read as follows:

24 (3) If the juvenile has previously been adjudicated a dependent-
25 neglected juvenile in the same case in which a motion for a change of custody
26 has been filed to remove the juvenile from the custody of a parent, a
27 subsequent adjudication is required if the ground for the removal is not the
28 same as the ground previously adjudicated.

29
30 SECTION 20. Arkansas Code § 9-27-341(b)(3)(B)(vii)(a), concerning the
31 termination of parental rights, is amended to read as follows:

32 (vii)(a) That other factors or issues arose
33 subsequent to the filing of the original petition for dependency-neglect that
34 demonstrate that ~~return~~ placement of the juvenile ~~to~~ in the custody of the
35 parent is contrary to the juvenile's health, safety, or welfare and that,
36 despite the offer of appropriate family services, the parent has manifested

1 the incapacity or indifference to remedy the subsequent issues or factors or
2 rehabilitate the parent's circumstances that prevent ~~return~~ the placement of
3 the juvenile ~~to~~ in the custody of the parent.
4

5 SECTION 21. Arkansas Code § 9-27-355(b)(3)(B)(iii), concerning the
6 placement of juveniles, is amended to read as follows:

7 (iii) Until the relative's home is opened as a
8 regular foster home, the relative may:

9 (a) ~~apply~~ Apply for and receive benefits for
10 which the relative may be entitled due to the placement of the juvenile in
11 the home, such as benefits under the Transitional Employment Assistance
12 Program, § 20-76-401, and ~~food stamps~~ the Supplemental Nutrition Assistance
13 Program (SNAP); and

14 (b) Receive child support of any federal
15 benefits paid on behalf of the juvenile in the relative's home; and
16

17
18 /s/Broadaway
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21 **APPROVED: 04/10/2013**
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