

1 State of Arkansas
2 89th General Assembly
3 Regular Session, 2013
4

As Engrossed: S3/14/13

A Bill

HOUSE BILL 1684

5 By: Representative Lampkin
6 *By: Senator J. Woods*
7

For An Act To Be Entitled

9 AN ACT TO ADD FICTIVE KIN AS A PLACEMENT OPTION FOR
10 JUVENILES; TO DEFINE FICTIVE KIN; AND FOR OTHER
11 PURPOSES.
12
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Subtitle

15 TO ADD FICTIVE KIN AS A PLACEMENT OPTION
16 FOR JUVENILES; AND TO DEFINE FICTIVE KIN.
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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 § 9-27-355(b)(3)(B), concerning the placement
22 of juveniles, is amended to read as follows:

23 (B) For placement only with a relative or fictive kin:

24 (i) The juvenile and the juvenile's siblings or
25 step-siblings may be placed in the home of a relative or fictive kin on a
26 provisional basis for up to six (6) months pending the ~~relative's~~ relative or
27 fictive kin's home being opened as a regular foster home;

28 (ii) If the relative or fictive kin opts to have his
29 or her home opened as a provisional foster home, the relative or fictive kin
30 shall not be paid a board payment until the relative or fictive kin meets all
31 of the requirements and his or her home is opened as a regular foster home;

32 (iii) Until the ~~relative's~~ relative or fictive kin's
33 home is opened as a regular foster home, the relative or fictive kin may
34 ~~apply:~~

35 (a) Apply for and receive benefits ~~for which~~
36 ~~the that the~~ relative or fictive kin may be entitled to due to the placement



1 of the juvenile in the home, such as benefits under the Transitional
 2 Employment Assistance Program, § 20-76-401, and ~~food stamps~~ Supplemental
 3 Nutrition Assistance Program (SNAP); and

4 (b) Receive child support or any federal
 5 benefits paid on behalf of the juvenile in the relative or fictive kin's
 6 home; and

7 (iv) If the ~~relative's~~ relative or fictive kin's
 8 home is not fully licensed as a foster home after six (6) months of the
 9 placement of the juvenile and the siblings or step-siblings in the home:

10 (a) The department shall remove the juvenile
 11 and any of the siblings or step-siblings from the ~~relative's~~ relative or
 12 fictive kin's home and close the ~~relative's~~ relative or fictive kin's
 13 provisional foster home; or

14 (b) The court shall remove custody from the
 15 department and grant custody of the juvenile to the relative or fictive kin
 16 subject to the limitations outlined in subdivision (b)(4) of this section.

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 18 SECTION 2. Arkansas Code § 9-28-108(a), concerning the placement of
 19 juveniles, is amended to read as follows:

20 (a) As used in this section:;

21 (1) "Fictive kin" means a person not related to a child by blood
 22 or marriage, but who has a strong positive emotional tie to a child and has a
 23 positive role in the child's life, such as a godparent, neighbor, or family
 24 friend; and

25 (2) "~~relative~~ "Relative" means a person within the fifth degree
 26 of kinship by virtue of blood or adoption.

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 28 SECTION 3. Arkansas Code § 9-28-108(c)(4), concerning the placement of
 29 juveniles, is amended to read as follows:

30 (4)(A) The juvenile shall remain in a licensed or approved
 31 foster home, shelter, or facility or an exempt child welfare agency as
 32 defined under § 9-28-402 until:

33 (i) The home is opened as a regular foster home;

34 (ii) The home is opened as a provisional foster
 35 home, if the person is a relative or fictive kin to one (1) of the children
 36 in the sibling group, including step-siblings; or

1 (iii) The court grants custody of the juvenile to
2 the relative or ~~person~~ fictive kin after a written approved home study is
3 presented to the court.

4 (B) For placement with a relative or fictive kin:

5 (i) The juvenile and his or her siblings or step-
6 siblings may be placed in the home of a relative or fictive kin of the
7 juvenile on a provisional basis no more than six (6) months pending the home
8 of the relative or fictive kin being opened as a regular foster home;

9 (ii) If the relative or fictive kin chooses to have
10 his or her home opened as a provisional foster home, the relative or fictive
11 kin shall not be paid a board payment until:

12 (a) The relative or fictive kin meets all of
13 the foster home requirements; and

14 (b) The home of the relative or fictive kin is
15 opened as a regular foster home;

16 (iii) The relative or fictive kin may apply for and
17 receive benefits that the relative or fictive kin may be entitled to based on
18 the placement of the juvenile in the home, such as benefits under the
19 Transitional Employment Assistance Program, § 20-76-401, and ~~food-stamps~~
20 Supplemental Nutrition Assistance Program (SNAP), until the home of the
21 relative or fictive kin is opened as a regular foster home; and

22 (iv) If the home of the relative or fictive kin is
23 not fully licensed as a foster home after six (6) months of the placement of
24 the juvenile and any siblings or step-siblings in the home:

25 (a) The department shall remove the juvenile
26 and any siblings or step-siblings from the ~~relative's~~ relative or fictive
27 kin's home and close the provisional foster home of the relative or fictive
28 kin; or

29 (b) The court shall remove custody of the
30 juvenile and any siblings or step-siblings from the department and grant
31 custody to the relative or fictive kin subject to the limitations outlined in
32 subdivision (c)(5) of this section.

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34 SECTION 4. Arkansas Code § 9-28-402(15), concerning the definition of
35 "provisional foster home", is amended to read as follows:

36 (15) "Provisional foster home" means a foster home opened for no

1 more than six (6) months by the Division of Children and Family Services of
2 the Department of Human Services for a relative or fictive kin of a child in
3 the custody of the division after it:

4 (A) Conducts a health and safety check, including a
5 central registry check and a criminal background check or a check with local
6 law enforcement, of the ~~relative's~~ relative or fictive kin's home; and

7 (B) Performs a visual inspection of the home of the
8 relative or fictive kin to verify that the relative or fictive kin and the
9 home will meet the standards for opening a regular foster home;

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11 */s/Lampkin*

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14 **APPROVED: 03/21/2013**

