

1 State of Arkansas
2 91st General Assembly
3 Regular Session, 2017
4

A Bill

SENATE BILL 17

5 By: Senator A. Clark
6 By: Representatives Gates, Hammer
7

For An Act To Be Entitled

8
9 AN ACT TO AMEND PROVISIONS IN THE CHILD MALTREATMENT
10 ACT; TO AMEND PROVISIONS IN THE JUVENILE CODE; TO
11 AMEND PROVISIONS CONCERNING THE PLACEMENT OF
12 JUVENILES; AND FOR OTHER PURPOSES.
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Subtitle

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16 TO AMEND PROVISIONS IN THE CHILD
17 MALTREATMENT ACT; TO AMEND PROVISIONS IN
18 THE JUVENILE CODE; AND TO AMEND
19 PROVISIONS CONCERNING THE PLACEMENT OF
20 JUVENILES.
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23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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25 SECTION 1. Arkansas Code § 9-27-313(c), concerning taking a juvenile
26 into custody, is amended to read as follows:

27 (c) When a police officer, law enforcement, or designated employee of
28 the Department of Human Services takes custody of a juvenile under § 12-18-
29 1001, he or she shall:

30 (1)(A) Notify the department and make every effort possible to
31 notify the custodial parent, noncustodial parent, guardian, or custodian of
32 the juvenile's location.

33 (B) When the department is notified under subdivision
34 (c)(1)(A) of this section, the assigned caseworker shall be informed by the
35 person who initiated the investigation under § 12-18-602 of the reasons for
36 removal of the juvenile from the home of the custodial parent, noncustodial



1 parent, guardian, or custodian.

2 ~~(B)~~(C) The notification to the custodial parent,
3 noncustodial parent, guardian, or custodian of the juvenile under subdivision
4 (c)(1)(A) of this section shall be in writing and shall include a notice:

5 (i) That the juvenile has been taken into foster
6 care;

7 (ii) Of the name, location, and phone number of the
8 person at the department whom the custodial parent, noncustodial parent,
9 guardian, or custodian of the juvenile can contact about the juvenile;

10 (iii) Of the rights of the juvenile and the rights
11 of the custodial parent, noncustodial parent, guardian, or custodian of the
12 juvenile to receive a copy of any petition filed under this subchapter;

13 (iv) Of the location and telephone number of the
14 court; and

15 (v) Of the procedure for obtaining a hearing; or

16 (2) Return the juvenile to his or her home.

17
18 SECTION 2. Arkansas Code § 9-27-314(a)(3), concerning emergency
19 orders, is amended to read as follows:

20 (3) In any case in which there is probable cause to believe that
21 a juvenile is a dependent juvenile as defined in this subchapter, the court
22 shall issue an ex parte order for emergency custody placing custody of the
23 dependent juvenile with the department or an adult relative or fictive kin
24 under § 9-27-355(b).

25
26 SECTION 3. Arkansas Code § 9-28-105 is amended to read as follows:

27 9-28-105. Preference to relative caregivers for a child in foster care.

28 In all custodial placements by the Department of Human Services in
29 emergency placements, foster care, or adoption, preferential consideration
30 shall be given to an adult relative or fictive kin ~~over a nonrelated~~
31 ~~caregiver~~, if:

32 (1) The ~~relative caregiver~~ adult relative or fictive kin meets
33 all relevant child protection standards; and

34 (2) It is in the best interest of the child to be placed with
35 the ~~relative caregiver~~ adult relative or fictive kin.

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1 SECTION 4. Arkansas Code § 9-28-111(d), concerning case plans, is
2 repealed.

3 ~~(d) The case plan is subject to court review and approval.~~
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5 SECTION 5. Arkansas Code § 12-18-1001(c), concerning protective
6 custody generally, is amended to add additional subdivisions to read as
7 follows:

8 (c)(1) If the department assesses the health and safety of a child and
9 determines that there is an immediate danger to the health or physical well-
10 being of the child in the care, custody, or control of the legal parent,
11 guardian, or custodian, the department shall place the child into protective
12 custody ~~and shall not direct or allow the legal parent, guardian, or~~
13 ~~custodian to place the child in the care, custody, or control of another~~
14 ~~person.~~

15 (2) The legal parent, guardian, or custodian of the child who is
16 placed into protective custody under subdivision (c)(1) of this section may
17 request that the child be placed in the temporary custody of an adult
18 relative or fictive kin of the child under § 9-27-355(b), and the department
19 shall comply with the request if:

20 (A) The adult relative or fictive kin meets all relevant
21 child protection standards; and

22 (B) It is in the best interest of the child to be placed
23 with the adult relative or fictive kin.

24 (3) If a child is placed into protective custody under
25 subdivision (c)(1) of this section, the person who initiated the
26 investigation under § 12-18-602 shall meet with the assigned caseworker
27 within twenty-four (24) hours to discuss the reasons for the removal of the
28 child from the home of the legal parent, guardian, or custodian.
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30 SECTION 6. Arkansas Code § 12-18-1001(d), concerning protective
31 custody generally, is amended to add an additional subdivision to read as
32 follows:

33 (d)(1) If the department assesses the health and safety of a child and
34 determines that the child cannot safely remain in the care, custody, or
35 control of the legal parent, guardian, or custodian without the
36 implementation of a protection plan, the department shall file a petition for

1 dependency-neglect.

2 (2) If the department determines under subdivision (d)(1) of
3 this section that the implementation of a protection plan is necessary, the
4 department is not required to seek court approval of the protection plan.
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6 SECTION 7. Arkansas Code § 12-18-1008 is amended to read as follows:
7 12-18-1008. Removal from home – Procedure.

8 (a) If an investigation under this chapter determines that the child
9 cannot safely remain at home, the Department of Human Services shall take
10 steps to remove the child under custody as outlined in this chapter or
11 pursuant to the Arkansas Juvenile Code of 1989, § 9-27-301 et seq.

12 (b) After the Department of Human Services has removed the child, the
13 child shall be placed in a licensed or approved foster home, shelter, or
14 facility, or an exempt child welfare agency as defined at § 9-28-402(12), or
15 the home of an adult relative or fictive kin under § 9-28-105 or § 9-27-
16 355(b).

17 (c)(1) ~~No one~~ An individual or entity, including the family of a
18 child, the Department of Human Services, the Department of Arkansas State
19 Police, or local law enforcement shall not allow a child to be placed in a
20 nonapproved or nonlicensed foster home, shelter, or facility.

21 (2) Subdivision (c)(1) of this section does not prohibit the
22 placement of a child in the home of an adult relative or fictive kin under §
23 9-28-105 or § 9-27-355(b).
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