

ARKANSAS SENATE
89th General Assembly - Regular Session, 2013
Amendment Form

Subtitle of Senate Bill No. 433

CONCERNING PERMANENCY PLANNING HEARINGS.

Amendment No. 1 to Senate Bill No. 433

Amend Senate Bill No. 433 as originally introduced:

Page 2, line 18, delete "\$ 9-27-338(c)(1) and (2)" and substitute "\$ 9-27-338(c)"

AND

Page 2, delete line 23 and substitute:

"goals, listed in order of preference, in accordance with the best interest, health, and safety of"

AND

Page 2, delete lines 25 through 31 and substitute:

~~"(1) Returning the juvenile to the parent, guardian, or custodian at the permanency planning hearing if it is in the best interest of the juvenile and the juvenile's health and safety can be adequately safeguarded if returned home~~ Placing custody of the juvenile with a fit parent at the permanency planning hearing;

(2) Returning the juvenile to the guardian or custodian from whom the juvenile was initially removed at the permanency planning hearing;

~~(2)(3)~~ Authorizing a plan to return place custody of the juvenile to the with a parent, guardian, or custodian only if the court finds that:

(A)(i) The parent, guardian, or custodian is complying with the established case plan and orders of the court, making significant measurable progress toward achieving the goals established in the case plan and diligently working toward reunification or placement in the home of the parent, guardian, or custodian.

(ii) A parent's, guardian's, or custodian's resumption of contact or overtures toward participating in the case plan or following the orders of the court in the months or weeks immediately preceding the permanency planning hearing are insufficient grounds for authorizing a plan to return or be placed in the home as the permanency plan.



(iii) The burden is on the parent, guardian, or custodian to demonstrate genuine, sustainable investment in completing the requirements of the case plan and following the orders of the court in order to authorize a plan to return or be placed in the home as the permanency goal;

(B) The parent, guardian, or custodian is making significant and measurable progress toward remedying the conditions that:

~~(i) caused~~ Caused the juvenile's removal and the juvenile's continued removal from the home; ~~and or~~

(ii) Prohibit placement of the juvenile in the home of a parent; and

(C) ~~The return~~ Placement of the juvenile ~~to~~ in the home of the parent, guardian, or custodian shall occur ~~within a time frame that is~~ within a time frame consistent with the juvenile's developmental needs but no later than three (3) months from the date of the permanency planning hearing;

~~(3)(4)~~ (4) Authorizing a plan for adoption with the department filing a petition for termination of parental rights unless:

~~(A) The juvenile is being cared for by a relative, including a minor foster child caring for his or her own child who is in foster care, and termination of parental rights is not in the best interest of the juvenile; and the court finds that:~~

(i) Either:

(a) The relative has made a long-term commitment to the child and the relative is willing to pursue guardianship or permanent custody; or

(b) The juvenile is being cared for by his or her minor parent who is in foster care; and

(ii) Termination of parental rights is not in the best interest of the juvenile;

(B) The department has documented in the case plan a compelling reason why filing such a petition is not in the best interest of the juvenile and the court approves the compelling reason as documented in the case plan; or

(C)(i) The department has not provided to the family of the juvenile, consistent with the time period in the case plan, such services as the department deemed necessary for the safe return of the juvenile to the juvenile's home if reunification services were required to be made to the family.

(ii) If the department has failed to provide services as outlined in the case plan, the court shall schedule another permanency planning hearing for no later than six (6) months;

~~(4)(5)~~ (5) Authorizing a plan to obtain a guardian for the juvenile;

~~(5)(6)~~ (6) Authorizing a plan to obtain a permanent custodian, including permanent custody with a fit and willing relative; or

~~(6)(A)(7)(A)~~ (7)(A) Authorizing a plan for another planned permanent living arrangement that ~~shall include~~ includes a permanent planned living arrangement and addresses the quality of services, including, but not limited to, independent living services, if age appropriate, and a plan for the supervision and nurturing the juvenile will receive.

(B) Another Planned Permanent Living Arrangement (APPLA) shall be selected only if the department has documented to the circuit court a compelling reason for determining that it would not be in the best interest

of the child to follow one (1) of the permanency plans identified in subdivisions (c)(1)-~~(5)~~(7) of this section.

The Amendment was read the first time, rules suspended and read the second time and _____

By: Senator R. Thompson

BPG/LNS - 03-04-2013 11:59:52

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Secretary