

ARKANSAS SENATE
90th General Assembly - Regular Session, 2015
Amendment Form

Subtitle of Senate Bill No. 987

TO IDENTIFY WHO MAY TAKE A JUVENILE INTO CUSTODY; TO REQUIRE NOTICE TO AN
ATTORNEY AD LITEM WHEN A JUVENILE IS TAKEN INTO CUSTODY.

Amendment No. 1 to Senate Bill No. 987

Amend Senate Bill No. 987 as originally introduced:

Page 3, delete lines 5 through 36, and substitute the following:

"SECTION 4. Arkansas Code § 9-27-327(a)(1), concerning adjudication hearings under the Arkansas Juvenile Code, is amended to add additional subdivisions to read as follows:

(a)(1)(A) An adjudication hearing shall be held to determine whether the allegations in a petition are substantiated by the proof.

(B)(i) If the court finds that the juvenile is dependent-neglected, the court shall address whether a noncustodial parent contributed to the dependency-neglect and whether the noncustodial parent is a fit parent for purposes of custody or visitation.

(ii) If the court determines that the child cannot safely be placed in the custody of the noncustodial parent, the court shall make specific findings of fact regarding the safety factors that need to be corrected by the noncustodial parent before placement or visitation with the juvenile.

SECTION 5. Arkansas Code § 9-27-341(b)(3)(B)(i), concerning the permanent termination of parental rights, is amended to read as follows:

(i)(a) That a juvenile has been adjudicated by the court to be dependent-neglected and has continued to be out of the custody of the parent for twelve (12) months and, despite a meaningful effort by the department to rehabilitate the parent and correct the conditions that caused removal, those conditions have not been remedied by the parent.

(b) That a juvenile has been adjudicated by the court to be dependent-neglected and has continued out of the home of the noncustodial parent for twelve (12) months and, despite a meaningful effort by the department to rehabilitate the parent and correct the conditions that prevented the child from safely being placed in the parent's home, the conditions have not been remedied by the parent.

~~(b)(c)~~ (c) It is not necessary that the twelve-month period referenced in subdivision (b)(3)(B)(i)(a) of this section immediately precede the filing of the petition for termination of parental



rights or that it be for twelve (12) consecutive months;

SECTION 6. Arkansas Code § 9-27-341(b)(3)(B)(ix)(a)(3)(B), concerning the definition of "aggravated circumstances" regarding the termination of parental rights, is amended to read as follows:

(B) "Aggravated circumstances"

means:

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

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

(iii) A child or a sibling has been neglected or abused to the extent that the abuse or neglect could endanger the life of the child;

SECTION 7. Arkansas Code § 9-27-365(c)(2)(A), concerning grounds for a no reunification hearing, is amended to read as follows:

(A) A circuit court has determined that the parent, guardian, custodian, or non-custodial parent has subjected the child to aggravated circumstances that include:

(i) A child being abandoned;

(ii) A child being chronically abused;

(iii) A child being sexually exploited;

~~(iii)~~(iv) A child being subjected to extreme or repeated cruelty or sexual abuse;

~~(iv)~~(v) A determination by a circuit judge that there is little likelihood that services to the family will result in successful reunification; ~~or~~

~~(v)~~(vi) A child has been removed from the custody of the parent or guardian and placed in foster care or the custody of another person three (3) or more times in the past fifteen (15) months; or

~~(vi)~~(vii) A child or a sibling being neglected or abused such that the abuse or neglect could endanger the life of the child; or"

AND

Page 4, delete lines 1 through 9

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

By: Senator J. Woods
MGF/RJW - 03-12-2015 12:34:00
MGF265

Secretary