

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 87th General Assembly
3 Regular Session, 2009

A Bill

SENATE BILL 359

4
5 By: Senators Madison, Salmon, Teague, J. Key, D. Johnson, Bryles, R. Thompson, P. Malone, Glover,
6 Whitaker

7 By: Representative Powers

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For An Act To Be Entitled

10 AN ACT TO CREATE THE ARKANSAS FOSTER YOUTH
11 TRANSITIONAL PLAN; AND FOR OTHER PURPOSES.
12

Subtitle

13 AN ACT TO CREATE THE ARKANSAS FOSTER
14 YOUTH TRANSITIONAL PLAN.
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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 Title 9, Chapter 27, Subchapter 3 is amended
22 to add a new section to read as follows:

23 § 9-27-363. Foster youth transition.

24 (a) The General Assembly finds that:

25 (1) Every juvenile in foster care should have a family for a
26 lifetime. However, the reality is that too many juveniles who are in foster
27 care reach the age of majority without being successfully reunited with their
28 biological families and without the security of permanent homes.

29 (2) A child in foster care who is approaching the age of
30 majority shall be provided the opportunity to be actively engaged in the
31 planning of his or her future.

32 (3) The Department of Human Services shall:

33 (A) Include the child in the process of developing a plan
34 to transition the child into adulthood;

35 (B) Empower the child with information about all of the
36 options and services available;



1 (C) Provide the child with the opportunity to participate
2 in services tailored to his or her individual needs and designed to enhance
3 his or her ability to receive the skills necessary to enter into adulthood;

4 (D) Assist the child in developing and maintaining healthy
5 relationships with nurturing adults who can be a resource and positive
6 guiding influence in his or her life after he or she leaves foster care; and

7 (E) Provide the child with basic information and
8 documentation regarding his or her biological family and personal history.

9 (b) The Department of Human Services shall develop a transitional plan
10 with every juvenile in foster care not later than the juvenile's seventeenth
11 birthday or within ninety (90) days of entering a foster care program for
12 juveniles who enter foster care at seventeen (17) years of age or older. The
13 plan shall include but not be limited to written information and confirmation
14 concerning:

15 (1) The juvenile's right to stay in foster care after reaching
16 eighteen (18) years of age for education, treatment, or work and specific
17 programs and services, including but not be limited to the John H. Chafee
18 Foster Care Independence Program and other transitional services; and

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

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

25 (1) Completing applications for:

26 (A) ARKids First, Medicaid, or assistance in obtaining
27 other health insurance;

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

30 (C) Assistance in obtaining employment or other financial
31 support;

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

35 (3) Developing and maintaining relationships with individuals
36 who are important to the juvenile and who may serve as a resource to the

1 juvenile based on his or her best interests.

2 (d) A juvenile and his or her attorney shall fully participate in the
3 development of his or her transitional plan, to the extent that the juvenile
4 is able to participate medically and developmentally.

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

8 (1) Social security card;

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

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

12 (4)(A) All the juvenile's health records for the time the
13 juvenile was in foster care and any other medical records that were available
14 or should have been available to the department.

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

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

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

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

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

31 (i)(1) A circuit court shall continue jurisdiction over a juvenile who
32 has reached eighteen (18) years of age to ensure compliance with this
33 section.

34 (2) This section does not limit the discretion of a circuit
35 court to continue jurisdiction for other reasons as provided for by law.

36 (3) A court may terminate jurisdiction upon a showing that:

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(A) The department has complied with this section; or
(B) The juvenile has refused the services.