

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

# A Bill

HOUSE BILL 2029

5 By: Representative Vines  
6

## For An Act To Be Entitled

8 AN ACT CONCERNING THE DEFINITION OF "CUSTODIAN"; AND  
9 CONCERNING WHO HAS A RIGHT TO COUNSEL IN DEPENDENCY-  
10 NEGLECT PROCEEDINGS; AND FOR OTHER PURPOSES.  
11

## Subtitle

12  
13 CONCERNING THE DEFINITION OF "CUSTODIAN";  
14 AND CONCERNING WHO HAS A RIGHT TO COUNSEL  
15 IN DEPENDENCY-NEGLECT PROCEEDINGS.  
16  
17

18  
19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
20

21 SECTION 1. Arkansas Code § 9-27-303(14), concerning the definition of  
22 custodian, is amended to read as follows:

23 (14)(A) "Custodian" means a person other than a parent or legal  
24 guardian who stands in loco parentis to the juvenile or a person, agency, or  
25 institution to whom a court of competent jurisdiction has given custody of a  
26 juvenile by court order;.

27 (B) For the purposes of who has a right to counsel under § 9-27-  
28 316(h), "custodian" includes a person to whom a court of competent  
29 jurisdiction has given custody, including a legal guardian;  
30

31 SECTION 2. Arkansas Code § 9-27-316(h)(1), concerning who has a right  
32 to counsel in dependency-neglect proceedings, is amended to read as follows:

33 (h)(1)(A) All parents and custodians have a right to counsel in all  
34 dependency-neglect proceedings.

35 (B) In all dependency-neglect proceedings that set out to  
36 remove legal custody from a parent or custodian, the parent or custodian from



1 whom custody was removed shall have the right to be appointed counsel, and  
2 the court shall appoint counsel if the court makes a finding that the parent  
3 or custodian from whom custody was removed is indigent and counsel is  
4 requested by the parent or custodian.

5 (C) Parents and custodians shall be advised in the  
6 dependency-neglect petition or the ex parte emergency order, whichever is  
7 sooner, and at the first appearance before the court, of the right to counsel  
8 and the right to appointed counsel, if eligible.

9 (D) All parents shall have the right to be appointed  
10 counsel in termination of parental rights hearings, and the court shall  
11 appoint counsel if the court makes a finding that the parent is indigent and  
12 counsel is requested by the parent.

13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36