

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

As Engrossed: S3/5/13

A Bill

SENATE BILL 433

5 By: Senator R. Thompson
6 By: Representatives Fite, Vines
7

For An Act To Be Entitled

9 AN ACT CONCERNING PERMANENCY PLANNING HEARINGS; AND
10 FOR OTHER PURPOSES.
11

Subtitle

12 CONCERNING PERMANENCY PLANNING HEARINGS.
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17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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19 SECTION 1. Arkansas Code § 9-27-337(a) – (c), concerning the six-month
20 review in cases of dependency-neglect or families in need of services, is
21 amended to read as follows:

22 (a)(1) The court shall review every case of dependency-neglect or
23 families in need of services when:

24 (A) A juvenile is placed by the court in the custody of
25 the Department of Human Services or in another out-of-home placement until
26 there is a permanent order of custody, guardianship, or other permanent
27 placement for the juvenile; or

28 (B) A juvenile is returned to the parent from whom the
29 child was removed, another fit parent, guardian, or custodian and the court
30 has not discontinued orders for family services.

31 (2)(A) The first six-month review shall be held no later than
32 six (6) months from the date of the original out-of-home placement of the
33 child and shall be scheduled by the court following the adjudication and
34 disposition hearing.

35 (B) It shall be reviewed every six (6) months thereafter
36 until permanency is achieved.



1 (b)~~(1)~~ The court may require these cases to be reviewed prior to the
 2 sixth month review hearing, and the court shall announce the date, time, and
 3 place of the hearing.

4 ~~(2)(A) If a court requires a case to be reviewed prior to the~~
 5 ~~sixth month, the court shall announce the date, time, and place of hearing.~~

6 ~~(B) In all other cases, it shall be the duty of the~~
 7 ~~petitioner at least sixty (60) days prior to date the date of the required~~
 8 ~~six month review to request that the court:~~

9 ~~(i) Set the review hearing;~~

10 ~~(ii) Provide reasonable notices; and~~

11 ~~(iii) Serve notice on all parties in accordance with~~
 12 ~~the Arkansas Rules of Civil Procedure.~~

13 (c) At any time during the pendency of any case of dependency-neglect
 14 or families in need of services in which an out-of-home placement has
 15 occurred, any party may request the court to review the case, and the party
 16 requesting the hearing shall provide reasonable notice to all parties.

17
 18 SECTION 2. Arkansas Code § 9-27-338(c), concerning permanency goals at
 19 the permanency planning hearing, is amended to read as follows:

20 (c) At the permanency planning hearing, based upon the facts of the
 21 case, the circuit court shall enter one (1) of the following permanency
 22 goals, *listed in order of preference, in accordance with the best interest,*
 23 *health, and safety of the juvenile:*

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

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

31 ~~(2)(3) Authorizing a plan to ~~return~~ place custody of the~~
 32 ~~juvenile ~~to the~~ with a parent, guardian, or custodian only if the court finds~~
 33 ~~that:~~

34 ~~(A)(i) The parent, guardian, or custodian is complying~~
 35 ~~with the established case plan and orders of the court, making significant~~
 36 ~~measurable progress toward achieving the goals established in the case plan~~

1 and diligently working toward reunification or placement in the home of the
 2 parent, guardian, or custodian.

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

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

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

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

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

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

23 ~~(3)(4)~~ Authorizing a plan for adoption with the department
 24 filing a petition for termination of parental rights unless:

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

29 (i) Either:

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

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

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

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

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

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

13 ~~(4)(5)~~ Authorizing a plan to obtain a guardian for the juvenile;
14 ~~(5)(6)~~ Authorizing a plan to obtain a permanent custodian,
15 including permanent custody with a fit and willing relative; or

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

21 (B) Another Planned Permanent Living Arrangement (APPLA)
22 shall be selected only if the department has documented to the circuit court
23 a compelling reason for determining that it would not be in the best interest
24 of the child to follow one (1) of the permanency plans identified in
25 subdivisions (c)(1)-~~(5)(7)~~ of this section.

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27 /s/R. Thompson
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