

1 State of Arkansas
2 91st General Assembly
3 Regular Session, 2017
4

As Engrossed: H3/23/17

A Bill

HOUSE BILL 1381

5 By: Representative Gazaway
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For An Act To Be Entitled

8 AN ACT TO AMEND THE GROUNDS FOR DENYING PERMANENCY
9 PLANS THAT PLACE JUVENILES IN THE CUSTODY OF A
10 PARENT, GUARDIAN, OR CUSTODIAN; AND FOR OTHER
11 PURPOSES.
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Subtitle

14 TO AMEND THE GROUNDS FOR DENYING
15 PERMANENCY PLANS THAT PLACE JUVENILES IN
16 THE CUSTODY OF A PARENT, GUARDIAN, OR
17 CUSTODIAN.
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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23 *SECTION 1. Arkansas Code § 9-27-339(c)(3), concerning a court's*
24 *authorization of a permanency plan that requires placing a juvenile in the*
25 *custody of a parent, custodian, or guardian, is amended to read as follows:*

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

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

33 *(b) The court shall consider all relevant*
34 *factors that may include without limitation whether the parent, guardian, or*
35 *custodian maintained consistent contact with the department, participated in*
36 *the case plan, followed the orders of the court, and visited the juvenile for*



1 a substantial period of time before the permanency planning hearing.

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

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

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

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

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

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

23
24 SECTION 2. Arkansas Code § 9-27-338, concerning permanency planning
25 hearings, is amended to add an additional subsection to read as follows:

26 (h)(1) The court shall determine if establishing concurrent permanency
27 planning goals is appropriate.

28 (2) If the court determines that establishing concurrent
29 permanency planning goals is appropriate, the court shall establish all
30 appropriate permanency planning goals subject to the requirements of this
31 section.

32 (3) If the court sets a goal of adoption, reunification services
33 shall continue to be provided unless the court:

34 (A) Determines that the reunification services are no
35 longer needed;

36 (B) Terminates parental rights; or

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(C) Otherwise finalizes a permanency plan for the juvenile.

/s/Gazaway