1	State of Arkansas		A D:11	
2	93rd General Assembly		A Bill	
3	Regular Session, 2021			HOUSE BILL 1736
4				
5	By: Representative Furman			
6	By: Senator K. Hammer			
7				_
8		For An	Act To Be Entitled	1
9	AN ACT TO A	MEND THE LA	AW CONCERNING THE F	RIGHT OF A
10	JUVENILE TO	REMAIN IN	FOSTER CARE AFTER	REACHING THE
11	AGE OF MAJO	RITY; AND H	FOR OTHER PURPOSES.	
12				
13				
14			Subtitle	
15	TO AME	ND THE LAW	CONCERNING THE RI	GHT OF
16	A JUVE	NILE TO RE	MAIN IN FOSTER CAR	E AFTER
17	REACHI	NG THE AGE	OF MAJORITY.	
18				
19				
20	BE IT ENACTED BY THE GE	NERAL ASSEN	IBLY OF THE STATE (	OF ARKANSAS:
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22	SECTION 1. Arkan	sas Code §	9-27-306(a)(1)(B)	(ii), concerning the
23	jurisdiction of the cou	rt under th	ne Arkansas Juvenil	le Code of 1989, is
24	amended to read as foll	ows:		
25		(ii) A ju	venile may contact	t his or her attorney ad
26	litem to petition the c	ourt to ret	turn to the court's	s jurisdiction <del>to receive</del>
27	<del>independent living or t</del>	ransitional	<del>l services</del> if the <u>f</u>	juvenile:
28		(a)	Was adjudicated d	lependent or dependent-
29	neglected;			
30		(b)	Was in foster car	re at eighteen (18) years
31	of age;			
32		(c)	Left foster care	but desires to submit to
33	the jurisdiction of the	court befo	ore reaching twenty	-one (21) years of age to
34	benefit from <del>independen</del>	t living or	<del>r transitional serv</del>	<del>vices</del> <u>extended foster</u>
35	<u>care; <del>or</del> and</u>			
36		(d)	<del>Left foster care</del>	and decides to submit to



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1 the jurisdiction of the court and return to foster care to receive 2 transitional services Had his or request to reenter extended foster care 3 denied by the department under § 9-28-114; 4 5 SECTION 2. Arkansas Code § 9-27-306(f), concerning the jurisdiction of 6 the court under the Arkansas Juvenile Code of 1989, is amended to read as 7 follows: 8 If a juvenile over eighteen (18) years of age who is allowed to (f) 9 reenter extended foster care fails to be engaged in or have a viable plan to 10 participate in a course of instruction or treatment or is not working at least eighty (80) hours per month toward gaining self-sufficiency meet the 11 12 requirements in subdivision (a)(1)(B)(i)(a) of this section or have a viable 13 plan to meet the requirements of subdivision (a)(1)(B)(i)(a) of this section 14 for more than sixty (60) days, the department may file a motion to terminate 15 the jurisdiction of the court and discharge the juvenile from foster care. 16 17 SECTION 3. Arkansas Code § 9-27-363(b)(2), concerning foster youth 18 transition under the Arkansas Juvenile Code of 1989, is amended to read as 19 follows: 20 The plan shall include without limitation written (2) information and confirmation concerning: 21 22 (A) The juvenile's right to stay in foster care after 23 reaching eighteen (18) years of age for education, treatment, or work and 24 specific programs and services, including without limitation the John H. 25 Chafee Foster Care Program for Successful Transition to Adulthood and other transitional services; and 26 27 The juvenile's right to remain in extended foster care (B) after reaching eighteen (18) years of age if the juvenile is: 28 (i) Completing secondary education or a program 29 30 leading to an equivalent credential; 31 (ii) Enrolled in an institution that provides post-32 secondary or vocational education; 33 (iii) Participating in a program or activity 34 designed to promote or remove barriers to employment; 35 (iv) Employed for at least eighty (80) hours per 36 month; or

1	(v) Incapable of doing one (1) or more of the			
2	activities listed in subdivisions (b)(2)(B)(i)-(v) of this section due to a			
3	medical condition, which incapability is supported by regularly updated			
4	information in the case plan of the juvenile; and			
5	(C) The juvenile's case, including his or her biological			
6	family, foster care placement history, tribal information, if applicable, and			
7	the whereabouts of siblings, if any, unless a court determines that release			
8	of information pertaining to a sibling would jeopardize the safety or welfare			
9	of the sibling.			
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11	SECTION 4. Arkansas Code § 9-28-114(a)(3), concerning foster youth			
12	transition, is amended to add additional subdivisions to read as follows:			
13	(F) Offer an extended foster care program that provides:			
14	(i) Case management services and supports; and			
15	(ii) Financial assistance with room and board costs			
16	for a juvenile who:			
17	(a) Was adjudicated dependent or dependent-			
18	neglected;			
19	(b) Was in foster care at eighteen (18) years			
19 20	(b) Was in foster care at eighteen (18) years of age but is not yet twenty-one (21) years of age or such other age as may			
20	of age but is not yet twenty-one (21) years of age or such other age as may			
20 21	of age but is not yet twenty-one (21) years of age or such other age as may be required under federal law;			
20 21 22	of age but is not yet twenty-one (21) years of age or such other age as may be required under federal law; (c) Wishes to participate in extended foster			
20 21 22 23	of age but is not yet twenty-one (21) years of age or such other age as may be required under federal law; (c) Wishes to participate in extended foster care to benefit from the program; and			
20 21 22 23 24	of age but is not yet twenty-one (21) years of age or such other age as may be required under federal law; (c) Wishes to participate in extended foster care to benefit from the program; and (d) Is:			
20 21 22 23 24 25	of age but is not yet twenty-one (21) years of age or such other age as may be required under federal law; (c) Wishes to participate in extended foster care to benefit from the program; and (d) Is: (1) Completing secondary education or a			
20 21 22 23 24 25 26	of age but is not yet twenty-one (21) years of age or such other age as may be required under federal law; (c) Wishes to participate in extended foster care to benefit from the program; and (d) Is: (1) Completing secondary education or a program leading to an equivalent credential;			
20 21 22 23 24 25 26 27	of age but is not yet twenty-one (21) years of age or such other age as may be required under federal law; (c) Wishes to participate in extended foster care to benefit from the program; and (d) Is: (1) Completing secondary education or a program leading to an equivalent credential; (2) Enrolled in an institution that			
20 21 22 23 24 25 26 27 28	of age but is not yet twenty-one (21) years of age or such other age as may be required under federal law; (c) Wishes to participate in extended foster care to benefit from the program; and (d) Is: (1) Completing secondary education or a program leading to an equivalent credential; (2) Enrolled in an institution that provides post-secondary or vocational education;			
20 21 22 23 24 25 26 27 28 29	of age but is not yet twenty-one (21) years of age or such other age as may be required under federal law; (c) Wishes to participate in extended foster care to benefit from the program; and (d) Is: (1) Completing secondary education or a program leading to an equivalent credential; (2) Enrolled in an institution that provides post-secondary or vocational education; (3) Participating in a program or			
20 21 22 23 24 25 26 27 28 29 30	of age but is not yet twenty-one (21) years of age or such other age as may be required under federal law; (c) Wishes to participate in extended foster care to benefit from the program; and (d) Is: (1) Completing secondary education or a program leading to an equivalent credential; (2) Enrolled in an institution that provides post-secondary or vocational education; (3) Participating in a program or activity designed to promote or remove barriers to employment;			
20 21 22 23 24 25 26 27 28 29 30 31	of age but is not yet twenty-one (21) years of age or such other age as may be required under federal law; (c) Wishes to participate in extended foster care to benefit from the program; and (d) Is: (1) Completing secondary education or a program leading to an equivalent credential; (2) Enrolled in an institution that provides post-secondary or vocational education; (3) Participating in a program or activity designed to promote or remove barriers to employment; (4) Employed for at least eighty (80)			
20 21 22 23 24 25 26 27 28 29 30 31 32	of age but is not yet twenty-one (21) years of age or such other age as may be required under federal law; (c) Wishes to participate in extended foster care to benefit from the program; and (d) Is: (1) Completing secondary education or a program leading to an equivalent credential; (2) Enrolled in an institution that provides post-secondary or vocational education; (3) Participating in a program or activity designed to promote or remove barriers to employment; (4) Employed for at least eighty (80) hours per month; or			
20 21 22 23 24 25 26 27 28 29 30 31 32 33	of age but is not yet twenty-one (21) years of age or such other age as may be required under federal law; (c) Wishes to participate in extended foster care to benefit from the program; and (d) Is: (1) Completing secondary education or a program leading to an equivalent credential; (2) Enrolled in an institution that provides post-secondary or vocational education; (3) Participating in a program or activity designed to promote or remove barriers to employment; (4) Employed for at least eighty (80) hours per month; or (5) Incapable of doing any of the			

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1	(G)(i) Allow a juvenile described in subdivisions			
2	(a)(3)(F)(ii)(a)-(d) of this section who left foster care to reenter the			
3	extended foster care program if the juvenile submits a request in writing or			
4	in person to the department for his or her return to foster care.			
5	(ii) The department may discharge a juvenile from			
6	extended foster care program if the juvenile:			
7	(a) Is over eighteen (18) years of age;			
8	(b) Reenters extended foster care after having			
9	his or her request to reenter foster care approved; and			
10	(c) Fails to engage in or have a viable plan			
11	to meet the requirements listed in subdivision (a)(3)(F)(ii)(d) of this			
12	section or have a viable plan to meet the requirements listed in subdivision			
13	(a)(3)(F)(ii)(d) of this section for more than sixty (60) days; and			
14	(H) Recognize that participation in extended foster care			
15	does not impede or otherwise alter any right afforded to the youth by virtue			
16	of his or her age of majority including without limitation the right to			
17	consent to medical treatment or enter into contracts.			
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19	SECTION 5. Arkansas Code § 9-28-114(b)(2)(A), concerning foster youth			
20	transition, is amended to read as follows:			
21	(A) The juvenile's right to stay in <u>extended</u> foster care			
22	after reaching eighteen (18) years of age <del>for education, treatment, or work</del>			
23	and specific in order to participate in specific transitional programs and			
24	services, including without limitation the John H. Chafee Foster Care Program			
25	for Successful Transition to Adulthood and other transitional services; and			
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