

ARKANSAS SENATE
92nd General Assembly - Fiscal Session, 2020
Amendment Form

JBC 04/09/20 (7)

Subtitle of Senate Bill No. 47

AN ACT FOR THE ADMINISTRATIVE OFFICE OF THE COURTS APPROPRIATION FOR THE 2020-2021
FISCAL YEAR.

Amendment No. 1 to Senate Bill 47

Amend Senate Bill No. 47 as originally introduced:

Page 19, Line 30, insert new SECTIONS immediately following SECTION 38 to read as follows:

" SECTION 39. SPECIAL LANGUAGE – CODE AMENDMENT. Arkansas Code § 9-27-327(a)(4), concerning adjudication hearings held under the Arkansas Juvenile Code of 1989, is amended to add an additional subdivision to read as follows:

(C)(i) The court may continue an adjudication hearing beyond the sixty-day limitation provided in subdivision (a)(4)(B) of this section in extraordinary circumstances.

(ii) As used in this subdivision (a)(4)(C), "extraordinary circumstances" includes without limitation the following circumstances:

(a) The Supreme Court orders the suspension of in-person court proceedings; and

(b) One (1) of the following has occurred:

(1) The President of the United States has declared a national emergency; or

(2) The Governor has declared a state of emergency or a statewide public health emergency.

SECTION 40. SPECIAL LANGUAGE – CODE AMENDMENT. Arkansas Code § 9-27-338(c)(3)(C), concerning permanency planning hearings held under the Arkansas Juvenile Code of 1989, is amended to read as follows:

(C)(i) Placement of the juvenile in the home of the



parent, guardian, or custodian shall occur within a time frame consistent with the juvenile's developmental needs but no later than three (3) months from the date of the permanency planning hearing.

(ii) The court may authorize a plan to place custody of a juvenile with a parent, guardian, or custodian of the juvenile despite finding that placement of the juvenile in the home of the parent, guardian, or custodian of the juvenile may not occur within the three-month period required under subdivision (c)(3)(C)(i) of this section if the plan is in the best interest of the child during extraordinary circumstances.

(iii) As used in this subdivision (c)(3)(C), "extraordinary circumstances" includes without limitation the following circumstances:

(a) The Supreme Court orders the suspension of in-person court proceedings; and

(b) One (1) of the following has occurred:

(1) The President of the United States has declared a national emergency; or

(2) The Governor has declared a state of emergency or a statewide public health emergency;

SECTION 41. SPECIAL LANGUAGE – CODE AMENDMENT. Arkansas Code § 9-27-341(d), concerning termination of parental rights and definitions under the Arkansas Juvenile Code of 1989, is amended to read as follows:

(d)(1) The court shall conduct and complete a termination of parental rights hearing within ninety (90) days from the date the petition for termination of parental rights is filed unless continued for good cause as articulated in the written order of the court.

(2)(A) The court may continue a termination of parental rights hearing for up to one hundred eighty (180) days from the date the petition for termination of parental rights is filed in extraordinary circumstances.

(B) As used in this subdivision (d)(2), "extraordinary circumstances" includes without limitation the following circumstances:

(i) The Supreme Court orders the suspension of in-person court proceedings; and

(ii) One (1) of the following has occurred:

(a) The President of the United States has

declared a national emergency; or

(b) The Governor has declared a state of emergency or a statewide public health emergency.

SECTION 42. SPECIAL LANGUAGE. DO NOT CODIFY. Retroactivity.

Sections 39 through 41 of this act apply retroactively to cases that are pending as of the effective date of Sections 39 through 41 of this act."

AND

Appropriately renumber the subsequent SECTIONS of the bill

AND

Page 20, Line 13, delete SECTION 41 in its entirety and substitute with the following:

" SECTION 45. EMERGENCY CLAUSE. It is found and determined by the General Assembly, that the Constitution of the State of Arkansas prohibits the appropriation of funds for more than a one (1) year period; that the effectiveness of this Act on July 1, 2020 is essential to the operation of the agency for which the appropriations in this Act are provided; with the exception that Sections 39 through 42 in this Act shall be in full force and effect from and after the date of its passage and approval, and that in the event of an extension of the Legislative Session, the delay in the effective date of this Act beyond July 1, 2020 could work irreparable harm upon the proper administration and provision of essential governmental programs, with the exception that Sections 39 through 42 in this Act shall be in full force and effect from and after the date of its passage and approval because it is found and determined by the General Assembly that the Governor has declared a public health emergency due to the spread of an outbreak of coronavirus disease 2019 (COVID-19); that public guidance from federal and state health officials strongly discourages gatherings of more than ten (10) individuals at this time to protect the health, safety, and welfare of Arkansas citizens; and that this act is immediately necessary to allow juvenile proceedings to occur in a time and manner that aligns with public health guidance and ensures the health, safety, and welfare of all parties. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after July 1, 2020; with the exception that Sections 39 through Section 42 in this Act shall be in full force and effect from and after the date of its passage and approval."

The Amendment was read the first time, rules suspended and read the second time and _____

By: Joint Budget Committee

By: Senator Irvin

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Secretary