# Hall of the House of Representatives
## 94th General Assembly - Regular Session, 2023
## Amendment Form

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**Subtitle of House Bill No. 1153**

TO AMEND THE LAW CONCERNING WHAT CONSTITUTES AGGRAVATED CIRCUMSTANCES SUFFICIENT FOR THE ENTRY OF AN ORDER TERMINATING REUNIFICATION SERVICES IN A DEPENDENCY-NEGLECT PROCEEDING.

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**Amendment No. 1 to House Bill 1153**

Amend House Bill No. 1153 as originally introduced:

Add Senator K. Hammer as a cosponsor of the bill

AND

Page 1, delete lines 8 through 12, and substitute the following:
    "AN ACT TO INCREASE YOUTH VOICE REGARDING FOSTER CARE PLACEMENTS AND FAMILY TIME; TO ALLOW A JUVENILE'S PREFERENCES CONCERNING FOSTER CARE PLACEMENTS AND FAMILY TIME TO BE CONSIDERED REGARDLESS OF THE JUVENILE'S CHRONOLOGICAL AGE IF THE JUVENILE IS OF A SUFFICIENT AGE AND CAPACITY TO REASON; TO AMEND THE LAW CONCERNING THE ROLE OF THE ATTORNEY AD LITEM IN A PROCEEDING ARISING UNDER THE ARKANSAS JUVENILE CODE OF 1989; TO ESTABLISH SAMANTHA'S LAW; AND FOR OTHER PURPOSES."

AND


Delete the subtitle in its entirety, and substitute the following:

                    "TO INCREASE YOUTH VOICE AND ALLOW A
                    JUVENILE'S PREFERENCES CONCERNING FOSTER
                    CARE PLACEMENTS AND FAMILY TIME TO BE
                    CONSIDERED REGARDLESS OF AGE IF HE OR SHE
                    IS OF SUFFICIENT AGE AND CAPACITY TO
                    REASON; AND TO ESTABLISH SAMANTHA'S LAW."

AND

Page 1, delete SECTION 1 in its entirely, and substitute the following:
    "SECTION 1.  DO NOT CODIFY.  <u>Title.</u>
    <u>This act shall be known and may be cited as "Samantha's Law".</u>

SECTION 2.  Arkansas Code § 9-27-316(f), concerning a juvenile's right to counsel in a proceeding under the Arkansas Juvenile Code of 1989, is amended to read as follows:

(f)(1)  The court shall appoint an attorney ad litem who shall meet standards and qualifications established by the Supreme Court to represent ~~the best interest of~~ the juvenile when a dependency-neglect petition is filed or when an emergency ex parte order is entered in a dependency-neglect case, whichever occurs earlier.

(2)  The court may appoint an attorney ad litem to represent ~~the best interest of~~ the juvenile involved in any case before the court and shall consider the juvenile's best interest in determining whether to appoint an attorney ad litem.

(3)  Each attorney ad litem shall:

(A)  File written motions, responses, or objections at all stages of the proceedings when necessary to ~~protect the best interest of~~ <u>represent</u> the juvenile;

(B)  Attend all hearings and participate in all telephone conferences with the court unless excused by the court; and

(C)  Present witnesses and exhibits when necessary to ~~protect the juvenile's best interest~~ <u>represent the juvenile</u>.

(4)  An attorney ad litem shall be provided access to all records relevant to the juvenile's case, ~~including, but not limited to,~~ <u>including without limitation</u> school records, medical records, all court records relating to the juvenile and his or her family, and records, including those maintained electronically and in the ~~Children's Reporting and Information System~~ <u>case management system</u>, of the Department of Human Services relating to the juvenile and his or her family to the extent permitted by federal law.

(5)~~(A)~~  An attorney ad litem shall represent ~~the best interest of~~ the juvenile.

~~(B)  If the juvenile's wishes differ from the attorney's determination of the juvenile's best interest, the attorney ad litem shall communicate the juvenile's wishes to the court in addition to presenting his or her determination of the juvenile's best interest.~~

SECTION 3.  Arkansas Code § 9-27-325(o)(2)(D), concerning supervised or unsupervised visitation that the court may order in a dependency-neglect hearing, is amended to read as follows:

(o)(2)(D)  <u>The court may consider the preferences of the juvenile if the juvenile is of a sufficient age and capacity to reason, regardless of the juvenile's chronological age.</u>

<u>(E)</u>(i)  If the court orders supervised ~~visitation~~ <u>family time</u>, the parent from whom custody of the juvenile has been removed shall receive a minimum of four (4) hours of supervised ~~visitation~~ <u>family time</u> per week.

(ii)  The court may order less than four (4) hours of supervised ~~visitation~~ <u>family time</u> if the court determines that the supervised ~~visitation~~ <u>family time</u>:

(a)  Is not in the best interest of the juvenile; or

(b)  Will impose an extreme hardship on one (1) of the parties.

SECTION 4.  Arkansas Code § 9-27-355(b), concerning actions taken by the Department of Human Services and the juvenile division of a circuit court when the department takes custody of a juvenile, is amended to add an additional subdivision to read as follows:
(5)  In an action under this subsection concerning placement of a juvenile, the circuit court may consider the preferences of the juvenile if the juvenile is of a sufficient age and capacity to reason, regardless of the juvenile's chronological age.

SECTION 5.  Arkansas Code § 9-28-108(e), concerning who is considered the legal custodian of a juvenile when a juvenile is released from the custody of the Department of Human Services, is amended to read as follows:
(e)  In an action under this subsection concerning placement of a juvenile, the circuit court may consider the preferences of the juvenile if the juvenile is of a sufficient age and capacity to reason, regardless of the juvenile's chronological age.
(f)  When a juvenile leaves the custody of the department and the court grants custody to the parent or another person, the department shall not be the legal custodian of the juvenile, even if the juvenile division of circuit court retains jurisdiction.

SECTION 6.  Arkansas Code § 9-28-1003(b)(15), concerning a child in foster care's entitlement to access to and representation by an attorney ad litem, is amended to read as follows:
(b)(15)  To have reasonable access to and be represented by an attorney ad litem in all juvenile judicial proceedings ~~so that his or her best interests are represented~~;"

The Amendment was read _____
By: Representative Vaught
LHR/LHR - 02-07-2023 13:32:31                                    _____
LHR138                                                                        **Chief Clerk**