

1 State of Arkansas  
2 80th General Assembly  
3 Regular Session, 1995

# A Bill

HOUSE BILL 1351

4 By: Representatives J. Smith, Pollan, Flanagan and Goodwin

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## For An Act To Be Entitled

8 "AN ACT TO ESTABLISH THE KINSHIP FOSTER CARE PROGRAM; AND  
9 FOR OTHER PURPOSES."

10

## Subtitle

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12 "TO ESTABLISH THE KINSHIP FOSTER CARE  
13 PROGRAM."

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15 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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17 SECTION 1. As used in this act:

18 (1) "Division" means the Division of Children and Family Services in  
19 the Department of Human Services.

20 (2) "Foster parent" means any person with whom a child in the care,  
21 custody or guardianship of the division, is placed for temporary or long-term  
22 care, but shall not include any persons with whom a child is placed for the  
23 purpose of adoption.

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25 SECTION 2. (a) There is established a Kinship Foster Care Program in  
26 the Division of Children and Family Services in the Department of Human  
27 Services.

28 (b) When a child has been removed from his home and is in the care,  
29 custody or guardianship of the division, the division shall attempt to place  
30 the child with a relative for kinship foster care. If the relative is  
31 approved by the division to provide foster care services, in accordance with  
32 rules and regulations adopted by the division regarding foster care services,  
33 and a placement with the relative is made, the relative shall be eligible to  
34 receive *payment for the full foster care rate for the care of the child and*  
35 *any other benefits that might be available to foster parents, whether in*

1 *money or in services.*

2 (c) The division shall establish in accordance with the provisions of  
3 this act, eligibility standards for becoming a kinship foster parent.

4 (1) Relatives within the first, second, or third degree to the  
5 parent or step-parent of a child who may be related through blood or marriage  
6 may be eligible for approval as a kinship foster parent.

7 (2) The kinship foster parent shall be twenty-one (21) years of  
8 age or older, except that if the spouse or partner of the relative is twenty-  
9 one (21) years of age or older and living in the home, and the relative is  
10 between eighteen (18) and twenty-one (21) years of age, the division may  
11 waive the age requirement.

12 (3)(A) A person shall be eligible to become a kinship foster  
13 parent only upon the completion of an investigation to ascertain if there is  
14 a state or federal record of criminal history for the prospective kinship  
15 foster parent or any other adult residing in the prospective parent\_s home.

16 (B) The Arkansas Crime Information Center shall conduct  
17 the investigation and shall make the results of the investigation available  
18 to the division in accordance with A.C.A. § 12-12-211. The division shall  
19 maintain the confidentiality of the investigation results and shall use the  
20 results only for purposes of determining a person\_s eligibility to become a  
21 kinship foster parent.

22 (C) It shall be unlawful, except for the purpose of  
23 determining a person\_s eligibility for kinship foster care, for any person to  
24 disclose information obtained under this subdivision. Any person violating  
25 this section shall be guilty of a Class A misdemeanor.

26 (4) The division shall determine whether the person is able to  
27 care effectively for the foster child by:

28 (A) Reviewing personal and professional references;

29 (B) Observing during a home visit of the kinship foster  
30 parent with household members; and

31 (C) Interviewing the kinship foster parent.

32 (d)(1) The division and the kinship foster parent shall develop a case  
33 plan for the foster care of the child, which shall be periodically reviewed  
34 and updated. If the plan includes the use of an approved day care center or  
35 family day care home, the division shall pay for child care arrangements,

1 according to established rates.

2           (2) The kinship foster parent shall cooperate with any  
3 activities specified in the case plan for the foster child, such as  
4 counseling, therapy or court sessions, or visits with the foster child\_s  
5 parents or other family members.

6           (e) The Director of the Department of Human Services shall adopt rules  
7 and regulations necessary to carry out the provisions of this act, pursuant  
8 to *the Arkansas Administrative Procedure Act § 25-15-201, et seq. except that*  
9 *the director shall not commence the process under the Administrative*  
10 *Procedure Act until the proposed rules and regulations have been reviewed by*  
11 *the General Assembly's Joint Committee on Children and Youth.*

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13           SECTION 3. All provisions of this act of a general and permanent  
14 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas  
15 Code Revision Commission shall incorporate the same in the Code.

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17           SECTION 4. If any provision of this act or the application thereof to  
18 any person or circumstance is held invalid, such invalidity shall not affect  
19 other provisions or applications of the act which can be given effect without  
20 the invalid provision or application, and to this end the provisions of this  
21 act are declared to be severable.

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23           SECTION 5. All laws and parts of laws in conflict with this act are  
24 hereby repealed.

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*/s/Rep. J. Smith, et al*

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