

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas  
2 83rd General Assembly  
3 Regular Session, 2001

# A Bill

HOUSE BILL 1693

4  
5 By: Representatives Judy, T. Steele, Thomas, W. Walker

## For An Act To Be Entitled

9 AN ACT CONCERNING KINSHIP CARE; AND FOR OTHER  
10 PURPOSES.

## Subtitle

13 AN ACT CONCERNING KINSHIP CARE.

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

18 SECTION 1. Arkansas Code 9-28-502 is amended to read as follows:  
19 9-28-502. Definitions.

20 As used in this subchapter:

21 (1) "Division" means the Division of Children and Family Services in  
22 the Department of Human Services; ~~and~~

23 (2) "Foster parent" means any person with whom a child in the ~~care,~~  
24 ~~custody, or guardianship~~ of the division is placed for temporary or long-term  
25 care, but shall not include any persons with whom a child is placed for the  
26 purpose of adoption; and

27 (3) "Kinship foster parent" means any relative within the first,  
28 second, or third degree of consanguinity to the parent or stepparent of a  
29 child who is:

30 (A) Related through blood or marriage; and

31 (B) Approved to be a foster parent to a child who is in the  
32 custody of the department.

34 SECTION 2. Arkansas Code 9-28-503 is amended to read as follows:  
35 9-28-503. Powers and duties of division - Eligibility standards.

36 (a)(1) When a child has been removed from his home and is in the ~~care,~~

1 custody, or guardianship of the division, the division shall attempt to place  
2 the child with a relative for kinship foster care.

3 (2) ~~The division shall establish, in accordance with the~~  
4 ~~provisions of this subchapter, eligibility standards for becoming a kinship~~  
5 ~~foster parent~~ Kinship foster parents shall meet standards and requirements  
6 established by the division for all foster parents, including, but not limited  
7 to:

- 8 (A) Training;
- 9 (B) Background checks; and
- 10 (C) Home study requirements.

11 ~~(b)(1) A person shall be eligible to become a kinship foster parent~~  
12 ~~only upon the completion of an investigation to ascertain if there is a state~~  
13 ~~or federal record of criminal history for the prospective kinship foster~~  
14 ~~parent or any other adult residing in the prospective parent's home.~~

15 ~~(2) The Arkansas Crime Information Center shall conduct the~~  
16 ~~investigation and shall make the results of the investigation available to the~~  
17 ~~division in accordance with § 12-12-211.~~

18 ~~(3) The division shall maintain the confidentiality of the~~  
19 ~~investigation results and shall use the results only for purposes of~~  
20 ~~determining a person's eligibility to become a kinship foster parent.~~

21 ~~(4) It shall be unlawful, except for the purpose of determining a~~  
22 ~~person's eligibility for kinship foster care, for any person to disclose~~  
23 ~~information obtained under this subsection.~~

24 ~~(5) Any person violating this subsection shall be guilty of a~~  
25 ~~Class A misdemeanor.~~

26 ~~(c)(1) Relatives within the first, second, or third degree to the~~  
27 ~~parent or stepparent of a child who may be related through blood or marriage~~  
28 ~~may be eligible for approval as a kinship foster parent.~~

29 ~~(2) The kinship foster parent shall be twenty one (21) years of~~  
30 ~~age or older, except that, if the spouse or partner of the relative is twenty-~~  
31 ~~one (21) years of age or older and living in the home, and the relative is~~  
32 ~~between eighteen (18) and twenty one (21) years of age, the division may waive~~  
33 ~~the age requirement.~~

34 ~~(d) The division shall determine whether the person is able to care~~  
35 ~~effectively for the foster child by:~~

- 36 ~~(1) Reviewing personal and professional references;~~

1                   ~~(2) Observing during a home visit of the kinship foster parent~~  
2 ~~with household members; and~~

3                   ~~(3) Interviewing the kinship foster parent.~~

4           ~~(e)(b)~~ If the relative is approved by the division to provide foster  
5 care services, in accordance with rules and regulations adopted by the  
6 division regarding foster care services, and a placement with the relative is  
7 made, the relative shall be eligible to receive payment for the full foster  
8 care rate for the care of the child and any other benefits that might be  
9 available to foster parents, whether in money or in services.

10  
11           SECTION 3. Arkansas Code 9-28-504 is repealed:

12           ~~9-28-504. Case plan.~~

13           ~~(a)(1) The division and the kinship foster parent shall develop a case~~  
14 ~~plan for the foster care of the child, which shall be periodically reviewed~~  
15 ~~and updated.~~

16           ~~(2) If the plan includes the use of an approved day care center~~  
17 ~~or family day care home, the division shall pay for child care arrangements,~~  
18 ~~according to established rates.~~

19           ~~(b) The kinship foster parent shall cooperate with any activities~~  
20 ~~specified in the case plan for the foster child, such as counseling, therapy,~~  
21 ~~or court sessions, or visits with the foster child's parents or other family~~  
22 ~~members.~~

23  
24           SECTION 4. Arkansas Code 9-28-505 is repealed:

25           ~~9-28-505. Rules and regulations.~~

26           ~~The Director of the Department of Human Services shall adopt rules and~~  
27 ~~regulations necessary to carry out the provisions of this subchapter, pursuant~~  
28 ~~to the Arkansas Administrative Procedure Act, § 25-15-201 et seq., except that~~  
29 ~~the director shall not commence the process under the Administrative Procedure~~  
30 ~~Act until the proposed rules and regulations have been reviewed by the Senate~~  
31 ~~Interim Committee on Children and Youth.~~