

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 85th General Assembly
3 Regular Session, 2005
4

A Bill

HOUSE BILL 1709

5 By: Representative J. Martin
6
7

For An Act To Be Entitled

9 AN ACT TO AMEND VARIOUS PROVISIONS OF THE
10 ARKANSAS JUVENILE CODE; AND FOR OTHER PURPOSES.
11

Subtitle

12 TO AMEND VARIOUS PROVISIONS OF THE
13 ARKANSAS JUVENILE CODE.
14
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16

17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
18

19 SECTION 1. Arkansas Code § 9-27-303(17), concerning definitions in the
20 Arkansas Juvenile Code of 1989, § 9-27-301 et seq., is amended to add an
21 additional subdivision to read as follows:

22 (17)(A) "Dependent-neglected juvenile" means any juvenile who is
23 at substantial risk of serious harm as a result of:

- 24 (i) Abandonment;
- 25 (ii) Abuse;
- 26 (iii) Sexual abuse;
- 27 (iv) Sexual exploitation;
- 28 (v) Neglect; ~~or~~
- 29 (vi) Parental unfitness to the juvenile, a sibling,
30 or another juvenile;
- 31 (vii) Being present in a dwelling or structure
32 during the manufacturing of methamphetamine with the knowledge of the parent,
33 guardian, or custodian.

34 (B) "Dependent-neglected juvenile" includes dependent
35 juveniles;
36



SECTION 2. Arkansas Code § 9-27-306 is amended to read as follows:
 9-27-306. Jurisdiction.

(a)(1)(A) The circuit court shall have exclusive original jurisdiction of and shall be the sole court for the following proceedings governed by this subchapter including, but not limited to:

~~(A)(i)~~ Proceedings in which a juvenile is alleged to be delinquent ~~or dependent-neglected~~ as defined in this subchapter including juveniles ten (10) to eighteen (18) years of age, except the court may retain jurisdiction of a juvenile delinquent up to twenty-one (21) years of age if the juvenile was adjudicated delinquent prior to eighteen (18) years of age;

(ii) Proceedings in which a juvenile is alleged to be dependent or dependent-neglected from birth to eighteen (18) years of age, except for the following:

(a)(1) A juvenile who has been adjudicated dependent or dependent-neglected prior to eighteen (18) years of age may request the court to continue jurisdiction until twenty-one (21) years of age as long as the juvenile is engaged in a course of instruction or treatment.

(2) The court shall retain jurisdiction only if the juvenile remains or has a viable plan to remain in instruction or treatment.

(3) The court shall dismiss jurisdiction upon request of the juvenile or when the juvenile completes or is dismissed from instruction or treatment; or

(b) A juvenile may contact his or her attorney ad litem to petition the court to return to the court's jurisdiction to receive independent living services if the juvenile:

(1) Was adjudicated dependent or dependent-neglected;

(2) Was in foster care at sixteen (16) years of age; and

(3) Left foster care, but decides to return prior to twenty-one (21) years of age to benefit from independent living services;

~~(B)(iii)~~ Proceedings in which emergency custody or a seventy-two (72) hour hold has been taken on a juvenile pursuant to § 9-27-313 or § 12-12-516;

1 ~~(C)(iv)~~ Proceedings in which a family is alleged to
2 be in need of services as defined in this subchapter;

3 ~~(D)(v)~~ Proceedings for termination of parental
4 rights for a juvenile under this subchapter ~~who is under the jurisdiction of~~
5 ~~the circuit court; and~~

6 ~~(E)(vi)~~ Proceedings in which custody of a juvenile
7 is transferred to the Department of Human Services;

8 (vii) Proceedings for which a juvenile is alleged to
9 be an extended juvenile jurisdiction offender pursuant to § 9-27-501 et seq.;
10 and

11 (viii) Proceedings for which a juvenile is
12 transferred to the juvenile division from the criminal division pursuant to §
13 9-27-318.

14 (B) In no event shall a juvenile remain under the court's
15 jurisdiction past twenty-one (21) years of age.

16 (2) The court shall retain jurisdiction to issue orders of
17 adoption, interlocutory, or final if a juvenile is placed outside the State
18 of Arkansas.

19 (b) The assignment of cases to the juvenile division of circuit court
20 shall be as described by the Supreme Court in Administrative Order Number 14,
21 originally issued April 6, 2001.

22 (c)(1) The circuit court shall have concurrent jurisdiction with the
23 district court over juvenile curfew violations.

24 (2) For juvenile curfew violations, the prosecutor may file a
25 family in need of services petition in circuit court or a citation in
26 district court.

27 (d) The circuit court shall have jurisdiction to hear proceedings
28 commenced in any court of this state or court of comparable jurisdiction of
29 another state which are transferred to it pursuant to the Uniform Child-
30 Custody Jurisdiction and Enforcement Act, § 9-19-101 et seq.

31
32 SECTION 3. Arkansas Code § 9-27-337 is amended to read as follows:
33 9-27-337. Six-month reviews required.

34 (a)~~(1)~~ ~~Every six (6) months, the~~ The court shall review every case of
35 dependency-neglect, or families in need of services, ~~or delinquency when an~~
36 ~~out of home placement has occurred, as defined by § 9-27-303(36),~~ when a

1 juvenile is placed by the court in the custody of the Department of Human
2 Services or in another out-of-home placement until there is a permanent order
3 of custody, guardianship, ~~or~~ other permanent placement for the juvenile
4 adoption, or the juvenile is returned to the parent, guardian, or custodian
5 and the court has discontinued orders for family services.

6 (2) ~~During each six month review the court shall make~~
7 ~~determinations based upon the best interest of the juvenile~~ The first six-
8 month review shall be held no later than six (6) months from the date of the
9 original out-of-home placement of the child and shall be reviewed every six
10 (6) months thereafter until permanency is achieved.

11 (b)(1) The court may require these cases to be reviewed prior to the
12 sixth month.

13 (2)(A) If a court requires a case to be reviewed prior to the
14 sixth month, then the court shall announce the date, time, and place of
15 hearing.

16 (B) In all other cases, it shall be the duty of the
17 petitioner at least sixty (60) days prior to date of the required six-month
18 review to request that the court:

19 (i) Set the review hearing;

20 (ii) Provide reasonable notices; and

21 (iii) Serve notice on all parties in accordance with
22 the Arkansas Rules of Civil Procedure.

23 (c) At any time during the pendency of any case of dependency-neglect
24 or families in need of services in which an out-of-home placement has
25 occurred, any party may request the court to review the case.

26 ~~(3)(A)(d)~~ At any time during the course of a case, the Department of
27 Human Services, the attorney ad litem, or the court can request a hearing on
28 whether or not reunification services should be terminated pursuant to § 9-
29 27-327(a)(2).

30 ~~(B)(i) The requesting party shall provide notice to the~~
31 ~~parties at least fourteen (14) calendar days before the hearing.~~

32 ~~(ii) The notice shall identify the grounds for~~
33 ~~recommending termination of reunification services in sufficient detail to~~
34 ~~put the family on notice.~~

35 ~~(C)(i) The court shall determine whether or not~~
36 ~~reunification services shall be terminated.~~

1 health, ~~and safety, and education~~ of the juvenile while he or she has been in
 2 an out-of-home placement;

3 ~~(b)(ii)~~ The extent of progress that has been made
 4 toward alleviating or mitigating the causes of the out-of-home placement;

5 ~~(e)(iii)~~ Whether the juvenile should be returned to
 6 his or her parent or parents and whether or not the juvenile's health and
 7 safety can be protected by his or her parent or parents if returned home; and

8 ~~(d)(iv)~~ ~~Whether the juvenile should be continued in~~
 9 ~~an out-of-home placement for a specified period of time;~~

10 ~~(e)~~ ~~Whether the juvenile should be placed for~~
 11 ~~adoption; and~~

12 ~~(f)~~ ~~Whether the juvenile, because of special~~
 13 ~~needs or circumstances, should be continued in an out-of-home placement on a~~
 14 ~~permanent or long-term basis~~ An appropriate permanency plan pursuant to § 9-
 15 27-338 for the juvenile, including concurrent planning.

16 (2) Each six-month review hearing shall be completed and a
 17 written order shall be filed by the court or by a party or party's attorney
 18 as designated by the court and distributed to the parties within thirty (30)
 19 days of the date of the hearing or prior to the next hearing, whichever is
 20 sooner.

21 ~~(e)(1)(A)~~ ~~The court may require any case of dependency neglect, family~~
 22 ~~in need of services, or delinquency when an out-of-home placement has~~
 23 ~~occurred to be reviewed prior to the sixth month.~~

24 ~~(B)~~ ~~In such a case, the court shall announce the date,~~
 25 ~~time, and place of hearing.~~

26 ~~(2)~~ ~~In all other cases, it shall be the duty of the petitioner~~
 27 ~~at least sixty (60) days prior to the date the existing order would be~~
 28 ~~vacated to request the court to set a review hearing as required by this~~
 29 ~~subchapter.~~

30 ~~(d)~~ ~~At any time during the pendency of any case of dependency neglect,~~
 31 ~~family in need of services, or delinquency in which an out-of-home placement~~
 32 ~~has occurred, any party may request the court to review the case.~~

33 ~~(e)~~ ~~It shall be the duty of the petitioner to provide all parties with~~
 34 ~~reasonable notice and serve this notice on all parties in accordance with the~~
 35 ~~Arkansas Rules of Civil Procedure.~~

36 ~~(f)(1)~~ ~~The department shall provide the court appointed special~~

1 advocate, the parties, and counsel with a copy of a review report no later
 2 than seven (7) business days before every scheduled review hearing of each
 3 juvenile who is in an out-of-home placement.

4 ~~(2) The department shall present the report to the court at the~~
 5 ~~scheduled hearing, subject to evidentiary objections.~~

6 ~~(g) The review report shall include a summary of the parties'~~
 7 ~~compliance with the case plan and court orders, including a description of~~
 8 ~~the services and assistance that the department has provided to the family.~~

9
 10 SECTION 4. Arkansas Code § 9-27-338 is amended to read as follows:
 11 9-27-338. Permanency planning hearing.

12 (a)(1) ~~No later than~~ A permanency planning hearing shall be held to
 13 finalize a permanency plan for the juvenile:

14 (A) twelve Twelve (12) months after the date the juvenile
 15 enters an out-of-home placement, ~~as defined by § 9-27-303(36), or;~~

16 (B) after After a juvenile has been in an out-of-home
 17 placement for fifteen (15) of the previous twenty-two (22) months, excluding
 18 trial placements and time on runaway status; ~~or~~

19 (C) no later than thirty Thirty (30) days after ~~the circuit~~
 20 ~~court files an order that no~~ a hearing granting no reunification services
 21 ~~shall be made to reunite the juvenile with his or her family, the court shall~~
 22 ~~hold a permanency planning hearing in order to enter a new disposition in the~~
 23 ~~ease.~~

24 (2) If a juvenile remains in an out-of-home placement after the
 25 initial permanency planning hearing, an annual permanency planning hearing
 26 shall be held annually each year thereafter to reassess the permanency ~~goal~~
 27 plan selected for the juvenile.

28 (b)(1) Nothing in this section shall be construed to prevent the
 29 Department of Human Services or the attorney ad litem from filing a petition
 30 to terminate parental rights, a petition for guardianship, or a petition for
 31 permanent custody at any time prior to the permanency planning hearing.

32 (2) A permanency planning hearing is not required prior to any
 33 of these actions.

34 ~~(3) The Department of Human Services shall develop a permanency~~
 35 ~~planning report to be presented at the permanency planning hearing outlining~~
 36 ~~the department's recommendations for a permanency plan for the child and the~~

~~steps necessary to finalize the permanency plan in a timely manner.~~

~~(4)(c)~~ At the permanency planning hearing, based upon the facts of the case, the court shall enter one (1) of the following permanency goals, listed in order of preference, in accordance with the best interest of the juvenile:

~~(A)(1)~~ Return the juvenile to the parent, guardian, or custodian at the permanency planning hearing if it is in the best interest of the juvenile and the juvenile’s health and safety can be adequately safeguarded if returned home;

~~(B)(i)(2)(A)~~ Authorize a plan for the termination of the parent-child relationship so that the child is available to be adopted unless ~~the~~:

~~(a)(i)~~ ~~Child~~ The child is being cared for by a relative, including a minor foster child caring for his or her own child who is in foster care, and termination of parental rights is not in the best interest of the child;

~~(b)(ii)~~ The department has documented in the case plan a compelling reason why filing such a petition is not in the best interest of the child and the court approves the compelling reason as documented in the case plan; ~~and~~ or

~~(e)(iii)(a)~~ The department has not provided to the family of the child, consistent with the time period in the case plan, such services as the department deemed necessary for the safe return of the child to the child’s home if reunification services were required to be made to the family.

~~(ii)(b)~~ If the department has failed to provide services as outlined in the case plan, the court shall continue the permanency planning hearing for no later than six (6) months.

~~(iii)~~ ~~If the court determines the permanency goal to be termination of parental rights, the department shall file the petition to terminate parental rights within thirty (30) days from the date of the entry of the order establishing the goal;~~

~~(C)(3)~~ Authorize a plan to obtain a guardian for the child;

~~(D)(4)~~ Authorize a plan to obtain a permanent custodian, including permanent custody with a relative, for the child;

~~(E)(i)(5)(A)~~ Continue the goal of reunification only when the parent is complying with the established case plan and orders of the court, making significant measurable progress towards achieving the goals

1 established in the case plan and diligently working toward reunification.

2 ~~(ii)~~(B) Reunification must be expected to occur within a
3 time frame that is consistent with the child’s developmental needs.

4 ~~(iii)~~(C) A parent’s resumption of contact or overtures
5 toward participating in the case plan or following the orders of the court in
6 the months or weeks immediately preceding the permanency hearing are
7 insufficient grounds for retaining reunification as the permanency plan.

8 ~~(iv)~~(D) The burden is on the parent to demonstrate
9 genuine, sustainable investment in completing the requirements of the case
10 plan and following the orders of the court in order to retain reunification
11 as the permanency goal; or

12 ~~(F)~~(6)(A) Authorize a plan for another planned permanent living
13 arrangement (APPLA) which shall include a permanent planned living
14 arrangement and addresses the quality of services, including, but not limited
15 to, independent living services, if age-appropriate, and a plan for the
16 supervision and nurturing the child will receive.

17 (B) Independence, Another planned permanent living
18 arrangement ~~which~~ shall be selected only if:

19 (i) The juvenile cannot be reunited with the
20 juvenile’s family;

21 (ii) Another permanent plan is not available; and

22 (iii) Either:

23 (a) A compelling reason exists why termination
24 of parental rights is not in the juvenile’s best interest; or

25 (b) The juvenile is being cared for by a
26 relative and termination of parental rights is not in the best interest of
27 the juvenile.

28 (d) At every permanency planning hearing the court shall make a
29 finding on whether the Department of Human Service has made reasonable
30 efforts and shall describe the efforts to finalize a permanency plan for the
31 juvenile.

32 ~~(b)(1) A hearing shall be held to determine whether or not the~~
33 ~~department shall file a petition to terminate parental rights before the end~~
34 ~~of the fifteenth month if:~~

35 ~~(A) The juvenile has been in an out-of-home placement for~~
36 ~~fifteen (15) continuous months; and~~

1 ~~(B) At the permanency planning hearing, the court~~
 2 ~~continued the goal of reunification or entered a goal of independence.~~

3 ~~(2) Trial visits with the parents and time spent on runaway~~
 4 ~~status shall not count in adding up fifteen (15) months.~~

5 ~~(3) The court shall authorize the department to file a petition~~
 6 ~~to terminate parental rights unless the:~~

7 ~~(A) Child is being cared for by a relative and termination~~
 8 ~~of parental rights is not in the best interest of the child;~~

9 ~~(B) Department has documented in the case plan a~~
 10 ~~compelling reason why filing such a petition is not in the best interest of~~
 11 ~~the child and the court approves the compelling reason as documented in the~~
 12 ~~case plan; or~~

13 ~~(C) Department has not provided to the family of the~~
 14 ~~juvenile, consistent with the time period in the case plan, the services as~~
 15 ~~the department deemed necessary for the safe return of the child to the~~
 16 ~~child's home if reunification services were required to be made to the~~
 17 ~~family.~~

18 ~~(4) If the court determines the new permanency goal to be~~
 19 ~~termination of parental rights, the department shall file the petition to~~
 20 ~~terminate parental rights no later than the fifteenth month after the child's~~
 21 ~~entry into foster care.~~

22 ~~(5) If the court finds that the juvenile should remain in an~~
 23 ~~out-of-home placement, either long term or otherwise, the juvenile's case~~
 24 ~~shall be reviewed every six (6) months, with an annual permanency planning~~
 25 ~~hearing.~~

26 ~~(c) Nothing in this section shall be construed to prevent the state~~
 27 ~~agency from filing a petition to terminate parental rights, a petition for~~
 28 ~~guardianship, or a petition for permanent custody at any time prior to the~~
 29 ~~permanency planning hearing.~~

30 ~~(d)(1) The department shall provide the court-appointed special~~
 31 ~~advocate, if one has been appointed, the parties, and counsel with a copy of~~
 32 ~~the permanency planning report no later than seven (7) business days before~~
 33 ~~the scheduled permanency planning hearing.~~

34 ~~(2) The department shall present the report to the court at the~~
 35 ~~scheduled hearing, subject to evidentiary objections.~~

36 ~~(e) The permanency planning report shall include, but not be limited~~

1 to, the following:

2 (1) ~~A list of all placements the juvenile has been in since the~~
3 ~~last court hearing;~~

4 (2) ~~A recommendation and discussion regarding:~~

5 (A) ~~The juvenile's permanency plan;~~

6 (B) ~~The appropriateness of the plan;~~

7 (C) ~~The steps and services necessary to achieve the goal;~~

8 (D) ~~Time frames for the steps, services, and goal; and~~

9 (E) ~~The names of the persons responsible for the steps and~~
10 ~~services; and~~

11 (3) ~~The location of the siblings and, if the siblings have been~~
12 ~~separated, a statement of the reasons for separation and, if it is~~
13 ~~appropriate to reunite the siblings, the efforts that have been and will be~~
14 ~~made to reunite the siblings as soon as possible and to enable the siblings~~
15 ~~to maintain regular contact.~~

16 ~~(f)~~(e) A written order shall be filed by the court or by a party or
17 party's attorney as designated by the court and distributed to the parties
18 within thirty (30) days of the date of the hearing or prior to the next
19 hearing, whichever is sooner.

20 (f) If the court determines that the permanency goal is termination of
21 parental rights, the department shall file the petition to terminate parental
22 rights within thirty (30) days from the date of the permanency planning
23 hearing that establishes termination of parental rights as the permanency
24 goal.

25

26 SECTION 5. Arkansas Code Title 9, Chapter 27, Subchapter 3 is amended
27 to add three (3) additional sections to read as follows:

28 9-27-359. Fifteenth-month review hearing.

29 (a) A hearing shall be held to determine whether the Department of
30 Human Services shall file a petition to terminate parental rights if:

31 (1) A juvenile has been in an out-of-home placement for fifteen
32 (15) continuous months, excluding trial placements and time on runaway
33 status; and

34 (2) The goal at the permanency planning hearing was either:

35 (A) Reunification; or

36 (B) Another planned permanent living arrangement (APPLA).

1 (b) The court shall authorize the department to file a petition to
2 terminate parental rights unless:

3 (1) The child is being cared for by a relative and termination
4 of parental rights is not in the best interest of the child;

5 (2) The department has documented in the case plan a compelling
6 reason why filing such a petition is not in the best interest of the child
7 and the court approves the compelling reason as documented in the case plan;
8 or

9 (3) The department has not provided to the family of the
10 juvenile, consistent with the time period in the case plan, the services as
11 the department deemed necessary for the safe return of the child to the
12 child's home if reunification services were required to be made to the
13 family.

14 (c) If the court determines the permanency goal to be termination of
15 parental rights, then the department shall file the petition to terminate
16 parental rights no later than the fifteenth month of the child's entry into
17 foster care.

18 (d) If the court finds that the juvenile should remain in an out-of-
19 home placement, either long-term or otherwise, then the juvenile's case shall
20 be reviewed every six (6) months, with an annual permanency planning hearing.

21 (e) A written order shall be filed by the court or by a party or
22 party's attorney as designated by the court and distributed to the parties
23 within thirty (30) days of the date of the hearing or prior to the next
24 hearing, whichever is sooner.

25
26 9-27-360. Post-termination of parental rights reviews.

27 (a) After an order of termination of parental rights, the court shall
28 review the case following the termination hearing at least every three (3)
29 months when the goal is adoption and in other cases every six (6) months
30 until permanency is achieved.

31 (b) The court shall determine and shall include in its orders whether:

32 (1) The case plan, services, and current placement meet the
33 juvenile's special needs and best interest, with the juvenile's health,
34 safety, and educational needs specifically addressed;

35 (2) The Department of Human Services has made reasonable efforts
36 to finalize a permanency plan for the juvenile; and

1 (3) The case plan is moving towards an appropriate permanent
 2 placement for the juvenile.

3 (c) In making its findings the court shall consider the extent of the
 4 department's and the juvenile's compliance with the case plan and court
 5 orders to finalize the permanency plan.

6 (d) A written order shall be filed by the court or by a party or a
 7 party's attorney as designated by the court and distributed to the parties
 8 within thirty (30) days of the date of the hearing or prior to the next
 9 hearing, whichever is sooner.

10
 11 9-27-361. Court reports.

12 (a)(1) Seven (7) business days prior to a scheduled dependency-neglect
 13 review hearing, including the fifteenth month review hearing and any post-
 14 termination of parental rights hearing, the Department of Human Services and
 15 a court-appointed special advocate, if appointed, shall file with the
 16 juvenile division of the circuit court a review report including a
 17 certificate of service that the report has been distributed to all of the
 18 parties or their attorneys and the court-appointed special advocate, if
 19 appointed.

20 (2)(A) The court report prepared by the Department of Human
 21 Services shall include a summary of the parties' compliance with the court
 22 orders and case plan, including the description of the services and
 23 assistance the department has provided and recommendations to the court.

24 (B) In cases in which a child has been returned home, the
 25 department's review report shall include a description of any services needed
 26 by and requirements of the parents, including, but not limited to, a safety
 27 plan to ensure the health and safety of the juvenile in the home.

28 (3) The report prepared by the court-appointed special advocate
 29 shall include, but is not limited to, any independent factual information
 30 that he or she feels is relevant to the case, a summary of the parties'
 31 compliance with the court orders, and recommendations to the court.

32 (4)(A) At a review hearing the court shall determine on the
 33 record whether the previously filed reports shall be admitted into evidence
 34 based on any evidentiary objections made by the parties.

35 (B) The court shall not consider as evidence any report or
 36 part of a report that was not admitted into evidence on the record.

1 (b)(1) Seven (7) business days prior to a scheduled dependency-neglect
 2 permanency planning hearing, the Department of Human Services and the court-
 3 appointed special advocate, if appointed, shall file with the juvenile
 4 division of the circuit court a permanency planning court report that
 5 includes a certificate of service which establishes that the report has been
 6 distributed to all of the parties or their attorneys and the court-appointed
 7 special advocate, if appointed.

8 (2) The permanency planning court report prepared by the
 9 Department of Human Services shall include, but not be limited to, the
 10 following:

11 (A) A summary of the parties' compliance with the court
 12 orders and case plan, including the description of the services and
 13 assistance the department has provided;

14 (B) A list of all the placements the juvenile has been in;

15 (C) A recommendation and discussion regarding the
 16 permanency plan including the appropriateness of the plan, a timeline, and
 17 the steps and services necessary to achieve the plan, including the persons
 18 responsible; and

19 (D) The location of any siblings, and if separated, a
 20 statement for the reasons for separation and any efforts to reunite or
 21 maintain contact if appropriate and it is the best interest of the siblings.

22 (3) The report prepared by the court-appointed special advocate
 23 shall include, but is not limited to, any independent factual information
 24 that he or she feels is relevant to the case, a summary of the parties'
 25 compliance with the court orders, and the recommendations to the court.

26 (4)(A) At the permanency planning hearing the court shall
 27 determine on the record whether the previously filed reports shall be
 28 admitted into evidence based on any evidentiary objections made by the
 29 parties.

30 (B) The court shall not consider as evidence any report or
 31 part of a report that was not admitted into evidence on the record.

32 (c)(1) Nothing in this section shall prevent the Department of Human
 33 Services or the court-appointed special advocate from filing a report with
 34 the court and providing it to all parties or their attorneys at least seven
 35 (7) business days prior to any scheduled dependency-neglect hearing or
 36 presenting any subsequent or addendum reports to the court during a hearing.

1 (2)(A) The court shall determine on the record whether the
2 reports shall be admitted into evidence based on any evidentiary objections
3 made by the parties.

4 (B) The court shall not consider as evidence any report or
5 part of a report that was not admitted into evidence on the record.

6
7 SECTION 6. Arkansas Code § 9-28-410 is amended to read as follows:

8 9-28-410. ~~Limitation on Department of Human Services~~ Foster care
9 placements.

10 (a)~~(1)~~ The policy of the State of Arkansas is that children in the
11 custody of the Department of Human Services should have stable placements.

12 (b)(1) To reduce the number of placements of children in foster care,
13 if a foster parent requests a foster child be removed from his or her home at
14 any time, excluding an emergency that places the child or a family member at
15 risk of harm, then the foster parent shall attend a staffing which shall be
16 arranged by the Division of Children and Family Services of the Department of
17 Human Services within forty-eight (48) hours to discuss what services or
18 assistance may be needed to stabilize the placement.

19 (2) The foster child, the child’s attorney ad litem, and a
20 court-appointed special advocate, if appointed, shall be notified so that
21 they may attend and participate in the staffing and planning for the child’s
22 placement.

23 (3) If the placement cannot be stabilized, then the foster
24 parent shall continue to provide for the foster child until an appropriate
25 alternative placement is located, but this shall not be longer than five (5)
26 business days.

27 ~~(2)(A)(c)(1) Changes~~ Other changes in placement shall be made only
28 after notification of the foster child, foster parent, the child’s attorney
29 ad litem, the child’s birth parents, and the court having jurisdiction over
30 the child.

31 ~~(B)(2)~~ The notices shall:

32 ~~(i)(A)~~ Be sent in writing two (2) weeks prior to the
33 proposed change;

34 ~~(ii)(B)~~ Specify reasons for the proposed change;

35 ~~(iii)(C)~~ Convey to the attorney ad litem the address of
36 the proposed new foster home or ~~institution~~ placement provider; and

1 ~~(iv)~~(D) Convey to the child the name and telephone number
2 of his or her guardian attorney ad litem and a statement that if the child
3 objects to the change in placement, the attorney ad litem may be able to
4 assist in challenging the change.

5 ~~(b)(1)~~(d)(1) Exceptions to the advance notice requirement shall be
6 made if the child’s health or welfare would be endangered by delaying a
7 change in placement.

8 (2) Within twenty-four (24) hours of the change in placement the
9 department shall:

10 (A) Notify the birth parent of the change;

11 (B) Notify the child’s attorney ad litem of the change;

12 and

13 (C) Provide the attorney ad litem with the name, ~~and~~
14 address, and telephone number of the new foster care home or placement
15 provider.

16 (3) Within seventy-two (72) hours of the change in placement,
17 the department shall provide written notice to the attorney ad litem for the
18 specific reasons justifying the change of placement without advance notice.

19 ~~(e)(1)~~(e)(1) If an agent, employee, or contractor of the department
20 fails to comply with this section, then an action for violation of this
21 section may be filed by any party to the action against the person who failed
22 to comply with this section, with the assessment of punishment to be
23 determined by the court.

24 (2) If the court finds the agent, employee, or contractor of the
25 department failed to comply with this section, then the court may order the
26 department or the agent, employee, or contractor to pay all of the costs of
27 the proceedings brought under this section.

28 (f) All division caseworkers, supervisors, and area managers shall
29 have at least six (6) hours of annual training on separation and placement
30 issues, as well as issues relating to the grief and loss children experience
31 in foster care with multiple placements.

32

33 SECTION 7. Arkansas Code § 9-27-358 is repealed.

34 ~~9-27-358. Placement—Staffing and planning.~~

35 ~~(a)(1) To reduce the number of placements of children in foster care,~~
36 ~~anytime a foster parent requests a foster child be removed from their home,~~

1 ~~excluding an emergency that places the child or a family member at risk of~~
 2 ~~harm, the foster parent must attend a staffing which will be arranged by the~~
 3 ~~Division of Children and Family Services of the Department of Human Services~~
 4 ~~within forty eight (48) hours to discuss what services or assistance may be~~
 5 ~~needed to stabilize the placement.~~

6 ~~(2) The foster child, the child's attorney ad litem, and a~~
 7 ~~court appointed special advocate, if appointed to the case, shall be notified~~
 8 ~~so that they can attend and participate in the staffing and planning for the~~
 9 ~~child's placement.~~

10 ~~(3) If the placement cannot be stabilized, the foster parent~~
 11 ~~will continue to provide for the foster child until an appropriate~~
 12 ~~alternative placement is located, but this shall not be longer than five (5)~~
 13 ~~business days.~~

14 ~~(b) All division caseworkers, supervisors, and area managers shall~~
 15 ~~have at least six (6) hours of annual training on separation and placement~~
 16 ~~issues, as well as issues relating to the grief and loss children experience~~
 17 ~~in foster care with multiple placements.~~

18
 19 SECTION 8. Arkansas Code § 9-27-507(d), regarding extended juvenile
 20 jurisdiction court review hearings, is amended to read as follows:

21 (d)(1) If the state or the juvenile files a petition to modify the
 22 court's disposition order before six (6) months prior to the juvenile's
 23 eighteenth birthday, the filing party bears the burden of proof.

24 (2) However, if the juvenile is sixteen (16) or seventeen (17)
 25 years of age at the time that the extended juvenile jurisdiction petition is
 26 filed, then the State of Arkansas or the juvenile may petition the court
 27 after the juvenile's eighteenth birthday but no later than six (6) months
 28 before the juvenile's twenty-first birthday.

29
 30 SECTION 9. Arkansas Code § 9-27-507(e), regarding extended juvenile
 31 jurisdiction court review hearings, is amended to read as follows:

32 (e)(1) If no hearing has been conducted six (6) months before the
 33 juvenile's eighteenth birthday or no later than six (6) months before the
 34 juvenile's twenty-first birthday if the juvenile is sixteen (16) or seventeen
 35 (17) years of age at the time that the extended juvenile jurisdiction
 36 petition is filed, the court shall conduct a hearing to determine whether to

1 release the juvenile, amend or add any juvenile disposition, or impose an
2 adult sentence.

3 (2) In making its determination, the court shall consider the
4 following:

5 (A) The experience and character of the juvenile before
6 and after the juvenile disposition, including compliance with the court's
7 orders;

8 (B) The nature of the offense or offenses and the manner
9 in which the offense or offenses were committed;

10 (C) The recommendations of the professionals who have
11 worked with the juvenile;

12 (D) The protection of public safety;

13 (E) Opportunities provided to the juvenile for
14 rehabilitation and the juvenile's efforts toward rehabilitation; and

15 (F) Victim impact evidence admitted pursuant to § 16-97-
16 103.

17 (3) If the state seeks to impose an adult sentence, the state
18 must prove by a preponderance of the evidence that the imposition of an adult
19 sentence is appropriate and that public safety requires imposition.

20 (4)(A) Following a hearing, the court may enter any of the
21 following dispositions:

22 (i) Release the juvenile;

23 (ii) Amend or add any juvenile disposition; and

24 (iii)(a) Exercise its discretion to impose the full
25 range of sentencing available in circuit court, including probation,
26 suspended imposition of sentence, and imprisonment.

27 (b) However, a sentence of imprisonment shall
28 not exceed forty (40) years, except juveniles adjudicated for capital murder,
29 § 5-10-101, and murder in the first degree, § 5-10-102, may be sentenced for
30 any term, up to and including life.

31 (B) Statutory provisions prohibiting or limiting probation
32 or suspended imposition of sentence or parole for offenses when committed by
33 an adult, shall not apply to juveniles sentenced as extended juvenile
34 jurisdiction offenders.

35 (C) A juvenile shall receive credit for time served in a
36 juvenile detention or any juvenile facility.

1 (D)(i) A court may not order an absolute release of an
2 extended juvenile jurisdiction offender who has been adjudicated delinquent
3 for capital murder, § 5-10-101, or murder in the first degree, § 5-10-102.

4 (ii) If release is ordered, the court shall impose a
5 period of probation for not less than three (3) years.

6
7 SECTION 10. Arkansas Code § 9-27-356(j), regarding juvenile sex
8 offender assessment and registration, is amended to read as follows:

9 (j) If the court does not order the juvenile's name removed from the
10 sex offender register, the juvenile shall remain on the sex offender register
11 for ten (10) years from the last date on which the juvenile was adjudicated a
12 delinquent or found guilty as an adult for a sex offense or until the
13 juvenile turns twenty-one (21) years of age, whichever is longer.