

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 87th General Assembly  
3 Regular Session, 2009  
4

As Engrossed: H3/20/09

# A Bill

HOUSE BILL 2013

5 By: Representative M. Burris  
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## For An Act To Be Entitled

9 AN ACT TO PROVIDE A MECHANISM FOR NONPARENTAL  
10 RELATIVES TO CONTINUE THEIR RIGHTS AND VISITATION  
11 WITH A CHILD WHO IS INVOLVED IN TERMINATION OF  
12 PARENTAL RIGHTS PROCEEDINGS AND IN THE CUSTODY OF  
13 THE DIVISION OF CHILDREN AND FAMILY SERVICES; AND  
14 FOR OTHER PURPOSES.

### Subtitle

15 TO PROVIDE A MECHANISM FOR NONPARENTAL  
16 RELATIVES TO CONTINUE THEIR RIGHTS AND  
17 VISITATION WITH A CHILD WHO IS INVOLVED  
18 IN TERMINATION OF PARENTAL RIGHTS  
19 PROCEEDINGS.  
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23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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25 SECTION 1. Arkansas Code § 9-9-223 is amended to read as follows:

26 9-9-223. ~~Termination of rights~~ Rights of nonparental relatives —  
27 Nonparental relative report.

28 (a) Except as provided in this subchapter with regard to parental  
29 rights and subsection (b) of this section, any rights to a child which a  
30 nonparental relative may derive through a parent or by court order may, ~~if~~  
31 ~~the best interests of the child so require~~, be terminated in connection with  
32 a proceeding for adoption or for termination of parental rights if it is in  
33 the best interests of the child.

34 (b)(1) To determine if it is in the best interests of the child to  
35 continue the rights and relationship of a nonparental relative with a child,  
36 a nonparental relative report shall be conducted in a proceeding involving



1 the termination of parental rights of a child in the custody of the Division  
2 of Children and Family Services of the Department of Human Services if the  
3 termination of parental rights proceeding involves a child who is at least  
4 two (2) years of age but younger than eighteen (18) years of age.

5 (2)(A) The nonparental relative report shall include a  
6 description of each nonparental relative with whom the child has had a  
7 significant and viable relationship with the child.

8 (B) For the purposes of the nonparental relative report,  
9 if any of the following apply, the nonparental relative shall qualify as  
10 having a significant and viable relationship with the child:

11 (i)(a) The child resided with the nonparental  
12 relative for at least six (6) consecutive months;

13 (b) The nonparental relative was the caregiver  
14 to the child on a regular basis for at least six (6) consecutive months; or

15 (c) The nonparental relative had frequent or  
16 regular contact with the child for at least twelve (12) consecutive months;  
17 or

18 (ii) Any other facts that establish that maintaining  
19 the relationship and contact with the nonparental relative is in the best  
20 interest of the child.

21 (3)(A) The preparer of the nonparental relative report shall  
22 include in the report a recommendation on whether visitation with a  
23 nonparental relative is in the best interest of the child.

24 (B) The recommendation shall identify each nonparental  
25 relative that was evaluated for visitation or continued contact with the  
26 child.

27 (C) If a child that is the subject of the nonparental  
28 relative report is ten (10) years of age or older, the preparer of the  
29 nonparental relative report and the court may consider the child's preference  
30 in regards to continuing contact with the nonparental relative.

31 (4) A nonparental relative may choose to have his or her own  
32 nonparental relative report prepared with the cost of the report to be paid  
33 by the nonparental relative.

34 (5) An order terminating parental rights may order nonparental  
35 relative visitation and rights if the court finds that it is in the best  
36 interest of the child to continue his or her relationship with the

1 nonparental relative.

2 (6) The division shall promulgate rules for the implementation  
3 and administration of this subsection (b).

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/s/ M. Burris