

1 State of Arkansas
2 89th General Assembly
3 Regular Session, 2013

A Bill

HOUSE BILL 1684

4
5 By: Representative Lampkin
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For An Act To Be Entitled

8 AN ACT TO ADD FICTIVE KIN AS A PLACEMENT OPTION FOR
9 JUVENILES; TO DEFINE FICTIVE KIN; AND FOR OTHER
10 PURPOSES.
11

Subtitle

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13 TO ADD FICTIVE KIN AS A PLACEMENT OPTION
14 FOR JUVENILES; AND TO DEFINE FICTIVE KIN.
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18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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20 SECTION 1. Arkansas Code § 9-27-355(b)(3)(B), concerning the placement
21 of juveniles, is amended to read as follows:

22 (B) For placement only with a relative or fictive kin:

23 (i) The juvenile and the juvenile's siblings or
24 step-siblings may be placed in the home of a relative or fictive kin on a
25 provisional basis for up to six (6) months pending the ~~relative's~~ relative or
26 fictive kin's home being opened as a regular foster home;

27 (ii) If the relative or fictive kin opts to have his
28 or her home opened as a provisional foster home, the relative or fictive kin
29 shall not be paid a board payment until the relative or fictive kin meets all
30 of the requirements and his or her home is opened as a regular foster home;

31 (iii) Until the ~~relative's~~ relative or fictive kin's
32 home is opened as a regular foster home, the relative or fictive kin may
33 ~~apply:~~

34 (a) Apply for and receive benefits ~~for which~~
35 ~~the~~ that the relative or fictive kin may be entitled to due to the placement
36 of the juvenile in the home, such as benefits under the Transitional



1 Employment Assistance Program, § 20-76-401, and ~~food stamps~~ Supplemental
 2 Nutrition Assistance Program (SNAP); and

3 (b) Receive child support or any federal
 4 benefits paid on behalf of the juvenile in the relative or fictive kin's
 5 home; and

6 (iv) If the ~~relative's~~ relative or fictive kin's
 7 home is not fully licensed as a foster home after six (6) months of the
 8 placement of the juvenile and the siblings or step-siblings in the home:

9 (a) The department shall remove the juvenile
 10 and any of the siblings or step-siblings from the ~~relative's~~ relative or
 11 fictive kin's home and close the ~~relative's~~ relative or fictive kin's
 12 provisional foster home; or

13 (b) The court shall remove custody from the
 14 department and grant custody of the juvenile to the relative or fictive kin
 15 subject to the limitations outlined in subdivision (b)(4) of this section.

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 17 SECTION 2. Arkansas Code § 9-28-108(a), concerning the placement of
 18 juveniles, is amended to read as follows:

19 (a) As used in this section:

20 (1) "Fictive kin" means a person not related to a child by blood
 21 or marriage, but who has a strong positive emotional tie to a child and has a
 22 positive role in the child's life, such as a godparent, neighbor, or family
 23 friend; and

24 (2) "Relative" "Relative" means a person within the fifth degree
 25 of kinship by virtue of blood or adoption.

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 27 SECTION 3. Arkansas Code § 9-28-108(c)(4), concerning the placement of
 28 juveniles, is amended to read as follows:

29 (4)(A) The juvenile shall remain in a licensed or approved
 30 foster home, shelter, or facility or an exempt child welfare agency as
 31 defined under § 9-28-402 until:

32 (i) The home is opened as a regular foster home;

33 (ii) The home is opened as a provisional foster
 34 home, if the person is a relative or fictive kin to one (1) of the children
 35 in the sibling group, including step-siblings; or

36 (iii) The court grants custody of the juvenile to

1 the relative or ~~person~~ fictive kin after a written approved home study is
2 presented to the court.

3 (B) For placement with a relative or fictive kin:

4 (i) The juvenile and his or her siblings or step-
5 siblings may be placed in the home of a relative or fictive kin of the
6 juvenile on a provisional basis no more than six (6) months pending the home
7 of the relative or fictive kin being opened as a regular foster home;

8 (ii) If the relative or fictive kin chooses to have
9 his or her home opened as a provisional foster home, the relative or fictive
10 kin shall not be paid a board payment until:

11 (a) The relative or fictive kin meets all of
12 the foster home requirements; and

13 (b) The home of the relative or fictive kin is
14 opened as a regular foster home;

15 (iii) The relative or fictive kin may apply for and
16 receive benefits that the relative or fictive kin may be entitled to based on
17 the placement of the juvenile in the home, such as benefits under the
18 Transitional Employment Assistance Program, § 20-76-401, and ~~food stamps~~
19 Supplemental Nutrition Assistance Program (SNAP), until the home of the
20 relative or fictive kin is opened as a regular foster home; and

21 (iv) If the home of the relative or fictive kin is
22 not fully licensed as a foster home after six (6) months of the placement of
23 the juvenile and any siblings or step-siblings in the home:

24 (a) The department shall remove the juvenile
25 and any siblings or step-siblings from the ~~relative's~~ relative or fictive
26 kin's home and close the provisional foster home of the relative or fictive
27 kin; or

28 (b) The court shall remove custody of the
29 juvenile and any siblings or step-siblings from the department and grant
30 custody to the relative or fictive kin subject to the limitations outlined in
31 subdivision (c)(5) of this section.

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33 SECTION 4. Arkansas Code § 9-28-402(15), concerning the definition of
34 "provisional foster home", is amended to read as follows:

35 (15) "Provisional foster home" means a foster home opened for no
36 more than six (6) months by the Division of Children and Family Services of

1 the Department of Human Services for a relative or fictive kin of a child in
2 the custody of the division after it:

3 (A) Conducts a health and safety check, including a
4 central registry check and a criminal background check or a check with local
5 law enforcement, of the ~~relative's~~ relative or fictive kin's home; and

6 (B) Performs a visual inspection of the home of the
7 relative or fictive kin to verify that the relative or fictive kin and the
8 home will meet the standards for opening a regular foster home;

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