

1 State of Arkansas
2 89th General Assembly
3 Regular Session, 2013
4

A Bill

HOUSE BILL 1849

5 By: Representative Broadaway
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For An Act To Be Entitled

8 AN ACT TO AMEND PROVISIONS OF THE INTERSTATE COMPACT
9 ON THE PLACEMENT OF CHILDREN; AND FOR OTHER PURPOSES.
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Subtitle

11 TO AMEND PROVISIONS OF THE INTERSTATE
12 COMPACT ON THE PLACEMENT OF CHILDREN.
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17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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19 SECTION 1. Arkansas Code § 9-29-201, ARTICLE II, concerning the
20 interstate compact on the placement of children, is amended to read as
21 follows:
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ARTICLE II Definitions

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25 As used in this compact:

26 (a) "Child" means a person who, by reason of minority, is legally
27 subject to parental, guardianship, or similar control;

28 (b) "Sending agency" means a party state, officer or employee thereof;
29 a subdivision of a party state, or officer or employee thereof, a court of a
30 party state, a person, corporation, association, charitable agency, or other
31 entity which sends, brings, or causes to be sent or brought any child to
32 another party state;

33 (c) "Receiving state" means the state to which a child is sent,
34 brought or caused to be sent or brought, whether by public authorities or
35 private persons or agencies, and whether for placement with state or local
36 public authorities or for placement with private agencies or persons;



1 (d) "Placement" means:

2 (1) The arrangement for the care of a child in a family, free or
 3 boarding home or in a child-caring agency or institution but does not include
 4 any institution caring for the mentally ill, mentally defective or epileptic
 5 or any institution primarily educational in character, and any hospital or
 6 other medical facility; and

7 (2) The arrangement for the care of a child in the home of his
 8 or her parent, other relative, or non-agency guardian in a receiving state
 9 when the sending agency is any entity other than a parent, relative, guardian
 10 or non-agency guardian making the arrangement for care as a plan exempt under
 11 Article VIII(a) of the compact.

12 (e)(1) "Foster care" means the care of a child on a twenty-four-hour-
 13 a-day basis away from the home of the child's parent or parents. The care may
 14 be by a relative of the child, by a non-related individual, by a group home,
 15 or by a residential facility or any other entity.

16 (2) In addition, if twenty-four-hour-a-day care is provided by
 17 the child's parents by reason of a court ordered placement and not by virtue
 18 of the parent-child relationship, the care is foster care.

19 (3) "Foster care" shall not include placement in a residential
 20 facility by a parent if a child welfare agency or court is not involved with
 21 the parent or child through an open case or investigation.

22 (f)(1) "Priority placement" means whenever a court, upon request or on
 23 its own motion or where court approval is required, determines that a
 24 proposed priority placement of a child from one (1) state into another state
 25 is necessary because placement is with a relative and:

26 (A) The child is under ~~two (2)~~ four (4) years of age,
 27 including older siblings sought to be placed with the same proposed
 28 placement;

29 (B) The child is in an emergency ~~shelter~~ placement; or

30 (C) The court finds that the child has ~~spent~~ a substantial
 31 ~~amount of time in the home of~~ relationship with the proposed placement
 32 ~~recipient.~~ resource; or

33 (D) An unexpected dependency due to a sudden or recent
 34 incarceration, incapacitation, or death of a parent or guardian.

35 (2) The state agency has thirty (30) days to complete a request
 36 for a priority placement.

1 (3) Requests for placement shall not be expedited or given
2 priority except as outlined in this subsection.

3 (g) "Home study" means a written report that is obtained after an
4 investigation of a household and that may include a criminal background
5 check, including a fingerprint-based criminal background check in the
6 national crime information database and a local criminal background check on
7 any person in the household sixteen (16) years of age and older.

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