

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

As Engrossed: S3/28/13

A Bill

HOUSE BILL 1849

5 By: Representative Broadaway
6 *By: Senator J. Woods*
7

For An Act To Be Entitled

9 AN ACT TO AMEND PROVISIONS OF THE INTERSTATE COMPACT
10 ON THE PLACEMENT OF CHILDREN; AND FOR OTHER PURPOSES.
11

Subtitle

14 TO AMEND PROVISIONS OF THE INTERSTATE
15 COMPACT ON THE PLACEMENT OF CHILDREN.
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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 § 9-29-201, ARTICLE II, concerning the
21 interstate compact on the placement of children, is amended to read as
22 follows:
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ARTICLE II Definitions

26 As used in this compact:

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

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

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



1 public authorities or for placement with private agencies or persons;

2 (d) "Placement" means:

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

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

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

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

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

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

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

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

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

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

36 (2) The state agency has thirty (30) days to complete a request

1 for a priority placement.

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

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

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10 */s/Broadaway*

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