1	State of Arkansas	As Engrossed: \$3/16/15		
2	90th General Assembly	A Bill		
3	Regular Session, 2015		SENATE BILL 987	
4				
5	By: Senator J. Woods			
6	By: Representative Vaught			
7				
8		For An Act To Be Entitled		
9	AN ACT TO IDENTIFY WHO MAY TAKE A JUVENILE INTO			
10	CUSTODY; TO	REQUIRE NOTICE TO AN ATTORNEY	AD LITEM	
11	WHEN A JUVE	ENILE IS TAKEN INTO CUSTODY; TO	MAKE	
12	TECHNICAL C	CORRECTIONS; AND FOR OTHER PURPO	OSES.	
13				
14				
15		Subtitle		
16	TO IDI	ENTIFY WHO MAY TAKE A JUVENILE	INTO	
17	CUSTO	DY; TO REQUIRE NOTICE TO AN ATT	ORNEY	
18	AD LI	TEM WHEN A JUVENILE IS TAKEN IN	TO	
19	CUSTO	DY.		
20				
21				
22	BE IT ENACTED BY THE GE	ENERAL ASSEMBLY OF THE STATE OF	ARKANSAS:	
23				
24	SECTION 1. Arkan	nsas Code § 9-27-313(a)(1)(C), d	concerning when a	
25	juvenile may be taken i	into police custody, is amended	to read as follows:	
26	(C)	By a law enforcement officer or	r by a duly authorized	
27	representative of the D	Department of Human Services if	there are clear,	
28	reasonable grounds to o	conclude that the juvenile is i	n immediate danger and	
29	that removal is necessa	ary to prevent serious harm from	m his or her	
30	surroundings or from il	llness or injury and if parents,	, guardians, or others	
31	with authority to act a	are unavailable or have not take	en action necessary to	
32	protect the juvenile fr	rom the danger and there is not	time to petition for	
33	and to obtain an order of the court before taking the juvenile into custody.			
34	By a designated person	under § 12-18-1001 et seq.		
35				
36	SECTION 2. Arkan	nsas Code § 9-27-313(c), concern	ning when a juvenile may	

1	be taken into police custody, is amended to read as follows:		
2	(c) When a police officer, law enforcement officer, or a		
3	representative designated employee of the department Department of Human		
4	Services, or other authorized person takes custody of a juvenile alleged to		
5	be dependent-neglected or under the Child Maltreatment Act, § 12-18-101 1 et		
6	seq., § 12-18-1001 he or she shall:		
7	(1)(A) Notify the department and make every effort possible to		
8	notify the custodial parent, guardian, or custodian of the juvenile's		
9	location.		
10	(B) The notification to the parents custodial parent, non-		
11	custodial parent, guardian, or custodian of the juvenile shall be in writing		
12	and shall include a notice:		
13	(i) That the juvenile has been taken into foster		
14	care;		
15	(ii) Of the name, location, and phone number of the		
16	person at the department whom they the custodial parent, non-custodial		
17	parent, guardian, or custodian of the juvenile can contact about the		
18	juvenile;		
19	(iii) Of the juvenile's and parents' rights <u>rights</u>		
20	of the juvenile and the rights of the custodial parent, non-custodial parent		
21	guardian, or custodian of the juvenile to receive a copy of any petition		
22	filed under this subchapter;		
23	(iv) Of the location and telephone number of the		
24	court; and		
25	(v) Of the procedure for obtaining a hearing; or		
26	(2) Return the juvenile to his or her home.		
27			
28	SECTION 3. Arkansas Code § 9-27-314(c), concerning notice of an		
29	emergency order of custody of a juvenile, is amended to read as follows:		
30	(c)(l) Immediate notice of the emergency order shall be given by the		
31	petitioner or by the court to the parents, guardians, or custodian and the		
32	juvenile. the:		
33	(A) Custodial parent, non-custodial parent, guardian, or		
34	custodian of the juvenile; or		
35	(B) Attorney ad litem who represents the juvenile		
36	<u>respondent.</u>		

1	(2) All defendants shall be served with the emergency order	
2	according to <u>Rules 4 or 5 of</u> the Arkansas Rules of Civil Procedure or as	
3	otherwise provided by the court.	
4		
5	SECTION 4. Arkansas Code § 9-27-327(a)(1), concerning adjudication	
6	hearings under the Arkansas Juvenile Code, is amended to add additional	
7	subdivisions to read as follows:	
8	(a)(1)(A) An adjudication hearing shall be held to determine whether	
9	the allegations in a petition are substantiated by the proof.	
10	(B)(i) If the court finds that the juvenile is dependent-	
11	neglected, the court shall address whether a noncustodial parent contributed	
12	to the dependency-neglect and whether the noncustodial parent is a fit paren	
13	for purposes of custody or visitation.	
14	(ii) If the court determines that the child cannot	
15	safely be placed in the custody of the noncustodial parent, the court shall	
16	make specific findings of fact regarding the safety factors that need to be	
17	corrected by the noncustodial parent before placement or visitation with the	
18	juvenile.	
19		
20	SECTION 5. Arkansas Code $\S 9-27-341(b)(3)(B)(i)$, concerning the	
21	permanent termination of parental rights, is amended to read as follows:	
22	(i)(a) That a juvenile has been adjudicated by the	
23	court to be dependent-neglected and has continued to be out of the custody of	
24	the parent for twelve (12) months and, despite a meaningful effort by the	
25	department to rehabilitate the parent and correct the conditions that caused	
26	removal, those conditions have not been remedied by the parent.	
27	(b) That a juvenile has been adjudicated by	
28	the court to be dependent-neglected and has continued out of the home of the	
29	noncustodial parent for twelve (12) months and, despite a meaningful effort	
30	by the department to rehabilitate the parent and correct the conditions that	
31	prevented the child from safely being placed in the parent's home, the	
32	conditions have not been remedied by the parent.	
33	(b)(c) It is not necessary that the twelve-	
34	month period referenced in subdivision $(b)(3)(B)(i)(a)$ of this section	
35	immediately precede the filing of the petition for termination of parental	
36	rights or that it he for twelve (12) consecutive months.	

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2	SECTION 6. Arkansas Code § $9-27-341(b)(3)(B)(ix)(a)(3)(B)$, concerning		
3	the definition of "aggravated circumstances" regarding the termination of		
4	parental rights, is amended to read as follows:		
5	(B) "Aggravated circumstances"		
6	means:		
7	(i) A juvenile has been		
8	abandoned, chronically abused, subjected to extreme or repeated cruelty,		
9	sexually abused, or a determination has been or is made by a judge that there		
10	is little likelihood that services to the family will result in successful		
11	reunification; or		
12	(ii) A juvenile has been		
13	removed from the custody of the parent or guardian and placed in foster care		
14	or in the custody of another person three (3) or more times in the last		
15	fifteen (15) months; <u>or</u>		
16	(iii) A child or a sibling		
17	has been neglected or abused to the extent that the abuse or neglect could		
18	endanger the life of the child;		
19			
20	SECTION 7. Arkansas Code \S 9-27-365(c)(2)(A), concerning grounds for		
21	no reunification hearing, is amended to read as follows:		
22	(A) A circuit court has determined that the parent,		
23	guardian, custodian, or non-custodial parent has subjected the child to		
24	aggravated circumstances that include:		
25	(i) A child being abandoned;		
26	(ii) A child being chronically abused;		
27	(iii) A child being sexually exploited;		
28	(iii)(iv) A child being subjected to extreme or		
29	repeated cruelty or sexual abuse;		
30	$\frac{(iv)}{(v)}$ A determination by a circuit judge that		
31	there is little likelihood that services to the family will result in		
32	successful reunification; or		
33	$\frac{(v)}{(vi)}$ A child has been removed from the custody of		
34	the parent or guardian and placed in foster care or the custody of another		
35	person three (3) or more times in the past fifteen (15) months; or		
36	(vii) A child or a sibling being neglected or		