

1 State of Arkansas
2 90th General Assembly
3 Regular Session, 2015
4

As Engrossed: S3/16/15

A Bill

SENATE BILL 987

5 By: Senator J. Woods
6 By: Representative Vaught
7

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 JUVENILE IS TAKEN INTO CUSTODY; TO MAKE
12 TECHNICAL CORRECTIONS; AND FOR OTHER PURPOSES.
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Subtitle

15 TO IDENTIFY WHO MAY TAKE A JUVENILE INTO
16 CUSTODY; TO REQUIRE NOTICE TO AN ATTORNEY
17 AD LITEM WHEN A JUVENILE IS TAKEN INTO
18 CUSTODY.
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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24 SECTION 1. Arkansas Code § 9-27-313(a)(1)(C), concerning when a
25 juvenile may be taken into police custody, is amended to read as follows:

26 (C) ~~By a law enforcement officer or by a duly authorized~~
27 ~~representative of the Department of Human Services if there are clear,~~
28 ~~reasonable grounds to conclude that the juvenile is in immediate danger and~~
29 ~~that removal is necessary to prevent serious harm from his or her~~
30 ~~surroundings or from illness or injury and if parents, guardians, or others~~
31 ~~with authority to act are unavailable or have not taken action necessary to~~
32 ~~protect the juvenile from 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.
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36 SECTION 2. Arkansas Code § 9-27-313(c), concerning 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~~ rights
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.

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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)(1) 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 respondent.

1 (2) All defendants shall be served with the emergency order
2 according to Rules 4 or 5 of the Arkansas Rules of Civil Procedure or as
3 otherwise provided by the court.
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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 parent
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.

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20 *SECTION 5. Arkansas Code § 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 be for twelve (12) consecutive months;*

1 *abused such that the abuse or neglect could endanger the life of the child;*
2 *or*

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/s/J. Woods

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