

Stricken language would be deleted from and underlined language would be added to present law.

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

*As Engrossed: S3/16/15 S3/18/15*

# 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.  
13  
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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:  
23

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.

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)(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; and

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.*

19  
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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