

State of Arkansas
91st General Assembly
Regular Session, 2017

A Bill

HOUSE BILL 1381

By: Representative Gazaway

For An Act To Be Entitled

AN ACT TO AMEND THE GROUNDS FOR DENYING PERMANENCY
PLANS THAT PLACE JUVENILES IN THE CUSTODY OF A
PARENT, GUARDIAN, OR CUSTODIAN; AND FOR OTHER
PURPOSES.

Subtitle

TO AMEND THE GROUNDS FOR DENYING
PERMANENCY PLANS THAT PLACE JUVENILES IN
THE CUSTODY OF A PARENT, GUARDIAN, OR
CUSTODIAN.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code § 9-27-338(c)(3)(A), concerning a court's
authorization of a permanency plan placing a juvenile with a parent,
custodian, or guardian, is amended to read as follows:

(A)(i) The parent, guardian, or custodian is complying
with the established case plan and orders of the court, making significant
measurable progress toward achieving the goals established in the case plan
and diligently working toward reunification or placement in the home of the
parent, guardian, or custodian.

(ii) A parent's, guardian's, or custodian's
resumption of contact or overtures toward participating in the case plan or
following the orders of the court in the months or weeks immediately
preceding the permanency planning hearing are insufficient grounds for
authorizing a plan for the juvenile to return to or to be placed in the home
as the permanency plan.



1 (iii) A parent's, guardian's, or custodian's failure
2 to maintain consistent contact, participate in the case plan, or follow the
3 court's orders in the months or weeks immediately preceding the permanency
4 planning hearing shall be insufficient grounds for changing the goal of the
5 case to adoption or termination of parental rights if, for a substantial
6 period of time before the permanency planning hearing, the parent, guardian,
7 or custodian:

8 (a) Substantially complied with the
9 established case plan and orders of the court;

10 (b) Made significant measurable progress
11 toward achieving the goals established in the case plan; and

12 (c) Diligently worked toward reunification or
13 placement in the home of the parent, guardian, or custodian.

14 (iv) The burden is on the parent, guardian, or
15 custodian to demonstrate genuine, sustainable investment in completing the
16 requirements of the case plan and following the orders of the court in order
17 to authorize a plan to return or be placed in the home as the permanency
18 goal; and