

1 State of Arkansas
2 91st General Assembly
3 Regular Session, 2017
4

As Engrossed: H3/2/17

A Bill

HOUSE BILL 1654

5 By: Representative Rushing
6

For An Act To Be Entitled

8 AN ACT CONCERNING THE RIGHTS OF GRANDPARENTS INVOLVED
9 WITH FOSTER CARE AND ADOPTION CASES; AND FOR OTHER
10 PURPOSES.
11

Subtitle

14 CONCERNING THE RIGHTS OF GRANDPARENTS
15 INVOLVED WITH FOSTER CARE AND ADOPTION
16 CASES.
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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21 *SECTION 1. TEMPORARY LANGUAGE. DO NOT CODIFY. Legislative findings.*

22 *The General Assembly finds that:*

23 *(1) Approximately five thousand two hundred (5,200) children are*
24 *in the foster care system in Arkansas;*

25 *(2) There is a shortage of foster homes in Arkansas, especially*
26 *homes that can take multiple siblings;*

27 *(3) The shortage of foster homes creates the need to separate*
28 *and place siblings in different homes;*

29 *(4) Children in foster care are at an increased risk of a*
30 *variety of emotional, physical, behavioral, and academic problems;*

31 *(5) Many youths aging out of foster care end up homeless or*
32 *incarcerated;*

33 *(6) Children in foster care are at a greater risk of not*
34 *succeeding educationally as they enter foster care at various times during*
35 *the school year and sometimes move frequently during their time in the foster*
36 *care system; and*



1 (7) Children who enter the foster care system are placed at a
2 disadvantage as they often change schools, which results in the hindrance of
3 their ability to form peer networks and achieve educational success.

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5 SECTION 2. TEMPORARY LANGUAGE. DO NOT CODIFY. Legislative intent.

6 Through the passage of this act, the General Assembly intends:

7 (1) To require preferential consideration to be given to an
8 appropriate grandparent of a child if the biological parents of the child are
9 unable to care for the child and there are no health or safety concerns
10 regarding the placement of the child with the grandparent;

11 (2) For a grandparent to receive preferential consideration for
12 adoption when the parental rights of the biological parents of the child are
13 relinquished or terminated, regardless of the age of the grandparent;

14 (3) To reduce the stress experienced by a child who is placed in
15 foster care;

16 (4) To provide continuity of care for a child who is placed in
17 foster care; and

18 (5) To allow a family member of a child who is placed in foster
19 care to raise the child.

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21 SECTION 3. Arkansas Code § 9-27-355(b)(1), concerning preferential
22 consideration that is given to a relative with regard to the placement of a
23 juvenile, is amended to read as follows:

24 (b)(1) A relative, including a grandparent, of a juvenile placed in
25 the custody of the Department of Human Services shall be given preferential
26 consideration for placement in foster care or adoption over a person who is
27 not a relative of the juvenile if the relative caregiver meets all relevant
28 child protection standards and it is in the best interest of the juvenile to
29 be placed with the relative caregiver.

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31 SECTION 4. Arkansas Code § 9-28-108(c)(1), concerning preferential
32 consideration that is given to a relative with regard to the placement of a
33 juvenile, is amended to read as follows:

34 (c)(1) A relative, including a grandparent, of a juvenile placed in
35 the custody of the department shall be given preferential consideration for
36 placement in foster care or adoption over a person who is not a relative of

1 the juvenile if:

2 (A) The relative meets all required child protection
3 standards; and

4 (B) It is in the best interest of the juvenile to be
5 placed with the relative.

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7 SECTION 5. Arkansas Code § 9-28-402(16), concerning the definition of
8 "provisional foster home" under the Child Welfare Agency Licensing Act, is
9 amended to read as follows:

10 (16)(A) "Provisional foster home" means a foster home opened for
11 no more than six (6) months by the Division of Children and Family Services
12 of the Department of Human Services for a relative or fictive kin of a child
13 in the custody of the Division of Children and Family Services of the
14 Department of Human Services after it:

15 ~~(A)(i)~~ Conducts a health and safety check, including
16 a central registry check and a criminal background check or a check with
17 local law enforcement, of the relative's home; and

18 ~~(B)(ii)~~ Performs a visual inspection of the home of
19 the relative to verify that the relative and the home will meet the standards
20 for opening a regular foster home.

21 (B) "Provisional foster home" includes the home of a
22 grandparent that qualifies under subdivision (16)(A) of this section;

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24 /s/Rushing
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