

1 State of Arkansas
2 92nd General Assembly
3 Regular Session, 2019
4

A Bill

HOUSE BILL 1711

5 By: Representative Burch
6

For An Act To Be Entitled

8 AN ACT TO AMEND THE LAW CONCERNING GUARDIANSHIP
9 SUBSIDIES OFFERED BY THE DEPARTMENT OF HUMAN
10 SERVICES; TO AMEND THE DEFINITION OF "CASH
11 ASSISTANCE"; TO AMEND THE LAW CONCERNING COURT-
12 ORDERED CHILD PLACEMENTS; AND FOR OTHER PURPOSES.
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Subtitle

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16 TO AMEND THE LAW CONCERNING GUARDIANSHIP
17 SUBSIDIES OFFERED BY THE DEPARTMENT OF
18 HUMAN SERVICES; TO AMEND THE DEFINITION
19 OF "CASH ASSISTANCE"; AND TO AMEND THE
20 LAW CONCERNING COURT-ORDERED CHILD
21 PLACEMENTS.
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24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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26 SECTION 1. Arkansas Code § 9-8-204(a)(7) and (8), concerning
27 relationship and Title IV-E requirements that must be met in order for a
28 child to be determined eligible for a guardianship subsidy by the Department
29 of Human Services, are amended to read as follows:

30 (7)(A) The necessary degree of relationship exists between the
31 prospective guardian and the child.

32 (B) For the purposes of determining eligibility for a
33 guardianship subsidy, the necessary degree of relationship is satisfied by a
34 relative or fictive kin as defined in § 9-28-108;

35 (8) The child is eligible for Title IV-E foster care maintenance
36 payments, or the department determines that adequate funding is available for



1 the guardianship subsidy for a child who is not Title IV-E eligible+;

2 ~~(A) Is eligible for Title IV-E foster care maintenance~~
 3 ~~payments; or~~

4 ~~(B) The department determines that adequate funding is~~
 5 ~~available for the guardianship subsidy for a child who is not Title IV-E~~
 6 ~~eligible;~~

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 8 SECTION 2. Arkansas Code § 9-27-303(10), concerning the definition of
 9 "cash assistance", is amended to read as follows:

10 (10)(A) "Cash assistance" means ~~short-term~~ financial assistance
 11 that is:

12 (i) Provided by or through the Department of Human
 13 Services and does not exceed during the pendency of any proceeding the amount
 14 of reasonable need determined by the Department of Human Services after:

15 (a) Completing a budget with the parent,
 16 custodian, or guardian; and

17 (b) Using other means to pay for the amount of
 18 reasonable need; and

19 (ii) No more than four (4) one-time disbursements of
 20 financial assistance for the actual cost of a:

21 (a) Specific bill or item for:

22 (1) Each parent of the juvenile; or

23 (2) The custodian or guardian who had
 24 custody of the juvenile at the beginning of the proceeding or during the
 25 pendency of the proceeding; or

26 (b) Bill of:

27 (1) Each parent of the juvenile; or

28 (2) The custodian or guardian who had
 29 custody of the juvenile at the beginning of the proceeding or during the
 30 pendency of the proceeding; and

31 (B) "Cash assistance" does not include:

32 ~~(i) Long-term financial assistance or financial~~
 33 Financial assistance that is the equivalent of ~~the~~ a board payment, adoption
 34 subsidy, or guardianship subsidy; or

35 (ii) Financial assistance for car insurance;

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1 SECTION 3. Arkansas Code § 9-27-333(d)(2), concerning when a court may
2 order a child to remain in a placement, is amended to read as follows:

3 (2)(A) The court may order a child to remain in a placement if
4 the:

5 (i) ~~court~~ Court finds the placement is in the best
6 interest of the child after hearing evidence from all parties; and

7 (ii) Placement does not object to the continued
8 placement of the child.

9 (B) ~~A court may also order a child to be placed into a~~
10 ~~licensed or approved placement after a hearing where the court makes a~~
11 ~~finding that it is in the best interest of the child based on bona fide~~
12 ~~consideration of evidence and recommendations from all the parties~~ The court
13 shall not order a child to remain in a placement in a foster home that is
14 closed or suspended by a child placement agency.

15 (C)(i) If the health or welfare of a child is in immediate
16 danger while the child is in a placement or in a foster home that is closed
17 or suspended by a child placement agency, the department may remove the child
18 immediately from the placement even if there is a previous court order
19 directing that the child remain in the placement.

20 (ii) The department shall notify the parties within
21 twenty-four (24) hours of a removal and a change in placement performed under
22 subdivision (d)(2)(C)(i) of this section.

23 (iii) A party may request a hearing before the court
24 on a removal and change in placement performed under subdivision (d)(2)(C)(i)
25 of this section.

26 (iv) A hearing requested under subdivision
27 (d)(2)(C)(iii) of this section shall be held within five (5) business days of
28 the court receiving the request.

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30 SECTION 4. Arkansas Code § 9-27-335(b)(2), concerning when a court may
31 order a child to be placed or to remain in a placement, is amended to read as
32 follows:

33 (2)(A) The court may order a child to be placed or to remain in
34 a placement if the ~~court finds the placement is:~~

35 (i) Court finds the placement is in the best
36 interest of the child after hearing evidence from all parties; and

1 (ii) Placement does not object to the continued
 2 placement of the child.

3 ~~(B) A court may also order a child into a licensed or~~
 4 ~~approved placement after a hearing where the court makes a finding that it is~~
 5 ~~in the best interest of the child based on bona fide consideration of~~
 6 ~~evidence and recommendations from all the parties.~~

7 ~~(G)~~(B) The court shall not order a child to be placed or
 8 remain in a placement in a foster home that has been closed or suspended by a
 9 child placement agency.

10 ~~(D)~~(C)(i) If the health or welfare of a child is in
 11 immediate danger while the child is in a ~~court-ordered~~ placement or in a
 12 placement that is a foster home that is closed or suspended by a child
 13 placement agency, the department may immediately remove the child from the
 14 ~~court-ordered~~ placement even if a court previously ordered the child to
 15 remain in the placement.

16 (ii) The department shall notify all parties within
 17 twenty-four (24) hours of the change in placement under subdivision
 18 ~~(b)(2)(D)(i)~~ (b)(2)(C)(i) of this section.

19 (iii) A party may request a hearing on the change in
 20 placement made under subdivision ~~(b)(2)(D)(ii)~~ (b)(2)(C)(i) of this section,
 21 and the court shall hold the hearing ~~shall be held~~ within five (5) business
 22 days of receiving the request.

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