

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

# A Bill

SENATE BILL 84

4  
5 By: Senator A. Clark  
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## For An Act To Be Entitled

8 AN ACT TO AMEND THE LAW REGARDING PERMANENCY GOALS  
9 THAT ARE AUTHORIZED BY THE COURT AT A PERMANENCY  
10 PLANNING HEARING; AND FOR OTHER PURPOSES.  
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## Subtitle

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13 TO AMEND THE LAW REGARDING PERMANENCY  
14 GOALS THAT ARE AUTHORIZED BY THE COURT AT  
15 A PERMANENCY PLANNING HEARING.  
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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21 SECTION 1. Arkansas Code § 9-27-338(c)(3)(A), concerning a court's  
22 authorization of a plan to place custody of a juvenile with a parent,  
23 guardian, or custodian, is amended to read as follows:

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

29 ~~(b)(ii) The court shall consider all relevant~~  
30 ~~factors that may include without limitation whether the parent, guardian, or~~  
31 ~~custodian maintained consistent contact with the department, participated in~~  
32 ~~the case plan, followed the orders of the court, and visited the juvenile for~~  
33 ~~a substantial period of time before the permanency planning hearing~~  
34 Regardless of when the effort was made, the court shall consider all evidence  
35 of an effort made by the parent, guardian, or custodian to remedy the  
36 conditions that led to the removal of the juvenile from the custody of the



parent, guardian, or custodian and give the evidence the appropriate weight and consideration in relation to the safety, health, and well-being of the juvenile.

~~(e)(iii) 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 time period 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.~~

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

SECTION 2. Arkansas Code § 9-27-338(c)(4)-(6), concerning the court's authorization of a permanency goal plan for adoption or to obtain a guardian or permanent custodian, are amended to read as follows:

(4) Authorizing a plan to obtain a guardian for the juvenile;

(5) Authorizing a plan to obtain a permanent custodian, including permanent custody with a fit and willing relative;

~~(4)(6)~~ Authorizing a plan for adoption with the department's filing a petition for termination of parental rights unless:

(A) The juvenile is being cared for by a relative and the court finds that:

(i) Either:

(a) The relative has made a long-term commitment to the child and the relative is willing to pursue guardianship or permanent custody; or

(b) The juvenile is being cared for by his or her minor parent who is in foster care; and

(ii) Termination of parental rights is not in the best interest of the juvenile;

(B) The department has documented in the case plan a compelling reason why filing ~~such~~ a petition for termination of parental rights is not in the best interest of the juvenile and the court approves the

1 compelling reason as documented in the case plan; or

2 (C)(i) The department has not provided to the family of  
3 the juvenile, consistent with the time period in the case plan, ~~such~~ the  
4 services ~~as~~ the department deemed necessary for the safe return of the  
5 juvenile to the juvenile's home if reunification services were required to be  
6 made to the family.

7 (ii) If the department has failed to provide  
8 services as outlined in the case plan, the court shall schedule another  
9 permanency planning hearing for no later than six (6) months; or

10 ~~(5) Authorizing a plan to obtain a guardian for the juvenile;~~

11 ~~(6) Authorizing a plan to obtain a permanent custodian,~~  
12 ~~including permanent custody with a fit and willing relative; or~~