

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

A Bill

SENATE BILL 85

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

8 AN ACT TO AMEND THE LAW CONCERNING THE BASIS FOR A
9 TERMINATION OF PARENTAL RIGHTS; TO AMEND THE LAW
10 CONCERNING SERVICE OF A PETITION TO TERMINATE
11 PARENTAL RIGHTS; AND FOR OTHER PURPOSES.
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Subtitle

14 TO AMEND THE LAW CONCERNING THE BASIS FOR
15 A TERMINATION OF PARENTAL RIGHTS; AND TO
16 AMEND THE LAW CONCERNING SERVICE OF A
17 PETITION TO TERMINATE PARENTAL RIGHTS.
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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23 SECTION 1. Arkansas Code § 9-27-341(a)(4), concerning a parent's
24 resumption of contact, overtures toward participating in a case plan, or
25 following the orders of a court after a permanency planning hearing being an
26 insufficient reason to not terminate parental rights, is amended to read as
27 follows:

28 ~~(4)(A) A parent's resumption of contact or overtures toward~~
29 ~~participating in the case plan or following the orders of the court following~~
30 ~~the permanency planning hearing and preceding the termination of parental~~
31 ~~rights hearing is an insufficient reason to not terminate parental rights.~~

32 ~~(B)~~ The court shall rely upon the record of the parent's
33 compliance in the entire dependency-neglect case and evidence presented at
34 the termination hearing in making its decision on whether it is in the
35 ~~juvenile's~~ best interest of the juvenile to terminate parental rights.
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1 SECTION 2. Arkansas Code § 9-27-341(b)(2)(A)(i), concerning how a
 2 petitioner must serve a petition to terminate parental rights, is amended to
 3 read as follows:

4 (i) Service shall be made as required under Rule 4
 5 of the Arkansas Rules of Civil Procedure if the:

6 (a) Parent was not served under Rule 4 of the
 7 Arkansas Rules of Civil Procedure at the initiation of the proceeding;

8 (b) Parent is not represented by an attorney;

9 ~~or~~
 10 (c) Court appoints an attorney after
 11 adjudication as required under § 9-27-316(h)(1)(D); or

12 (d) Initiation of the proceeding was more than
 13 two (2) years ago; or

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 15 SECTION 3. Arkansas Code § 9-27-341(b)(3)(A), concerning the best
 16 interest of the juvenile as a basis for an order forever terminating parental
 17 rights, is amended to read as follows:

18 (A) That it is in the best interest of the juvenile,
 19 including consideration of the following factors:

20 (i)(a) The likelihood that the juvenile will be
 21 adopted if the termination petition is granted; and,

22 (b) A determination that a juvenile is likely
 23 to be adopted shall be case-specific to each juvenile and shall be made only
 24 if at least one (1) of the following factors exists:

25 (1) An adoptive or potentially adoptive
 26 home is known by the department to exist at the time of the termination of
 27 parental rights;

28 (2) An adoptive or potentially adoptive
 29 home has expressed an interest in adopting the juvenile; or

30 (3)(A) The petitioner has presented
 31 testimony that the adoptive or potentially adoptive home has expressed a
 32 willingness to adopt the juvenile or has established a bond with the
 33 juvenile.

34 (B) The petitioner is not required
 35 to identify the adoptive or potentially adoptive home.

36 (c) A court may waive compliance with

1 subdivision (b)(3)(A)(i)(b) of this section when the case involves extreme
2 physical abuse, sexual abuse, or maltreatment findings against the parent for
3 whom the petitioner is seeking to terminate parental rights; and

4 (ii) The potential harm, specifically addressing the
5 effect on the health and safety of the child, caused by returning the child
6 to the custody of the parent, parents, or putative ~~parent or parents~~ father;
7 and

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9 SECTION 4. Arkansas Code § 9-27-341(b)(3)(B)(ix)(a)(4), concerning a
10 previous involuntary termination of parental rights as a grounds for forever
11 terminating parental rights, is amended to read as follows:

12 (4) Have had his or her parental rights
13 involuntarily terminated as to a child within the past five (5) years and the
14 current case before the court is for the same or a similar act or omission on
15 the part of the parent, guardian, or custodian from whom custody of the
16 juvenile was removed; or

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