

1 State of Arkansas  
2 93rd General Assembly  
3 Regular Session, 2021  
4

# A Bill

HOUSE BILL 1358

5 By: Representative Barker  
6

## For An Act To Be Entitled

8 AN ACT TO AMEND THE LAW CONCERNING CERTAIN  
9 DISCLOSURES OF INFORMATION BY CHILDREN; CONCERNING  
10 FOSTER YOUTH TRANSITIONS; AND FOR OTHER PURPOSES.  
11

### Subtitle

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13 TO AMEND THE LAW CONCERNING CERTAIN  
14 DISCLOSURES OF INFORMATION PERMITTED  
15 UNDER THE CHILD WELFARE AGENCY LICENSING  
16 ACT; AND CONCERNING FOSTER YOUTH  
17 TRANSITIONS.  
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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 § 9-27-306(a)(1)(B), concerning jurisdiction  
24 under the Arkansas Juvenile Code of 1989, is amended to read as follows:

25 (B) Proceedings in which a juvenile is alleged to be  
26 dependent or dependent-neglected from birth to eighteen (18) years of age,  
27 except for the following:

28 (i)(a) A juvenile who has been adjudicated dependent  
29 or dependent-neglected before eighteen (18) years of age may request the  
30 court to continue jurisdiction over the juvenile until twenty-one (21) years  
31 of age so long as the juvenile is ~~engaged in a course of instruction or~~  
32 ~~treatment;~~

33 (1) Completing secondary education or a  
34 program leading to an equivalent credential;

35 (2) Enrolled in an institution providing  
36 post-secondary or vocational education;



1 (3) Participating in a program or  
 2 activity designed to promote or remove barriers to employment;

3 (4) ~~or is working~~ Employed for at least  
 4 eighty (80) hours a per month; or

5 (5) Incapable of completing school or  
 6 work requirements due to a documented medical condition ~~toward gaining self-~~  
 7 sufficiency.

8 (b) The court shall retain jurisdiction only  
 9 if the juvenile ~~remains or has a viable plan to remain in instruction or~~  
 10 ~~treatment, or is working at least eighty (80) hours a month toward gaining~~  
 11 ~~self-sufficiency~~ meets the requirements of subdivision (a)(1)(B)(i)(a) of  
 12 this section or has a viable plan to meet the requirements.

13 (c) The court shall discontinue jurisdiction  
 14 only after a hearing to determine whether:

15 (1) The juvenile;

16 (A) knowingly Knowingly and  
 17 voluntarily is requesting to leave care;

18 (B) ~~or the juvenile has~~ Has failed  
 19 ~~to be engaged in or have a viable plan to participate in a course of~~  
 20 ~~instruction or treatment or is not working at least eighty (80) hours per~~  
 21 ~~month toward gaining self-sufficiency~~ meet the requirements of subdivision  
 22 (a)(1)(B)(i)(a) of this section; or

23 (C) Does not have a viable plan to  
 24 meet the requirements; and

25 (2) The Department of Human Services has  
 26 fully complied with §§ 9-27-363 and 9-28-114; or

27 (ii) A juvenile may contact his or her attorney ad  
 28 litem to petition the court to return to the court's jurisdiction to receive  
 29 ~~independent living or~~ transitional services if the juvenile:

30 (a) Was adjudicated dependent or dependent-  
 31 neglected;

32 (b) Was in foster care at eighteen (18) years  
 33 of age; and

34 (c) Left foster care but desires to submit to  
 35 the jurisdiction of the court before reaching twenty-one (21) years of age to  
 36 benefit from ~~independent living or~~ transitional services; ~~or~~

1 ~~(d) Left foster care and decides to submit to~~  
2 ~~the jurisdiction of the court and return to foster care to receive~~  
3 ~~transitional services;~~  
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5 SECTION 2. Arkansas Code § 9-27-363(b)(2), concerning foster youth  
6 transitions under the Arkansas Juvenile Code of 1989, is amended to read as  
7 follows:

8 (2) The plan shall include without limitation written  
9 information and confirmation concerning:

10 (A) ~~The juvenile's right to stay in foster care after~~  
11 ~~reaching eighteen (18) years of age for education, treatment, or work and~~  
12 ~~specific programs and services, A description of the programs and services~~  
13 ~~which will help the juvenile prepare for transition from foster care to a~~  
14 ~~successful adulthood, including without limitation the John H. Chafee Foster~~  
15 ~~Care Program for Successful Transition to Adulthood and other transitional~~  
16 ~~services; and~~

17 (B) The right of the juvenile to remain in extended foster  
18 care after reaching eighteen (18) years of age if the juvenile is:

19 (i) Completing secondary education or a program  
20 leading to an equivalent credential;

21 (ii) Enrolled in an institution providing post-  
22 secondary or vocational education;

23 (iii) Participating in a program or activity  
24 designed to promote or remove barriers to employment;

25 (iv) Employed for at least eighty (80) hours per  
26 month; or

27 (v) Incapable of performing the activities described  
28 in subdivisions (b)(2)(B)(i)-(iv) of this section due to a documented medical  
29 condition; and

30 (C) The juvenile's case, including his or her biological  
31 family, foster care placement history, tribal information, if applicable, and  
32 the whereabouts of siblings, if any, unless a court determines that release  
33 of information pertaining to a sibling would jeopardize the safety or welfare  
34 of the sibling.

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36 SECTION 3. Arkansas Code § 9-28-114(e), concerning foster youth

1 transition, is amended to read as follows:

2 (e)(1) If a juvenile does not have the capacity to successfully  
 3 transition into adulthood without the assistance of the ~~Adult Protective~~  
 4 ~~Services Unit of the Department of Human Services~~ Office of Public Guardian  
 5 for Adults, the Division of Children and Family Services shall make a  
 6 referral to the ~~unit~~ office no later than six (6) months before the juvenile  
 7 reaches eighteen (18) years of age or upon entering foster care, whichever  
 8 occurs later.

9 (2) A representative from the ~~unit~~ office shall attend and  
 10 participate in the transitional youth staffing, and information shall be  
 11 provided to all of the parties about what services are available and how to  
 12 access services for the youth after reaching the age of majority.

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 14 SECTION 4. Arkansas Code § 9-28-114, concerning foster youth  
 15 transition, is amended to add an additional subsection to read as follows:

16 (j) Nothing in this subchapter prohibits a child in the custody of the  
 17 department from sharing at his or her discretion information concerning his  
 18 or her experience with the department after consultation with his or her  
 19 assigned attorney ad litem.

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