

Stricken language would be deleted from and underlined language would be added to present law.

1 State of Arkansas
2 94th General Assembly
3 Regular Session, 2023
4

As Engrossed: H2/9/23 H2/16/23

A Bill

HOUSE BILL 1153

5 By: Representative Vaught
6 By: Senator K. Hammer
7

For An Act To Be Entitled

9 AN ACT TO INCREASE YOUTH VOICE REGARDING FOSTER CARE
10 PLACEMENTS AND FAMILY TIME; TO ALLOW A JUVENILE'S
11 PREFERENCES CONCERNING FOSTER CARE PLACEMENTS AND
12 FAMILY TIME TO BE CONSIDERED REGARDLESS OF THE
13 JUVENILE'S CHRONOLOGICAL AGE IF THE JUVENILE IS OF A
14 SUFFICIENT AGE AND CAPACITY TO REASON; TO AMEND THE
15 LAW CONCERNING THE ROLE OF THE ATTORNEY AD LITEM IN A
16 PROCEEDING ARISING UNDER THE ARKANSAS JUVENILE CODE
17 OF 1989; TO ESTABLISH SAMANTHA'S LAW; AND FOR OTHER
18 PURPOSES.

Subtitle

21 TO INCREASE YOUTH VOICE AND ALLOW A
22 JUVENILE'S PREFERENCES CONCERNING FOSTER
23 CARE PLACEMENTS AND FAMILY TIME TO BE
24 CONSIDERED REGARDLESS OF AGE IF HE OR SHE
25 IS OF SUFFICIENT AGE AND CAPACITY TO
26 REASON; AND TO ESTABLISH SAMANTHA'S LAW.
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30 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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32 SECTION 1. DO NOT CODIFY. Title.

33 This act shall be known and may be cited as "Samantha's Law".
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35 SECTION 2. Arkansas Code § 9-27-325(o)(2)(D), concerning supervised or
36 unsupervised visitation that the court may order in a dependency-neglect



1 hearing, is amended to read as follows:

2 (o)(2)(D) The court may consider the preferences of the juvenile
3 if the juvenile is of a sufficient age and capacity to reason, regardless of
4 the juvenile's chronological age.

5 (E)(i) If the court orders supervised ~~visitation~~
6 family time, the parent from whom custody of the juvenile has been removed
7 shall receive a minimum of four (4) hours of supervised ~~visitation~~ family
8 time per week.

9 (ii) The court may order less than four (4)
10 hours of supervised ~~visitation~~ family time if the court determines that the
11 supervised ~~visitation~~ family time:

12 (a) Is not in the best interest of the
13 juvenile; or

14 (b) Will impose an extreme hardship on
15 one (1) of the parties.

16

17 SECTION 3. Arkansas Code § 9-27-355(b), concerning actions taken by
18 the Department of Human Services and the juvenile division of a circuit court
19 when the department takes custody of a juvenile, is amended to add an
20 additional subdivision to read as follows:

21 (5) In an action under this subsection concerning
22 placement of a juvenile, the circuit court may consider the preferences of
23 the juvenile if the juvenile is of a sufficient age and capacity to reason,
24 regardless of the juvenile's chronological age.

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26 SECTION 4. Arkansas Code § 9-28-108(e), concerning who is considered
27 the legal custodian of a juvenile when a juvenile is released from the
28 custody of the Department of Human Services, is amended to read as follows:

29 (e) In an action under this subsection concerning placement of a
30 juvenile, the circuit court may consider the preferences of the juvenile if
31 the juvenile is of a sufficient age and capacity to reason, regardless of the
32 juvenile's chronological age.

33 (f) When a juvenile leaves the custody of the department and the
34 court grants custody to the parent or another person, the department shall
35 not be the legal custodian of the juvenile, even if the juvenile division of
36 circuit court retains jurisdiction.

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/s/Vaught