

State of Arkansas *As Engrossed: S3/12/25 S3/20/25*
95th General Assembly
Regular Session, 2025

A Bill

SENATE BILL 326

By: Senator A. Clark

For An Act To Be Entitled

AN ACT TO AMEND THE ARKANSAS JUVENILE CODE OF 1989;
TO AMEND THE CHILD MALTREATMENT ACT; TO MODIFY
GUIDELINES FOR A JUDGMENT MADE IN THE BEST INTEREST
OF A CHILD; TO AMEND PROCEDURES AROUND REPORTING IN
CHILD MALTREATMENT, DEPENDENCY-NEGLECT, AND FAMILY-
IN-NEED-OF-SERVICES MATTERS; TO AMEND PROCEDURES
REGARDING SCREENINGS FOR CHILD MALTREATMENT; AND FOR
OTHER PURPOSES.

Subtitle

TO AMEND THE ARKANSAS JUVENILE CODE OF
1989 AND THE CHILD MALTREATMENT ACT; TO
MODIFY GUIDELINES FOR A JUDGMENT MADE IN
THE BEST INTEREST OF A CHILD; AND TO
AMEND PROCEDURES AROUND REPORTING CHILD
MALTREATMENT.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code § 9-27-102 is amended to read as follows:
9-27-102. Best interest of child.

(a)(1) The General Assembly recognizes; ~~that~~

(A) The importance of family and child protection;

(B) That children are defenseless; ~~and that~~

(C) That there is no greater moral obligation upon the
General Assembly than to provide for the protection of our children; ~~and that~~

(D) That our child welfare system needs to be strengthened



1 by establishing a clear policy of the state that the best interests of the
2 children must be paramount and shall have precedence at every stage of
3 juvenile court proceedings;

4 (E) That when a child can safely remain with his or her
5 family, that child should remain with his or her family;

6 (F) If a child is removed from his or her family for a
7 single act, government intervention should be temporary; and

8 (G) A child should return to his or her family when it is
9 safe for the child to do so.

10 (2) The best interest of the child shall: be

11 (A) Be the standard for juvenile court determinations as
12 to whether a child should be: reunited

13 (i) Reunited with his or her family; or removed

14 (ii) Removed from or remain in a home wherein the
15 child has been abused or neglected; and

16 (B) Include consideration of the following without
17 limitation:

18 (i) Family integrity;

19 (ii) The health and safety of the child;

20 (iii) Timely permanency decisions; and

21 (iv) Ensuring that the child will become a self-
22 sufficient adult.

23
24 SECTION 2. Arkansas Code § 9-27-303(37), concerning the definition of
25 "neglect" under the Arkansas Juvenile Code of 1989, is amended to read as
26 follows:

27 (37)(A) "Neglect" means ~~those~~ acts or omissions of a parent,
28 guardian, custodian, foster parent, or any person who is entrusted with the
29 juvenile's care by a parent, custodian, guardian, or foster parent,
30 including, ~~but not limited to,~~ without limitation an agent or employee of a
31 public or private residential home, childcare facility, public or private
32 school, or any person legally responsible under state law for the juvenile's
33 welfare, that constitute:

34 (i) Failure or refusal to prevent the abuse of the
35 juvenile when the person knows or has reasonable cause to know the juvenile
36 is or has been abused;

1 (ii) Failure or refusal to provide the necessary
2 food, clothing, shelter, or medical treatment necessary for the juvenile's
3 well-being, except when the failure or refusal is caused primarily by the
4 financial inability of the person legally responsible and no services for
5 relief have been offered;

6 (iii) Failure to take reasonable action to protect
7 the juvenile from abandonment, abuse, sexual abuse, sexual exploitation, or
8 neglect when the existence of this condition was known or should have been
9 known, and, if for abuse or neglect, the failure to take reasonable action to
10 protect the juvenile causes the juvenile serious bodily injury;

11 (iv) Failure or irremediable inability to provide for
12 the essential and necessary physical, or mental, ~~or emotional~~ needs of the
13 juvenile, including failure to provide a shelter that does not pose a risk to
14 the health or safety of the juvenile;

15 (v) Failure to provide for the juvenile's care and
16 maintenance, ~~proper or necessary support~~, or medical, or surgical, ~~or other~~
17 ~~necessary~~ care;

18 (vi) Failure, although able, to assume responsibility
19 for the care and custody of the juvenile or to participate in a plan to
20 assume the responsibility;

21 (vii) Failure to appropriately supervise the juvenile
22 that results in the juvenile's being left alone:

23 (a) At an inappropriate age, creating a
24 dangerous situation; or

25 (b) In inappropriate circumstances, creating a
26 dangerous situation;

27 (viii) Failure to appropriately supervise the
28 juvenile that results in the juvenile being placed in inappropriate
29 circumstances, creating a dangerous situation; or

30 (ix)(a) Failure to ensure a child between six
31 (6) years of age and seventeen (17) years of age is enrolled in school or is
32 being legally ~~home-schooled~~ homeschooled; or

33 (b) As a result of an act or omission by the
34 parent, custodian, foster parent, or guardian of a child, the child is
35 habitually and without justification absent from school.

36 (B)(i) "Neglect" shall also *include*:

1 (a) *Causing a child to be born with an illegal*
2 *substance present in the child's bodily fluids or bodily substances as a*
3 *result of the pregnant mother's knowingly using an illegal substance before*
4 *the birth of the child; or*

5 (b) *At the time of the birth of a child, the*
6 *presence of an illegal substance in the mother's bodily fluids or bodily*
7 *substances as a result of the pregnant mother's knowingly using an illegal*
8 *substance before the birth of the child.*

9 (ii) *For the purposes of this subdivision (37)(B),*
10 *"illegal substance" means a drug that is prohibited to be used or possessed*
11 *without a prescription under the Arkansas Criminal Code, § 5-1-101 et seq.*

12 (iii) *A test of the child's bodily fluids or bodily*
13 *substances may be used as evidence to establish neglect under subdivision*
14 *(37)(B)(i)(a) of this section.*

15 (iv) *A test of the mother's bodily fluids or bodily*
16 *substances or the child's bodily fluids or bodily substances may be used as*
17 *evidence to establish neglect under subdivision (37)(B)(i)(b) of this*
18 *section.*

19
20 SECTION 3. *Arkansas Code § 9-27-310(b), concerning persons who may*
21 *file a petition for dependency-neglect or family in need of services, is*
22 *amended to read as follows:*

23 (b)(1) *The prosecuting attorney shall have sole authority to file a*
24 *delinquency petition or petition for revocation of probation.*

25 (2) *Only a law enforcement officer, prosecuting attorney, the*
26 *Department of Human Services or its designee, or a dependency-neglect*
27 *attorney ad litem employed by or contracting with the Administrative Office*
28 *of the Courts may file a dependency-neglect petition seeking ex parte*
29 *emergency relief.*

30 (3) *Petitions for dependency-neglect or family in need of*
31 *services may be filed by:*

32 (A) ~~*Any adult*~~ *Those permitted to file for ex parte relief*
33 *under subdivision (b)(2) of this section; or*

34 (B) ~~*Any member ten (10) years of age or older of the*~~
35 ~~*immediate family alleged to be in need of services*~~ *A relative; or*

36 (C) *An individual in a familial relationship with the*

1 child.

2 (4) Petitions for paternity establishment may be filed by:

3 (A) The biological mother;

4 (B) A putative father;

5 (C) A juvenile; or

6 (D) The Office of Child Support Enforcement of the Revenue
7 Division of the Department of Finance and Administration.

8 (5) Petitions for family in need of services may be filed by:

9 (A) Those permitted to file a petition for dependency-
10 neglect;

11 (B) A counselor, school principal, or the designee of a
12 school principal; or

13 (C) A juvenile ten (10) years of age or older who alleges
14 that his or her family is in need of services.

15
16 SECTION 4. Arkansas Code § 9-27-310 is amended to add an additional
17 subsection to read as follows:

18 (h)(1) In a family in need of services matter, a judge of a
19 circuit court may initiate a seventy-two-hour hold of a child if there is an
20 immediate danger to the child's health and safety.

21 (2) If protective custody is taken:

22 (A) The court shall appoint dependency-neglect
23 attorney ad litem for the child or children under § 12-18-1001; and

24 (B) An attorney ad litem shall:

25 (i) Review all relevant information from the
26 juvenile proceeding regarding the child or children for whom protective
27 custody was taken; and

28 (ii) File any pleadings that are necessary to
29 protect the health, safety, or welfare of the child or children under
30 subsection (g) of this section.

31
32 SECTION 5. Arkansas Code § 9-27-332(a)(2), concerning possible
33 dispositions of a family in need of services case, is amended to read as
34 follows:

35 (2)(A) If it is in the best interest of the juvenile, transfer
36 custody of juvenile family members to another licensed agency responsible for

1 the care of juveniles or to a relative or other individual; or

2 ~~(B) If it is in the best interest of the juvenile and~~
3 ~~because of acts or omissions by the parent, guardian, or custodian, removal~~
4 ~~is necessary to protect the juvenile's health and safety, transfer custody to~~
5 ~~the department~~ Under § 12-18-1001, may initiate a seventy-two-hour hold if
6 there is an immediate danger to the child's health and safety.

7 ~~(C)~~ A juvenile in the custody of the department is
8 "awaiting foster care placement", as that term is used in the definition of
9 "homeless children and youths" in the McKinney-Vento Homeless Assistance Act,
10 42 U.S.C. § 11434a(2), if the juvenile:

11 (i) Is placed in a shelter, facility, or other
12 short-term placement with a plan of moving the juvenile within ninety (90)
13 days;

14 (ii) Is transferred to an emergency placement to
15 protect the juvenile's health or welfare;

16 (iii) Is placed in a provisional foster home as
17 defined by § 9-28-402;

18 (iv) Has experienced three (3) or more placements
19 within a twelve-month period; or

20 (v) Is placed in a regular foster home or other
21 placement that is not directly related to the permanency goal identified in
22 the case plan required under § 9-28-111;

23
24 SECTION 6. Arkansas Code § 9-28-104 is amended to read as follows:
25 9-28-104. Best interest of ~~the~~ child.

26 (a) The General Assembly recognizes; ~~that~~

27 (1) The importance of family and child protection;

28 (2) That children are defenseless; ~~and that~~

29 (3) That there is no greater moral obligation upon the General
30 Assembly than to provide for the protection of our children; ~~and that~~

31 (4) That our child welfare system needs to be strengthened by
32 establishing a clear policy of the state that the best interests of the
33 children must be paramount and shall have precedence at every stage of
34 juvenile court proceedings;

35 (5) That when a child can safely remain with his or her family,
36 that child should remain with his or her family;

1 (6) If a child is removed from his or her family, government
2 intervention should be temporary; and

3 (7) A child should return to his or her family when it is safe
4 for the child to do so.

5 (b) The best interest of the child shall ~~be~~

6 (1) Be the standard for recommendations made by employees of the
7 Department of Human Services as to whether a child should be ~~reunited~~

8 (A) Reunited with his or her family; ~~or removed~~

9 (B) Removed from or remain in a home wherein the child has
10 been abused or neglected; and

11 (2) Include consideration of the following without limitation:

12 (i) Family integrity;

13 (ii) The health and safety of the child;

14 (iii) Timely permanency decisions; and

15 (iv) Ensuring that the child will become a self-
16 sufficient adult.

17
18 SECTION 7. Arkansas Code § 12-18-103(14)(A), concerning the definition
19 of "neglect" under the Child Maltreatment Act, is amended to read as follows:

20 (14)(A) "Neglect" means ~~those~~ acts or omissions of a parent,
21 guardian, custodian, foster parent, or any person who is entrusted with the
22 child's care by a parent, custodian, guardian, or foster parent, including,
23 ~~but not limited to,~~ without limitation an agent or employee of a public or
24 private residential home, childcare facility, public or private school, or
25 any person legally responsible under state law for the child's welfare, but
26 excluding the spouse of a minor and the parents of the married minor, which
27 constitute:

28 (i) Failure or refusal to prevent the abuse of the
29 child when the person knows or has reasonable cause to know the child is or
30 has been abused;

31 (ii) Failure or refusal to provide necessary food,
32 clothing, shelter, or medical treatment necessary for the child's well-being,
33 except when the failure or refusal is caused primarily by the financial
34 inability of the person legally responsible and no services for relief have
35 been offered;

36 (iii) Failure to take reasonable action to protect

1 the child from abandonment, abuse, sexual abuse, sexual exploitation, or
2 neglect when the existence of the condition was known or should have been
3 known, and, if for abuse or neglect, the failure to take reasonable action to
4 protect the juvenile causes the juvenile serious bodily injury;

5 (iv) Failure or irremediable inability to provide for
6 the essential and necessary physical, or mental, ~~or emotional~~ needs of the
7 child, including the failure to provide a shelter that does not pose a risk
8 to the health or safety of the child;

9 (v) Failure to provide for the child's care and
10 maintenance, ~~proper or necessary support,~~ or medical, or surgical, ~~or other~~
11 ~~necessary~~ care;

12 (vi) Failure, although able, to assume responsibility
13 for the care and custody of the child or to participate in a plan to assume
14 such responsibility;

15 (vii) Failure to appropriately supervise the child
16 that results in the child's being left alone:

17 (a) At an inappropriate age creating a
18 dangerous situation; or

19 (b) In inappropriate circumstances creating a
20 dangerous situation;

21 (viii) Failure to appropriately supervise the child
22 that results in the child's being placed in inappropriate circumstances
23 creating a dangerous situation;

24 (ix) Failure to ensure a child between six (6) years
25 of age and seventeen (17) years of age is enrolled in school or is being
26 legally homeschooled; or

27 (x) An act or omission by the parent, custodian, or
28 guardian of the child that results in the child's being habitually and
29 without justification absent from school.

30
31 SECTION 8. Arkansas Code § 12-18-303(a), concerning minimum
32 requirements for a report of alleged child maltreatment to be accepted by the
33 Child Abuse Hotline under the Child Maltreatment Act, is amended to read as
34 follows:

35 (a)(1) Except as otherwise provided in this section, the Child Abuse
36 Hotline shall accept a report if:

1 ~~(1)~~(A) The report is of:

2 ~~(A)~~(i) An allegation of child maltreatment or
3 suspected child maltreatment, that ~~if found to be true~~, would constitute
4 child maltreatment as defined under this chapter;

5 ~~(B)~~(ii) The death of a child who died suddenly and
6 unexpectedly; or

7 ~~(C)~~(iii) The death of a child reported by a coroner
8 or county sheriff under § 20-15-502;

9 ~~(2)~~(B) Sufficient identifying information is provided to
10 identify and locate the child or the child's family; and

11 ~~(3)~~(C) The child or the child's family is present in
12 Arkansas or the incident occurred in Arkansas.

13 (2)(A) As a part of accepting a report under subdivision (a)(1)
14 of this section, the Child Abuse Hotline shall evaluate whether there is a
15 risk of harm to a child by the child's parent or caregiver using a
16 standardized assessment tool that considers the following without limitation:

17 (i) Family history;

18 (ii) The age of the child;

19 (iii) The relationship of the reporter to the child;

20 and

21 (iv) The risk of harm posed to the child.

22 (B) The Child Abuse Hotline shall collect data from the
23 standardized assessment tool and use the data to evaluate the consistency of
24 screening decisions.

25
26 SECTION 9. Arkansas Code § 12-18-1001(a), concerning circumstances
27 under which a child may be taken into custody without the consent of the
28 parent or guardian, is amended to read as follows:

29 (a) A police officer, law enforcement, a juvenile division of circuit
30 court judge during juvenile proceedings concerning the child or a sibling of
31 the child, or a designated employee of the Department of Human Services may
32 take a child into custody or any person in charge of a hospital or similar
33 institution or any physician treating a child may keep that child in his or
34 her custody without the consent of the parent or the guardian, whether or not
35 additional medical treatment is required, if:

36 (1) *The child is subjected to neglect as defined under 12-18-*

1 103(14)(B) and the department assesses the family and determines that the
2 health or physical well-being of the newborn and any other children,
3 including siblings, under the custody or care of a custodian ~~the mother~~ are
4 at substantial risk of serious harm such that ~~the children need to be removed~~
5 ~~from the custody or care of the mother~~ removal is necessary;

6 (2) The child is a dependent juvenile as defined in the Arkansas
7 Juvenile Code of 1989, § 9-27-301 et seq.; or

8 (3)(A) Circumstances or conditions of the child are such that
9 continuing in his or her place of residence or in the care and custody of the
10 parent, guardian, custodian, or caretaker presents an immediate danger to the
11 health or physical well-being of the child.

12 (B) A child shall not be placed in protective custody
13 under this section if:

14 (i) The child maltreatment allegation is for neglect
15 as defined in § 12-18-103, and there is not an immediate danger to the health
16 or physical well-being of the child;

17 (ii) There is not an immediate danger to the child
18 and a risk of harm to the child can be mitigated with services and supports;
19 or

20 (iii) The sole basis of the placement in protective
21 custody under this section is:

22 (a) Poor school attendance;

23 (b) That the parent, guardian, or custodian is
24 unable to provide food, clothing, or shelter due to financial inability; or

25 (c) For the child to receive behavioral health
26 or developmental disability services.

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28 /s/A. Clark
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