

Stricken language would be deleted from and underlined language would be added to present law.
Act 751 of the Regular Session

State of Arkansas
89th General Assembly
Regular Session, 2013

As Engrossed: S3/28/13
A Bill

HOUSE BILL 1849

By: Representative Broadway
By: Senator J. Woods

For An Act To Be Entitled

AN ACT TO AMEND PROVISIONS OF THE INTERSTATE COMPACT
ON THE PLACEMENT OF CHILDREN; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND PROVISIONS OF THE INTERSTATE
COMPACT ON THE PLACEMENT OF CHILDREN.

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

SECTION 1. Arkansas Code § 9-29-201, ARTICLE II, concerning the interstate compact on the placement of children, is amended to read as follows:

ARTICLE II Definitions

As used in this compact:

- (a) "Child" means a person who, by reason of minority, is legally subject to parental, guardianship, or similar control;
- (b) "Sending agency" means a party state, officer or employee thereof; a subdivision of a party state, or officer or employee thereof, a court of a party state, a person, corporation, association, charitable agency, or other entity which sends, brings, or causes to be sent or brought any child to another party state;
- (c) "Receiving state" means the state to which a child is sent, brought or caused to be sent or brought, whether by public authorities or private persons or agencies, and whether for placement with state or local



public authorities or for placement with private agencies or persons;

(d) "Placement" means:

(1) The arrangement for the care of a child in a family, free or boarding home or in a child-caring agency or institution but does not include any institution caring for the mentally ill, mentally defective or epileptic or any institution primarily educational in character, and any hospital or other medical facility; and

(2) The arrangement for the care of a child in the home of his or her parent, other relative, or non-agency guardian in a receiving state when the sending agency is any entity other than a parent, relative, guardian or non-agency guardian making the arrangement for care as a plan exempt under Article VIII(a) of the compact.

(e)(1) "Foster care" means the care of a child on a twenty-four-hour-a-day basis away from the home of the child's parent or parents. The care may be by a relative of the child, by a non-related individual, by a group home, or by a residential facility or any other entity.

(2) In addition, if twenty-four-hour-a-day care is provided by the child's parents by reason of a court ordered placement and not by virtue of the parent-child relationship, the care is foster care.

(3) "Foster care" shall not include placement in a residential facility by a parent if a child welfare agency or court is not involved with the parent or child through an open case or investigation.

(f)(1) "Priority placement" means whenever a court, upon request or on its own motion or where court approval is required, determines that a proposed priority placement of a child from one (1) state into another state is necessary because placement is with a relative and:

(A) The child is under ~~two (2)~~ four (4) years of age, including older siblings sought to be placed with the same proposed placement;

(B) The child is in an emergency ~~shelter~~ placement; or

(C) The court finds that the child has ~~spent~~ a substantial ~~amount of time in the home of~~ relationship with the proposed placement ~~recipient.~~ resource; or

(D) An unexpected dependency due to a sudden or recent incarceration, incapacitation, or death of a parent or guardian.

(2) The state agency has thirty (30) days to complete a request

for a priority placement.

(3) Requests for placement shall not be expedited or given priority except as outlined in this subsection.

(g) "Home study" means a written report that is obtained after an investigation of a household and that may include a criminal background check, including a fingerprint-based criminal background check in the national crime information database and a local criminal background check on any person in the household sixteen (16) years of age and older.

/s/Broadaway

APPROVED: 04/04/2013