

State of Arkansas
90th General Assembly
Regular Session, 2015

As Engrossed: H3/12/15
A Bill

HOUSE BILL 1671

By: Representative Broadaway

For An Act To Be Entitled

AN ACT CONCERNING FOSTER YOUTH TRANSITIONS; AND FOR
OTHER PURPOSES.

Subtitle

CONCERNING FOSTER YOUTH TRANSITIONS.

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

SECTION 1. Arkansas Code § 9-27-363 is amended to read as follows:
9-27-363. Foster youth transition.

(a) The General Assembly finds that:

(1) A juvenile in foster care should have a family for a lifetime, but too many juveniles in foster care reach the age of majority without being successfully reunited with their biological families and without the security of permanent homes;

(2) A juvenile in foster care who is approaching the age of majority shall be provided the opportunity to be actively engaged in the planning of his or her future;

(3) The Department of Human Services shall:

(A) Include the juvenile in the process of developing a plan to transition the child into adulthood;

(B) Empower the juvenile with information about all of the options and services available;

(C) Provide the juvenile with the opportunity to participate in services tailored to his or her individual needs and designed to enhance his or her ability to receive the skills necessary to enter adulthood;



(D) Assist the juvenile in developing and maintaining healthy relationships with nurturing adults who can be a resource and positive guiding influences in his or her life after he or she leaves foster care; and

(E) Provide the juvenile with basic information and documentation regarding his or her biological family and personal history.

~~(b)(1) The department shall develop a transitional plan with every juvenile in foster care not later than the juvenile's seventeenth birthday or within ninety (90) days of entering a foster care program for juveniles who enter foster care at seventeen (17) years of age or older~~ assist a juvenile in foster care or entering foster care with the development of a transitional life plan when the juvenile turns fourteen (14) years of age or within ninety (90) days of his or her fourteenth birthday, whichever occurs first.

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

~~(1)(A)~~ (A) The juvenile's right to stay in foster care after reaching eighteen (18) years of age for education, treatment, or work and specific programs and services, including without limitation the John H. Chafee Foster Care Independence Program and other transitional services; and

~~(2)(B)~~ (B) The juvenile's case, including his or her biological family, foster care placement history, tribal information, if applicable, and the whereabouts of siblings, if any, unless a court determines that release of information pertaining to a sibling would jeopardize the safety or welfare of the sibling.

(c) The department shall assist the juvenile with:

(1) Completing applications for:

(A) ARKids First, Medicaid, or assistance in obtaining other health insurance;

(B) Referrals to transitional housing, if available, or assistance in securing other housing; and

(C) Assistance in obtaining employment or other financial support;

(2) Applying for admission to a college or university, to a vocational training program, or to another educational institution and in obtaining financial aid, when appropriate; and

(3) Developing and maintaining relationships with individuals

who are important to the juvenile and who may serve as resources ~~to the juvenile based on his or her~~ that are based on the best interest of the juvenile.

(d) A juvenile and his or her attorney shall fully participate in the development of his or her transitional plan, to the extent that the juvenile is able to participate medically and developmentally.

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

(2) A representative from the office or a designee shall attend and participate in the transitional youth staffing, and information shall be provided to all of the parties about what services are available and how to access services for the juvenile after reaching the age of majority.

~~(e)~~(f) Before closing a case, the department shall provide a juvenile in foster care who reaches eighteen (18) years of age or before leaving foster care, whichever is later, his or her:

(1) Social ~~security~~ Security card;

(2) Certified birth certificate or verification of birth record, if available or if it should have been available to the department;

(3) Family photos in the possession of the department;

(4)(A) All of the juvenile's health records for the time the juvenile was in foster care and other medical records that were available or should have been available to the department.

(B) A juvenile who reaches eighteen (18) years of age and remains in foster care shall not be prevented from requesting that his or her health records remain private; and

(5) All of the juvenile's educational records for the time the juvenile was in foster care and any other educational records that were available or should have been available to the department.

~~(f)~~(g) Within thirty (30) days after the juvenile leaves foster care, the department shall provide the juvenile a full accounting of all funds held by the department to which he or she is entitled, information on how to access the funds, and when the funds will be available.

~~(g)~~(h) The department shall not request a circuit court to close a family in need of services case or dependency-neglect case involving a juvenile in foster care until the department complies with this section.

~~(h)~~(i) The department shall provide notice to the juvenile and his or her attorney before a hearing in which the department or another party requests a court to close the case is held.

~~(i)~~(j) A circuit court shall continue jurisdiction over a juvenile who has reached eighteen (18) years of age to ensure compliance with § 9-28-114.

~~(j)~~(k) This section does not limit the discretion of a circuit court to continue jurisdiction for other reasons as provided for by law.

~~(k) A court may terminate jurisdiction upon a showing that:~~
~~(1) The department has complied with this section; or~~
~~(2) The juvenile has refused the services.~~

SECTION 2. Arkansas Code § 9-28-114 is amended to read as follows:
9-28-114. Foster youth transition.

(a) The General Assembly finds that:

(1) Each juvenile in foster care should have a family for a lifetime, but too many juveniles in foster care reach the age of majority without being successfully reunited with their biological families and without the security of permanent homes;

(2) A child in foster care who is approaching the age of majority shall be provided the opportunity to be actively engaged in the planning of his or her future;

(3) The Department of Human Services shall:

(A) Include the child in the process of developing a plan to transition the child into adulthood;

(B) Empower the child with information about all of the options and services available;

(C) Provide the child with the opportunity to participate in services tailored to his or her individual needs and designed to enhance his or her ability to receive the skills necessary to enter adulthood;

(D) Assist the child in developing and maintaining healthy relationships with nurturing adults who can be resources and positive guiding influences in his or her life after he or she leaves foster care; and

(E) Provide the child with basic information and

documentation regarding his or her biological family and personal history.

(b)(1) ~~The department shall develop a transitional plan with every juvenile in foster care not later than the juvenile's seventeenth birthday or within ninety (90) days of entering a foster care program for juveniles who enter foster care at seventeen (17) years of age or older~~ assist a juvenile in foster care or entering foster care with the development of a transitional life plan when the juvenile turns fourteen (14) years of age or within ninety (90) days of his or her fourteenth birthday, whichever occurs first.

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

~~(1)(A)~~ The juvenile's right to stay in foster care after reaching eighteen (18) years of age for education, treatment, or work and specific programs and services, including without limitation the John H. Chafee Foster Care Independence Program and other transitional services; and

~~(2)(B)~~ The juvenile's case, including his or her biological family, foster care placement history, tribal information, if applicable, and the whereabouts of siblings, if any, unless a court determines that release of information pertaining to a sibling would jeopardize the safety or welfare of the sibling.

(c) The department shall assist the juvenile with:

(1) Completing applications for:

(A) ARKids First, Medicaid, or assistance in obtaining other health insurance;

(B) Referrals to transitional housing, if available, or assistance in securing other housing; and

(C) Assistance in obtaining employment or other financial support;

(2) Applying for admission to a college or university, to a vocational training program, or to another educational institution and in obtaining financial aid, when appropriate; and

(3) Developing and maintaining relationships with individuals who are important to the juvenile and who may serve as resources ~~to the juvenile based on his or her best interest~~ based on the best interest of the juvenile.

(d) A juvenile and his or her attorney shall fully participate in the development of his or her transitional plan, to the extent that the juvenile

is able to participate medically and developmentally.

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

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

~~(e)~~(f) Before closing a case, the department shall provide a juvenile in foster care who reaches eighteen (18) years of age or before leaving foster care, whichever is later, his or her:

- (1) Social Security card;
- (2) Certified birth certificate or verification of birth record, if available or if should have been available to the department;
- (3) Family photos in the possession of the department;
- (4)(A) All of the juvenile's health records for the time the juvenile was in foster care and any other medical records that were available or should have been available to the department.

(B) A juvenile who reaches eighteen (18) years of age and remains in foster care shall not be prevented from requesting that his or her health records remain private; and

(5) All of the juvenile's educational records for the time the juvenile was in foster care and any other educational records that were available or should have been available to the department.

~~(f)~~(g) Within thirty (30) days after the juvenile leaves foster care, the department shall provide the juvenile a full accounting of all funds held by the department to which he or she is entitled, information on how to access the funds, and when the funds will be available.

~~(g)~~(h) The department shall not request a circuit court to close a family in need of services case or dependency-neglect case involving a juvenile in foster care until the department complies with this section.

~~(h)~~(i) The department shall provide notice to the juvenile and his or her attorney before a hearing in which the department or another party

requests a court to close the case is held.

/s/Broadaway

APPROVED: 04/04/2015