

State of Arkansas  
91st General Assembly  
Regular Session, 2017

As Engrossed: H3/23/17  
**A Bill**

HOUSE BILL 1381

By: Representative Gazaway

### For An Act To Be Entitled

AN ACT TO AMEND THE GROUNDS FOR DENYING PERMANENCY PLANS THAT PLACE JUVENILES IN THE CUSTODY OF A PARENT, GUARDIAN, OR CUSTODIAN; AND FOR OTHER PURPOSES.

### Subtitle

TO AMEND THE GROUNDS FOR DENYING PERMANENCY PLANS THAT PLACE JUVENILES IN THE CUSTODY OF A PARENT, GUARDIAN, OR CUSTODIAN.

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

*SECTION 1. Arkansas Code § 9-27-339(c)(3), concerning a court's authorization of a permanency plan that requires placing a juvenile in the custody of a parent, custodian, or guardian, is amended to read as follows:*

*(3) Authorizing a plan to place custody of the juvenile with a parent, guardian, or custodian only if the court finds that:*

*(A)(i)(a) The parent, guardian, or custodian is complying with the established case plan and orders of the court, making significant and measurable progress toward achieving the goals established in the case plan and diligently working toward reunification or placement in the home of the parent, guardian, or custodian.*

*(b) The court shall consider all relevant factors that may include without limitation whether the parent, guardian, or custodian maintained consistent contact with the department, participated in the case plan, followed the orders of the court, and visited the juvenile for*



a substantial period of time before the permanency planning hearing.

~~(ii)(c)~~ A parent's, guardian's, or custodian's resumption of contact or overtures toward participating in the case plan or following the orders of the court in the ~~months or weeks~~ time period immediately preceding the permanency planning hearing are insufficient grounds for authorizing a plan for the juvenile to return to or to be placed in the home as the permanency plan.

~~(iii)(d)~~ The burden is on the parent, guardian, or custodian to demonstrate genuine, sustainable investment in completing the requirements of the case plan and following the orders of the court in order to authorize a plan to return or be placed in the home as the permanency goal; ~~and~~

~~(B)(i)~~ The parent, guardian, or custodian is making significant and measurable progress toward remedying the conditions that:

~~(a)(i)~~ Caused the juvenile's removal and the juvenile's continued removal from the home; or

~~(b)(ii)~~ Prohibit placement of the juvenile in the home of a parent; ~~and~~

~~(ii)(C)~~ Placement of the juvenile in the home of the parent, guardian, or custodian shall occur within a time frame consistent with the juvenile's developmental needs but no later than three (3) months from the date of the permanency planning hearing;

SECTION 2. Arkansas Code § 9-27-338, concerning permanency planning hearings, is amended to add an additional subsection to read as follows:

(h)(1) The court shall determine if establishing concurrent permanency planning goals is appropriate.

(2) If the court determines that establishing concurrent permanency planning goals is appropriate, the court shall establish all appropriate permanency planning goals subject to the requirements of this section.

(3) If the court sets a goal of adoption, reunification services shall continue to be provided unless the court:

(A) Determines that the reunification services are no longer needed;

(B) Terminates parental rights; or

(C) Otherwise finalizes a permanency plan for the juvenile.

*/s/Gazaway*

**APPROVED: 04/06/2017**