

State of Arkansas
93rd General Assembly
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As Engrossed: S3/2/21
A Bill

HOUSE BILL 1358

By: Representative Barker
By: Senator G. Stubblefield

For An Act To Be Entitled

AN ACT TO AMEND THE LAW CONCERNING CERTAIN
DISCLOSURES OF INFORMATION BY CHILDREN; CONCERNING
FOSTER YOUTH TRANSITIONS; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND THE LAW CONCERNING CERTAIN
DISCLOSURES OF INFORMATION PERMITTED
UNDER THE CHILD WELFARE AGENCY LICENSING
ACT; AND CONCERNING FOSTER YOUTH
TRANSITIONS.

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

SECTION 1. Arkansas Code § 9-27-306(a)(1)(B), concerning jurisdiction under the Arkansas Juvenile Code of 1989, is amended to read as follows:

(B) Proceedings in which a juvenile is alleged to be dependent or dependent-neglected from birth to eighteen (18) years of age, except for the following:

(i)(a) A juvenile who has been adjudicated dependent or dependent-neglected before eighteen (18) years of age may request the court to continue jurisdiction over the juvenile until twenty-one (21) years of age so long as the juvenile is ~~engaged in a course of instruction or treatment;~~

(1) Completing secondary education or a program leading to an equivalent credential;

(2) Enrolled in an institution providing



post-secondary or vocational education;

(3) Participating in a program or activity designed to promote or remove barriers to employment;

(4) ~~or is working~~ Employed for at least eighty (80) hours a per month; or

(5) Incapable of completing school or work requirements due to a documented medical condition ~~toward gaining self-sufficiency.~~

(b) The court shall retain jurisdiction only if the juvenile ~~remains or has a viable plan to remain in instruction or treatment, or is working at least eighty (80) hours a month toward gaining self-sufficiency~~ meets the requirements of subdivision (a)(1)(B)(i)(a) of this section or has a viable plan to meet the requirements.

(c) The court shall discontinue jurisdiction only after a hearing to determine whether:

(1) The juvenile;

(A) ~~knowingly~~ Knowingly and voluntarily is requesting to leave care;

(B) ~~or the juvenile has~~ Has failed to be engaged in or have a viable plan to participate in a course of instruction or treatment or is not working at least eighty (80) hours per month toward gaining self-sufficiency meet the requirements of subdivision (a)(1)(B)(i)(a) of this section; or

(C) Does not have a viable plan to meet the requirements; and

(2) The Department of Human Services has fully complied with §§ 9-27-363 and 9-28-114; or

(ii) A juvenile may contact his or her attorney ad litem to petition the court to return to the court's jurisdiction to receive ~~independent living or~~ transitional services if the juvenile:

(a) Was adjudicated dependent or dependent-neglected;

(b) Was in foster care at eighteen (18) years of age; and

(c) Left foster care but desires to submit to the jurisdiction of the court before reaching twenty-one (21) years of age to

benefit from ~~independent living or~~ transitional services; ~~or~~

~~(d) Left foster care and decides to submit to the jurisdiction of the court and return to foster care to receive transitional services;~~

SECTION 2. Arkansas Code § 9-27-363(b)(2), concerning foster youth transitions under the Arkansas Juvenile Code of 1989, is amended to read as follows:

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

(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;~~ A description of the programs and services which will help the juvenile prepare for transition from foster care to a successful adulthood, including without limitation the John H. Chafee Foster Care Program for Successful Transition to Adulthood and other transitional services; ~~and~~

(B) The right of the juvenile to remain in extended foster care after reaching eighteen (18) years of age if the juvenile is:

(i) Completing secondary education or a program leading to an equivalent credential;

(ii) Enrolled in an institution providing post-secondary or vocational education;

(iii) Participating in a program or activity designed to promote or remove barriers to employment;

(iv) Employed for at least eighty (80) hours per month; or

(v) Incapable of performing the activities described in subdivisions (b)(2)(B)(i)-(iv) of this section due to a documented medical condition; and

(C) 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.

SECTION 3. Arkansas Code § 9-28-114(e), concerning foster youth transition, is amended to read as follows:

(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~~ Office of Public Guardian for Adults, the Division of Children and Family Services shall make a referral to the ~~unit office~~ office 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 office~~ office 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.

SECTION 4. Arkansas Code § 9-28-114, concerning foster youth transition, is amended to add an additional subsection to read as follows:

(j) Nothing in this subchapter prohibits a child in the custody of the department from sharing at his or her discretion information concerning his or her experience with the department after consultation with his or her assigned attorney ad litem.

/s/Barker

APPROVED: 3/10/21