State of Arkansas *As Engrossed: H3/19/25*
95th General Assembly **A Bill**
Regular Session, 2025 SENATE BILL 320

By: Senators Irvin, B. Davis, J. English
By: Representatives Dalby, Barker, Bentley, A. Brown, K. Brown, R. Burkes, Cavenaugh, Crawford, Duke, Henley, Lundstrum, J. Mayberry, McAlindon, K. Moore, Vaught

For An Act To Be Entitled

AN ACT TO AMEND THE ARKANSAS JUVENILE CODE OF 1989; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND THE ARKANSAS JUVENILE CODE OF 1989.

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

SECTION 1. DO NOT CODIFY. Construction and legislative intent.

It is the intent of the General Assembly that:

(1) The enactment and adoption of this act shall not expressly or impliedly repeal an act passed during the regular session of the Ninety-Fifth General Assembly;

(2) To the extent that a conflict exists between an act of the regular session of the Ninety-Fifth General Assembly and this act, the act of the regular session of the Ninety-Fifth General Assembly shall be treated as a subsequent act passed by the General Assembly for the purposes of:

(A) Giving the act of the regular session of the Ninety-Fifth General Assembly its full force and effect; and

(B) Amending or repealing the appropriate parts of the Arkansas Code of 1987; and

(3) This act shall make only technical, not substantive, changes to the Arkansas Code of 1987.

SECTION 2. Arkansas Code Title 9, Chapter 27, Subchapter 3, is

repealed.

~~Subchapter 3 — Arkansas Juvenile Code~~

~~9-27-301. Title.~~

~~This subchapter shall be known and may be cited as the "Arkansas Juvenile Code of 1989".~~

~~9-27-302. Purposes — Construction.~~

~~This subchapter shall be liberally construed to the end that its purposes may be carried out:~~

~~(1) To assure that all juveniles brought to the attention of the courts receive the guidance, care, and control, preferably in each juvenile's own home when the juvenile's health and safety are not at risk, that will best serve the emotional, mental, and physical welfare of the juvenile and the best interest of the state;~~

~~(2)(A) To preserve and strengthen the juvenile's family ties when it is in the best interest of the juvenile;~~

~~(B) To protect a juvenile by considering the juvenile's health and safety as the paramount concerns in determining whether or not to remove the juvenile from the custody of his or her parents or custodians, removing the juvenile only when the safety and protection of the public cannot adequately be safeguarded without such removal;~~

~~(C) When a juvenile is removed from his or her own family, to secure for him or her custody, care, and discipline with primary emphasis on ensuring the health and safety of the juvenile while in the out-of-home placement; and~~

~~(D) To assure, in all cases in which a juvenile must be permanently removed from the custody of his or her parents, that the juvenile be placed in an approved family home and be made a member of the family by adoption;~~

~~(3) To protect society more effectively by substituting for retributive punishment, whenever possible, methods of offender rehabilitation and rehabilitative restitution, recognizing that the application of sanctions that are consistent with the seriousness of the offense is appropriate in all cases; and~~

~~(4) To provide means through which the provisions of this~~

~~subchapter are executed and enforced and in which the parties are assured a fair hearing and their constitutional and other legal rights recognized and enforced.~~

~~9-27-303. Definitions.~~

~~As used in this subchapter:~~

~~(1) "Abandoned infant" means a juvenile less than nine (9) months of age whose parent, guardian, or custodian left the child alone or in the possession of another person without identifying information or with an expression of intent by words, actions, or omissions not to return for the infant;~~

~~(2)(A) "Abandonment" means:~~

~~(i) The failure of the parent to provide reasonable support for a juvenile and to maintain regular contact with a juvenile through statement or contact when the failure is accompanied by an intention on the part of the parent to permit the condition to continue for an indefinite period in the future;~~

~~(ii) The failure of a parent to support or maintain regular contact with a child without just cause; or~~

~~(iii) An articulated intent to forego parental responsibility.~~

~~(B) "Abandonment" does not include a situation in which a child has disrupted his or her adoption and the adoptive parent has exhausted the available resources;~~

~~(3)(A) "Abuse" means any of the following acts or omissions by a parent, guardian, custodian, foster parent, person eighteen (18) years of age or older living in the home with a child, whether related or unrelated to the child, or any person who is entrusted with the juvenile's care by a parent, guardian, custodian, or foster parent, including, but not limited to, an agent or employee of a public or private residential home, childcare facility, public or private school, or any person legally responsible for the juvenile's welfare:~~

~~(i) Extreme or repeated cruelty to a juvenile;~~

~~(ii) Engaging in conduct creating a realistic and serious threat of death, permanent or temporary disfigurement, or impairment of any bodily organ;~~

~~(iii) Injury to a juvenile's intellectual, emotional, or psychological development as evidenced by observable and substantial impairment of the juvenile's ability to function within the juvenile's normal range of performance and behavior;~~

~~(iv) Any injury that is at variance with the history given;~~

~~(v) Any nonaccidental physical injury;~~

~~(vi) Any of the following intentional or knowing acts, with physical injury and without justifiable cause:~~

~~(a) Throwing, kicking, burning, biting, or cutting a child;~~

~~(b) Striking a child with a closed fist;~~

~~(c) Shaking a child; or~~

~~(d) Striking a child on the face;~~

~~(vii) Any of the following intentional or knowing acts, with or without physical injury:~~

~~(a) Striking a child six (6) years of age or younger on the face or head;~~

~~(b) Shaking a child three (3) years of age or younger;~~

~~(c) Interfering with a child's breathing;~~

~~(d) Urinating or defecating on a child;~~

~~(e) Pinching, biting, or striking a child in the genital area;~~

~~(f) Tying a child to a fixed or heavy object or binding or tying a child's limbs together;~~

~~(g) Giving a child or permitting a child to consume or inhale a poisonous or noxious substance not prescribed by a physician that has the capacity to interfere with normal physiological functions;~~

~~(h) Giving a child or permitting a child to consume or inhale a substance not prescribed by a physician that has the capacity to alter the mood of the child, including, but not limited to, the following:~~

~~(1) Marijuana;~~

~~(2) Alcohol, excluding alcohol given to~~

~~a child during a recognized and established religious ceremony or service;~~

~~(3) Narcotics; or~~

~~(4) Over-the-counter drugs if a person purposely administers an overdose to a child or purposely gives an inappropriate over-the-counter drug to a child and the child is detrimentally impacted by the overdose or over-the-counter drug;~~

~~(i) Exposing a child to chemicals that have the capacity to interfere with normal physiological functions, including, but not limited to, chemicals used or generated during the manufacturing of methamphetamine; or~~

~~(j) Subjecting a child to Munchausen syndrome by proxy, also known as "factitious illness by proxy", when reported and confirmed by medical personnel or a medical facility; or~~

~~(viii) Recruiting, harboring, transporting, or obtaining a child for labor or services, through force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.~~

~~(B)(i) The list in subdivision (3)(A) of this section is illustrative of unreasonable action and is not intended to be exclusive.~~

~~(ii) No unreasonable action shall be construed to permit a finding of abuse without having established the elements of abuse.~~

~~(C)(i) "Abuse" shall not include:~~

~~(a) Physical discipline of a child when it is reasonable and moderate and is inflicted by a parent or guardian for purposes of restraining or correcting the child; or~~

~~(b) Instances when a child suffers transient pain or minor temporary marks as the result of a reasonable restraint if:~~

~~(1) The person exercising the restraint is an employee of a residential childcare facility licensed or exempted from licensure under the Child Welfare Agency Licensing Act, § 9-28-401 et seq.;~~

~~(2) The person exercising the restraint is acting in his or her official capacity while on duty at a residential childcare facility or the residential childcare facility is exempt from licensure under the Child Welfare Agency Licensing Act, § 9-28-401 et seq.;~~

~~(3) The agency has policies and procedures regarding restraints;~~

~~(4) Other alternatives do not exist to control the child except for a restraint;~~

~~(5) The child is in danger of hurting himself or herself or others;~~

~~(6) The person exercising the restraint has been trained in properly restraining children, de-escalation, and conflict resolution techniques; and~~

~~(7) The restraint is:~~

~~(A) For a reasonable period of time; and~~

~~(B) In conformity with training and agency policy and procedures.~~

~~(ii) Reasonable and moderate physical discipline inflicted by a parent or guardian shall not include any act that is likely to cause and that does cause injury more serious than transient pain or minor temporary marks.~~

~~(iii) The age, size, and condition of the child and the location of the injury and the frequency or recurrence of injuries shall be considered when determining whether the physical discipline is reasonable or moderate;~~

~~(4) "Adjudication hearing" means a hearing to determine whether the allegations in a petition are substantiated by the proof;~~

~~(5) "Adult sentence" means punishment authorized by the Arkansas Criminal Code, § 5-1-101 et seq., subject to the limitations in § 9-27-507, for the act or acts for which the juvenile was adjudicated delinquent as an extended juvenile jurisdiction offender;~~

~~(6) "Aggravated circumstances" means:~~

~~(A) A child has been abandoned, chronically abused, subjected to extreme or repeated cruelty, sexually abused, sexually exploited, or a determination has been or is made by a judge that there is little likelihood that services to the family will result in successful reunification;~~

~~(B) A child has been removed from the custody of the parent or guardian and placed in foster care or in the custody of another person three (3) or more times in the last fifteen (15) months; or~~

~~(C) A child or a sibling has been neglected or abused such~~

~~that the abuse or neglect could endanger the life of the child;~~

~~(7) "Attorney ad litem" means an attorney appointed to represent the best interest of a juvenile;~~

~~(8) "Caretaker" means a parent, guardian, custodian, foster parent, significant other of the child's parent, or any person fourteen (14) years of age or older who is entrusted with a child's care by a parent, guardian, custodian, or foster parent, including, but not limited to, an agent or employee of a public or private residential home, childcare facility, public or private school, or any person responsible for a child's welfare;~~

~~(9) "Case plan" means a document setting forth the plan for services for a juvenile and his or her family, as described in § 9-27-402;~~

~~(10)(A) "Cash assistance" means short-term financial assistance.~~

~~(B) "Cash assistance" does not include:~~

~~(i) Long-term financial assistance or financial assistance that is the equivalent of the board payment, adoption subsidy, or guardianship subsidy; or~~

~~(ii) Financial assistance for car insurance;~~

~~(11) "Commitment" means an order of the court that places a juvenile in the physical custody of the Division of Youth Services for placement in a youth services facility;~~

~~(12) "Court" means the juvenile division of circuit court;~~

~~(13) "Court-appointed special advocate" means a volunteer appointed by the court to advocate for the best interest of juveniles in dependency-neglect proceedings;~~

~~(14)(A) "Custodian" means a person other than a parent or legal guardian who stands in loco parentis to the juvenile or a person, agency, or institution to whom a court of competent jurisdiction has given custody of a juvenile by court order.~~

~~(B) For the purposes of who has a right to counsel under § 9-27-316(h), "custodian" includes a person to whom a court of competent jurisdiction has given custody, including a legal guardian;~~

~~(15) "Delinquent juvenile" means:~~

~~(A) A juvenile ten (10) years old or older who:~~

~~(i) Has committed an act other than a traffic~~

~~offense or game and fish violation that, if the act had been committed by an adult, would subject the adult to prosecution for a felony, misdemeanor, or violation under the applicable criminal laws of this state;~~

~~(ii) Has violated § 5-73-119; or~~

~~(iii) Has violated § 5-71-217(d)(2), cyberbullying of a school employee; or~~

~~(B) Any juvenile charged with capital murder, § 5-10-101, or murder in the first degree, § 5-10-102, subject to extended juvenile jurisdiction;~~

~~(16) "Dependent juvenile" means:~~

~~(A)(i) A child whose parent or guardian is incarcerated and the parent or guardian has no appropriate relative or friend willing or able to provide care for the child.~~

~~(ii) If the reason for the incarceration is related to the health, safety, or welfare of the child, the child is not a dependent juvenile but may be dependent-neglected;~~

~~(B) A child whose parent or guardian is incapacitated, whether temporarily or permanently, so that the parent or guardian cannot provide care for the juvenile and the parent or guardian has no appropriate relative or friend willing or able to provide care for the child;~~

~~(C) A child whose custodial parent dies and no appropriate relative or friend is willing or able to provide care for the child;~~

~~(D) A child who is an infant relinquished to the custody of the Department of Human Services for the sole purpose of adoption;~~

~~(E) A safe haven baby, § 9-34-201 et seq.;~~

~~(F) A child who has disrupted his or her adoption, and the adoptive parents have exhausted resources available to them; or~~

~~(G)(i) A child who has been a victim of human trafficking.~~

~~(ii) If the parent knew or should have known the child was a victim of human trafficking, the child is not a dependent juvenile but may be dependent-neglected;~~

~~(17)(A) "Dependent-neglected juvenile" means any juvenile who is at substantial risk of serious harm as a result of the following acts or omissions to the juvenile, a sibling, or another juvenile:~~

~~(i) Abandonment;~~

~~(ii) Abuse;~~

~~(iii) Sexual abuse;~~

~~(iv) Sexual exploitation;~~

~~(v) Neglect;~~

~~(vi) Parental unfitness; or~~

~~(vii) Being present in a dwelling or structure during the manufacturing of methamphetamine with the knowledge of his or her parent, guardian, or custodian.~~

~~(B) "Dependent-neglected juvenile" includes dependent juveniles;~~

~~(18) "Detention" means the temporary care of a juvenile in a physically restricting facility other than a jail or lock-up used for the detention of adults prior to an adjudication hearing for delinquency or pending commitment pursuant to an adjudication of delinquency;~~

~~(19) "Detention hearing" means a hearing held to determine whether a juvenile accused or adjudicated of committing a delinquent act or acts should be released or held prior to adjudication or disposition;~~

~~(20) "Deviant sexual activity" means any act of sexual gratification involving:~~

~~(A) Penetration, however slight, of the anus or mouth of one (1) person by the penis of another person; or~~

~~(B) Penetration, however slight, of the labia majora or anus of one (1) person by any body member or foreign instrument manipulated by another person;~~

~~(21) "Disposition hearing" means a hearing held following an adjudication hearing to determine what action will be taken in delinquency, family in need of services, or dependency-neglect cases;~~

~~(22) "Extended juvenile jurisdiction offender" means a juvenile designated to be subject to juvenile disposition and an adult sentence imposed by the court;~~

~~(23) "Family in need of services" means any family whose juvenile evidences behavior that includes, but is not limited to, the following:~~

~~(A) Being habitually and without justification absent from school while subject to compulsory school attendance;~~

~~(B) Being habitually disobedient to the reasonable and lawful commands of his or her parent, guardian, or custodian; or~~

~~(C) Having absented himself or herself from the juvenile's~~

~~home without sufficient cause, permission, or justification;~~

~~(24)(A) "Family services" means relevant services provided to a juvenile or his or her family, including, but not limited to:~~

~~(i) Child care;~~

~~(ii) Homemaker services;~~

~~(iii) Crisis counseling;~~

~~(iv) Cash assistance;~~

~~(v) Transportation;~~

~~(vi) Family therapy;~~

~~(vii) Physical, psychiatric, or psychological evaluation;~~

~~(viii) Counseling;~~

~~(ix) Treatment; or~~

~~(x) Post-adoptive services.~~

~~(B) Family services are provided in order to:~~

~~(i) Prevent a juvenile from being removed from a parent, guardian, or custodian;~~

~~(ii) Reunite the juvenile with the parent, guardian, or custodian from whom the juvenile has been removed;~~

~~(iii) Implement a permanent plan of adoption or guardianship for a juvenile in a dependency-neglect case; or~~

~~(iv) Rehabilitate a juvenile in a delinquency or family in need of services case;~~

~~(25) "Fast track" means that reunification services will not be provided or will be terminated before twelve (12) months of services;~~

~~(26)(A) "Fictive kin" means a person selected by the Division of Children and Family Services who:~~

~~(i) Is not related to a child by blood or marriage; and~~

~~(ii) Has a strong, positive, and emotional tie or role in the:~~

~~(a) Child's life; or~~

~~(b) Child's parent's life if the child is an infant.~~

~~(B) The Director of the Division of Children and Family Services or his or her designee shall approve a fictive kin for an infant;~~

~~(27)(A) "Forcible compulsion" means physical force, intimidation, or a threat, express or implied, of death, physical injury to, rape, sexual abuse, or kidnapping of any person.~~

~~(B) If the act was committed against the will of the juvenile, then forcible compulsion has been used.~~

~~(C) The age, developmental stage, and stature of the victim and the relationship of the victim to the assailant, as well as the threat of deprivation of affection, rights, and privileges from the victim by the assailant shall be considered in weighing the sufficiency of the evidence to prove compulsion;~~

~~(28) "Guardian" means any person, agency, or institution, as defined by § 28-65-101 et seq., whom a court of competent jurisdiction has so appointed;~~

~~(29)(A) "Home study" means a written report that is obtained after an investigation of a home by the department or other appropriate persons or agencies and that shall conform to rules established by the department.~~

~~(B)(i) An in-state home study, excluding the results of a criminal records check, shall be completed and presented to the requesting court within thirty (30) working days of the receipt of the request for the home study.~~

~~(ii) The results of the criminal records check shall be provided to the court as soon as they are received.~~

~~(iii) The circuit clerk of the county court shall:~~

~~(a) Keep a record of the national fingerprint-based criminal background checks performed by the Federal Bureau of Investigation for the court;~~

~~(b) Permit only the court and the employees of the clerk's office with an official reason to view the information in the national fingerprint-based criminal background check;~~

~~(c) Not permit anyone to obtain a copy of the national fingerprint-based criminal background check; and~~

~~(d) Permit a person specifically ordered by the court to view the information in the national fingerprint-based criminal background check.~~

~~(iv)(a) The department shall share the~~

~~information obtained from the criminal records check and the national fingerprint-based criminal background checks only with employees of the department who have an official business reason to see the information.~~

~~(b) Unless specifically ordered to do so by the court, the department shall not share the information obtained from the criminal records check and the national fingerprint-based criminal background checks with persons not employed by the department.~~

~~(C)(i) The department may obtain a criminal background check on any person in the household sixteen (16) years of age and older, including a fingerprint-based check of national crime information databases.~~

~~(ii) Upon request, local law enforcement shall provide the department with criminal background information on any person in the household sixteen (16) years of age and older;~~

~~(30) "Imminent harm" means an act of harm that is a danger:~~

~~(A) To the physical, mental, or emotional health of a juvenile;~~

~~(B) That is constrained by time; and~~

~~(C) That may only be prevented by immediate intervention by a court;~~

~~(31) "Indecent exposure" means the exposure by a person of the person's sexual organs for the purpose of arousing or gratifying the sexual desire of the person or any other person, under circumstances in which the person knows the conduct is likely to cause affront or alarm;~~

~~(32) "Independence" means a permanency planning hearing disposition known as "Another Planned Permanent Living Arrangement (APPLA)" for the juvenile who will not be reunited with his or her family and because another permanent plan is not in the juvenile's best interest;~~

~~(33) "Juvenile" means an individual who is:~~

~~(A) From birth to eighteen (18) years of age, whether married or single; or~~

~~(B) Adjudicated delinquent, a juvenile member of a family in need of services, or dependent or dependent-neglected by the juvenile division of circuit court prior to eighteen (18) years of age and for whom the juvenile division of circuit court retains jurisdiction;~~

~~(34) "Juvenile detention facility" means any facility for the temporary care of juveniles alleged to be delinquent or adjudicated~~

~~delinquent and awaiting disposition, who require secure custody in a physically restricting facility designed and operated with all entrances and exits under the exclusive control of the facility's staff, so that a juvenile may not leave the facility unsupervised or without permission;~~

~~(35) "Law enforcement officer" means any public servant vested by law with a duty to maintain public order or to make arrests for offenses;~~

~~(36) "Miranda rights" means the requirement set out in Miranda v. Arizona, 384 U.S. 436 (1966), for law enforcement officers to clearly inform an accused, including a juvenile taken into custody for a delinquent act or a criminal offense, that the juvenile has the right to remain silent, that anything the juvenile says will be used against him or her in court, that the juvenile has the right to consult with a lawyer and to have the lawyer with him or her during interrogation, and that, if the juvenile is indigent, a lawyer will be appointed to represent him or her;~~

~~(37)(A) "Neglect" means those acts or omissions of a parent, guardian, custodian, foster parent, or any person who is entrusted with the juvenile's care by a parent, custodian, guardian, or foster parent, including, but not limited to, an agent or employee of a public or private residential home, childcare facility, public or private school, or any person legally responsible under state law for the juvenile's welfare, that constitute:~~

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

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

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

~~(iv) Failure or irremediable inability to provide for the essential and necessary physical, mental, or emotional needs of the~~

~~juvenile, including failure to provide a shelter that does not pose a risk to the health or safety of the juvenile;~~

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

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

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

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

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

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

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

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

~~(B)(i) "Neglect" shall also include:~~

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

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

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

~~(iii) A test of the child's bodily fluids or bodily~~

~~substances may be used as evidence to establish neglect under subdivision (37)(B)(i)(a) of this section.~~

~~(iv) A test of the mother's bodily fluids or bodily substances or the child's bodily fluids or bodily substances may be used as evidence to establish neglect under subdivision (37)(B)(i)(b) of this section;~~

~~(38)(A) "Notice of hearing" means a notice that describes the nature of the hearing, the time, date, and place of hearing, the right to be present, heard, and represented by counsel, and instructions on how to apply to the court for appointment of counsel, if indigent, or a uniform notice as developed and prescribed by the Supreme Court.~~

~~(B) The notice of hearing shall be served in the manner provided for service under the Arkansas Rules of Civil Procedure;~~

~~(39) "Order to appear" means an order issued by the court directing a person who may be subject to the court's jurisdiction to appear before the court at a date and time as set forth in the order;~~

~~(40)(A) "Out-of-home placement" means:~~

~~(i) Placement in a home or facility other than placement in a youth services center, a detention facility, or the home of a parent or guardian of the juvenile; or~~

~~(ii) Placement in the home of an individual other than a parent or guardian, not including any placement when the court has ordered that the placement be made permanent and ordered that no further reunification services or six-month reviews are required.~~

~~(B) "Out-of-home placement" shall not include placement in a youth services center or detention facility as a result of a finding of delinquency;~~

~~(41) "Parent" means:~~

~~(A) A biological mother;~~

~~(B) An adoptive parent; or~~

~~(C) A man:~~

~~(i) To whom the biological mother was married at the time of conception or birth;~~

~~(ii) Who has signed an acknowledgment of paternity pursuant to § 9-10-120;~~

~~(iii) Who has been found by a court of competent~~

~~jurisdiction to be the biological father of the juvenile or to have otherwise established paternity; or~~

~~(iv) Who is listed as the parent on the birth certificate of the child;~~

~~(42) "Paternity hearing" means a legal proceeding to determine the biological father of a juvenile;~~

~~(43) "Permanent custody" means custody that is transferred to a person as a permanency disposition in a juvenile case and the case is closed;~~

~~(44) "Pornography" means:~~

~~(A) Pictures, movies, and videos lacking serious literary, artistic, political, or scientific value that when taken as a whole and applying contemporary community standards would appear to the average person to appeal to the prurient interest;~~

~~(B) Material that depicts sexual conduct in a patently offensive manner lacking serious literary, artistic, political, or scientific value; or~~

~~(C) Obscene or licentious material;~~

~~(45)(A) "Predisposition report" means a report concerning the juvenile, the family of the juvenile, all possible disposition alternatives, the location of the school in which the juvenile is or was last enrolled, whether the juvenile has been tested for or has been found to have any disability, the name of the juvenile's attorney and, if appointed by the court, the date of the appointment, any participation by the juvenile or his or her family in counseling services previously or currently being provided in conjunction with adjudication of the juvenile, and any other matters relevant to the efforts to provide treatment to the juvenile or the need for treatment of the juvenile or the family.~~

~~(B) The predisposition report shall include a home study of any out-of-home placement that may be part of the disposition;~~

~~(46) "Prosecuting attorney" means an attorney who is elected as district prosecuting attorney, the duly appointed deputy prosecuting attorney, or any city prosecuting attorney;~~

~~(47) "Protection plan" means a written plan developed by the department in conjunction with the family and support network to protect the juvenile from harm and which allows the juvenile to remain safely in the home;~~

~~(48) "Putative father" means any man not deemed or adjudicated under the laws of the jurisdiction of the United States to be the biological father of a juvenile who claims to be or is alleged to be the biological father of the juvenile;~~

~~(49)(A)(i) "Reasonable efforts" means efforts to preserve the family before the placement of a child in foster care to prevent the need for removing the child from his or her home and efforts to reunify a family made after a child is placed out of his or her home to make it possible for him or her to safely return home.~~

~~(ii) Reasonable efforts shall also be made to obtain permanency for a child who has been in an out-of-home placement for more than twelve (12) months or for fifteen (15) of the previous twenty-two (22) months.~~

~~(iii) In determining whether or not to remove a child from a home or return a child back to a home, the child's health and safety shall be the paramount concern.~~

~~(iv) The department or other appropriate agency shall exercise reasonable diligence and care to utilize all available services related to meeting the needs of the juvenile and the family.~~

~~(v)(a) "Reasonable efforts" include efforts to involve an incarcerated parent.~~

~~(b) The department shall:~~

~~(1) Involve an incarcerated parent in case planning;~~

~~(2) Monitor compliance with services offered by the Division of Correction to the extent permitted by federal law; and~~

~~(3) Offer visitation in accordance with the policies of the Division of Correction if visitation is appropriate and in the best interest of the child.~~

~~(B) The juvenile division of circuit court may deem that reasonable efforts have been made when the court has found that the first contact by the department occurred during an emergency in which the child could not safely remain at home, even with reasonable services being provided.~~

~~(C) Reasonable efforts to reunite a child with his or her~~

~~parent or parents shall not be required in all cases. Specifically, reunification shall not be required if a court of competent jurisdiction, including the juvenile division of circuit court, has determined by clear and convincing evidence that the parent has:~~

~~(i) Subjected the child to aggravated circumstances;~~

~~(ii) Committed murder of any child;~~

~~(iii) Committed manslaughter of any child;~~

~~(iv) Aided or abetted, attempted, conspired, or solicited to commit the murder or the manslaughter;~~

~~(v) Committed a felony battery that results in serious bodily injury to any child;~~

~~(vi) Had the parental rights involuntarily terminated as to a sibling of the child;~~

~~(vii) Abandoned an infant as defined in subdivision (l) of this section; or~~

~~(viii) Registered with a sex offender registry under the Adam Walsh Child Protection and Safety Act of 2006, Pub. L. No. 109-248.~~

~~(D) Reasonable efforts to place a child for adoption or with a legal guardian or permanent custodian may be made concurrently with reasonable efforts to reunite a child with his or her family;~~

~~(50) "Residence" means:~~

~~(A) The place where the juvenile is domiciled; or~~

~~(B) The permanent place of abode where the juvenile spends an aggregate of more than six (6) months of the year;~~

~~(51)(A) "Restitution" means actual economic loss sustained by an individual or entity as a proximate result of the delinquent acts of a juvenile.~~

~~(B) Such economic loss shall include, but not be limited to, medical expenses, funeral expenses, expenses incurred for counseling services, lost wages, and expenses for repair or replacement of property;~~

~~(52) "Safety plan" means a plan ordered by the court to be developed for an adjudicated delinquent sex offender under § 9-27-356 who is at moderate or high risk of reoffending for the purposes of § 9-27-309;~~

~~(53) "Sexual abuse" means:~~

~~(A) By a person fourteen (14) years of age or older to a person younger than eighteen (18) years of age:~~

~~(i) Sexual intercourse, deviant sexual activity, or sexual contact by forcible compulsion;~~

~~(ii) Attempted sexual intercourse, attempted deviant sexual activity, or attempted sexual contact by forcible compulsion;~~

~~(iii) Indecent exposure; or~~

~~(iv) Forcing the watching of pornography or live sexual activity;~~

~~(B) By a person eighteen (18) years of age or older to a person who is younger than fifteen (15) years of age and is not his or her spouse:~~

~~(i) Sexual intercourse, deviant sexual activity, or sexual contact;~~

~~(ii) Attempted sexual intercourse, attempted deviant sexual activity, or attempted sexual contact; or~~

~~(iii) Solicitation of sexual intercourse, solicitation of deviant sexual activity, or solicitation of sexual contact;~~

~~(C) By a person twenty (20) years of age or older to a person who is younger than sixteen (16) years of age who is not his or her spouse:~~

~~(i) Sexual intercourse, deviant sexual activity, or sexual contact;~~

~~(ii) Attempted sexual intercourse, attempted deviant sexual activity, or attempted sexual contact; or~~

~~(iii) Solicitation of sexual intercourse, solicitation of deviant sexual activity, or solicitation of sexual contact;~~

~~(D) By a caretaker to a person younger than eighteen (18) years of age:~~

~~(i) Sexual intercourse, deviant sexual activity, or sexual contact;~~

~~(ii) Attempted sexual intercourse, attempted deviant sexual activity, or attempted sexual contact;~~

~~(iii) Forcing or encouraging the watching of pornography;~~

~~(iv) Forcing, permitting, or encouraging the watching of live sexual activity;~~

~~(v) Forcing listening to a phone sex line;~~

~~(vi) An act of voyeurism; or~~

~~(vii) Solicitation of sexual intercourse, deviant sexual activity, or sexual contact;~~

~~(E) By a person younger than fourteen (14) years of age to a person younger than eighteen (18) years of age:~~

~~(i) Sexual intercourse, deviant sexual activity, or sexual contact by forcible compulsion; or~~

~~(ii) Attempted sexual intercourse, attempted deviant sexual activity, or attempted sexual contact by forcible compulsion;~~

~~(F) By a person eighteen (18) years of age or older to a person who is younger than eighteen (18) years of age, the recruiting, harboring, transporting, obtaining, patronizing, or soliciting of a child for the purpose of a commercial sex act; and~~

~~(G) Grooming, by a:~~

~~(i) Person eighteen (18) years of age or older to a person not his or her spouse who is younger than fourteen (14) years of age; or~~

~~(ii) Caretaker to a person younger than fourteen (14) years of age;~~

~~(54)(A) "Sexual contact" means any act of sexual gratification involving:~~

~~(i) Touching, directly or through clothing, of the sex organs, buttocks, or anus of a juvenile or the breast of a female juvenile;~~

~~(ii) Encouraging the juvenile to touch the offender in a sexual manner; or~~

~~(iii) Requesting the offender to touch the juvenile in a sexual manner.~~

~~(B) Evidence of sexual gratification may be inferred from the attendant circumstances surrounding the investigation of the specific complaint of child maltreatment.~~

~~(C) This subdivision (54) shall not permit normal, affectionate hugging to be construed as sexual contact;~~

~~(55) "Sexual exploitation" includes:~~

~~(A) Allowing, permitting, or encouraging participation or depiction of the juvenile in:~~

~~(i) Prostitution;~~

~~(ii) Obscene photographing; or~~

~~(iii) Obscene filming; and~~

~~(B) Obscenely depicting, obscenely posing, or obscenely posturing a juvenile for any use or purpose;~~

~~(56) "Shelter care" means the temporary care of a juvenile in physically unrestricting facilities under an order for placement pending or under an adjudication of dependency-neglect or family in need of services;~~

~~(57) "Significant other" means a person:~~

~~(A) With whom the parent shares a household; or~~

~~(B) Who has a relationship with the parent that results in the person acting in loco parentis with respect to the parent's child or children, regardless of living arrangements;~~

~~(58) "Temporary custody" means custody that is transferred to a person during the pendency of the juvenile court case when services are being provided to achieve the goal of the case plan;~~

~~(59) "Trial placement" means that custody of the juvenile remains with the department, but the juvenile is returned to the home of a parent or the person from whom custody was removed for a period not to exceed sixty (60) days;~~

~~(60) "UCCJEA" means the Uniform Child Custody Jurisdiction and Enforcement Act, § 9-19-101 et seq.;~~

~~(61) "UIFSA" means the Uniform Interstate Family Support Act, § 9-17-101 et seq.;~~

~~(62) "Victim" means any person or entity entitled to restitution as defined in subdivision (51) of this section as the result of a delinquent act committed by a juvenile adjudicated delinquent;~~

~~(63) "Victim of human trafficking" means a child who has been subjected to trafficking of persons as defined in § 5-18-103;~~

~~(64)(A) "Voyeurism" means looking for the purpose of sexual arousal or gratification into a private location or place in which a juvenile may reasonably be expected to be nude or partially nude.~~

~~(B) This definition does not apply to delinquency actions;~~

~~(65) "Youth services center" means a youth services facility operated by the state or a contract provider;~~

~~(66) "Youth services facility" means a facility operated by the~~

~~state or its designee for the care of juveniles who have been adjudicated delinquent or convicted of a crime and who require secure custody in either a physically restrictive facility or a staff-secured facility operated so that a juvenile may not leave the facility unsupervised or without supervision; and~~

~~(67)(A) "Grooming" means to knowingly disseminate to a child thirteen (13) years of age or younger with or without consideration a visual or print medium depicting sexually explicit content with the purpose to entice, induce, or groom the child to engage in the following with a person:~~

~~(i) Sexual intercourse;~~

~~(ii) Sexually explicit conduct; or~~

~~(iii) Deviant sexual activity.~~

~~(B) As used in subdivision (67)(A) of this section, "disseminate" means to allow to view, expose, furnish, present, sell, or otherwise distribute, including on an electronic device or virtual platform, and is not limited to an act that takes place in the physical presence of a child.~~

~~(C) It is an affirmative defense to an allegation of grooming that the actor is not more than three (3) years older than the victim.~~

~~9-27-304. Provisions supplemental.~~

~~(a) Unless this subchapter otherwise provides, nothing in this subchapter shall be construed to be in conflict with, to repeal, or to prevent proceedings under any act or statute of this state that may otherwise define any specific act of any person as a crime or misdemeanor, which act might also constitute contributing to the delinquency or dependency of a juvenile, or to prevent or to interfere with proceedings under any such acts.~~

~~(b) Nor shall this subchapter be construed to be inconsistent with or to repeal any act providing for the support by parents of their minor children, the taking of indecent liberties with, or selling liquor, tobacco, or firearms to children, or permitting them in prohibited places. Nothing in any such act or similar acts shall be construed to be inconsistent with or repeal this subchapter or prevent proceedings under this subchapter.~~

~~9-27-305. Applicability.~~

~~Any juvenile within this state may be subjected to the care, custody, control, and jurisdiction of the circuit court.~~

~~9-27-306. Jurisdiction.~~

~~(a)(1) The circuit court shall have exclusive original jurisdiction of and shall be the sole court for the following proceedings governed by this subchapter, including without limitation:~~

~~(A)(i) Proceedings in which a juvenile is alleged to be delinquent as defined in this subchapter, including juveniles ten (10) to eighteen (18) years of age.~~

~~(ii) The court may retain jurisdiction of a juvenile delinquent up to twenty-one (21) years of age if the juvenile committed the delinquent act before reaching eighteen (18) years of age;~~

~~(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:~~

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

~~(2) Enrolled in an institution providing postsecondary or vocational education;~~

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

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

~~(5) Incapable of completing school or work requirements due to a documented medical condition.~~

~~(b) The court shall retain jurisdiction only if the juvenile 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 and voluntarily is requesting to leave care;~~

~~(B) Has failed to 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 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 extended foster care;~~

~~(C) Proceedings in which emergency custody or a seventy-two-hour hold has been taken on a juvenile under § 9-27-313 or the Child Maltreatment Act, § 12-18-101 et seq.;~~

~~(D) Proceedings in which a family is alleged to be in need of services as defined by this subchapter, which shall include juveniles from birth to eighteen (18) years of age, except for the following:~~

~~(i) A juvenile whose family has been adjudicated as a family in need of services and who is in foster care before eighteen (18) years of age may request that the court continue jurisdiction until twenty-one (21) years of age if the requirements in subdivision (a)(1)(B)(i)(a) of this section are met;~~

~~(ii) The court shall retain jurisdiction only if the juvenile meets or has a viable plan to meet the requirements in subdivision (a)(1)(B)(i)(a) of this section; or~~

~~(iii) The court shall discontinue jurisdiction upon request of the juvenile or when the juvenile completes or is discontinued from the requirements to receive independent living services;~~

~~(E) Proceedings for termination of parental rights for a juvenile under this subchapter;~~

~~(F) Proceedings in which custody of a juvenile is transferred to the department;~~

~~(G) Proceedings for which a juvenile is alleged to be an extended juvenile jurisdiction offender under § 9-27-501 et seq.;~~

~~(H) Proceedings for which a juvenile is transferred to the juvenile division of circuit court from the criminal division of circuit court under § 9-27-318;~~

~~(I) Custodial placement proceedings filed by the department; and~~

~~(J) Proceedings in dependency-neglect or family in need of services matters to set aside an order of permanent custody upon the disruption of the placement.~~

~~(2) A juvenile shall not under any circumstance remain under the court's jurisdiction past twenty-one (21) years of age.~~

~~(3)(A) When the department exercises custody of a juvenile under the Child Maltreatment Act, § 12-18-101 et seq., files a petition for an ex parte emergency order, or files a petition for dependency-neglect concerning that juvenile, before or subsequent to the other legal proceeding, a party to that petition may file a motion to transfer any other legal proceeding concerning the juvenile to the court hearing the dependency-neglect petition.~~

~~(B) Upon the filing of a motion, the other legal proceeding shall be transferred to the court hearing the dependency-neglect case.~~

~~(4) The court shall retain jurisdiction to issue orders of adoption, interlocutory or final, if a juvenile is placed outside the State of Arkansas.~~

~~(b) The assignment of cases to the juvenile division of the circuit court shall be as described by the Supreme Court in Administrative Order Number 14, originally issued April 6, 2001.~~

~~(c)(1) The circuit court shall have concurrent jurisdiction with the district court over juvenile curfew violations.~~

~~(2) For juvenile curfew violations, the prosecutor may file a family in need of services petition in circuit court or a citation in district court.~~

~~(d) The circuit court shall have jurisdiction to hear proceedings commenced in any court of this state or court of comparable jurisdiction of another state that are transferred to it under the Uniform Child-Custody Jurisdiction and Enforcement Act, § 9-19-101 et seq.~~

~~(e) Regardless of funding, a juvenile will be allowed to return to foster care if:~~

~~(1) Evidence is presented to the circuit court that the department failed to comply with §§ 9-27-363 and 9-28-114 or if there is evidence that the juvenile was coerced by an employee or agent of the department to leave foster care; or~~

~~(2) The juvenile submits a request to reenter foster care in writing or verbally to the department.~~

~~(f) If a juvenile over eighteen (18) years of age who is allowed to reenter extended foster care fails to be engaged in or have a viable plan to meet the requirements in subdivision (a)(1)(B)(i)(a) of this section or have a viable plan to meet the requirements of subdivision (a)(1)(B)(i)(a) of this section for more than sixty (60) days, the department may:~~

~~(1) File a motion to terminate the jurisdiction of the court and discharge the juvenile from foster care; or~~

~~(2) Provide notice to the juvenile not under the jurisdiction of the court that his or her case will be closed and discharge the juvenile from foster care.~~

~~9-27-307. Venue.~~

~~(a)(1)(A) Except as set forth in subdivisions (a)(2)-(4) of this section, a proceeding under this subchapter shall be commenced in the circuit court of the county in which the juvenile resides.~~

~~(B)(i) No dependency-neglect proceeding shall be dismissed if a proceeding is filed in the incorrect county.~~

~~(ii) If the proceeding is filed in the incorrect county, then the dependency-neglect proceeding shall be transferred to the proper county upon discovery of the proper county of residence of the juvenile.~~

~~(2) Proceedings may be commenced in the county where the alleged act or omission occurred in any of the following:~~

~~(A) Nonsupport after establishment of paternity;~~

~~(B) Delinquency; or~~

~~(C) Dependency-neglect.~~

~~(3) Proceedings under the Uniform Child-Custody Jurisdiction and Enforcement Act, § 9-19-101 et seq., shall be commenced in the court provided by the Uniform Child-Custody Jurisdiction and Enforcement Act, § 9-19-101 et seq.~~

~~(4) Adoptions and guardianships may be filed in a juvenile court that has previously asserted continuing jurisdiction of the juvenile.~~

~~(5) Juvenile proceedings shall comply with § 16-13-210, except detention hearings under § 9-27-326 and probable cause hearings under § 9-27-315.~~

~~(b)(1)(A) Following adjudication, the court may on its own motion or on motion of any party transfer the case to the county of the juvenile's residence when the provisions of the Uniform Child-Custody Jurisdiction and Enforcement Act, § 9-19-101 et seq., do not apply.~~

~~(B) An adult or family member who files a family in need of services petition shall file a motion to transfer if the adult or family member:~~

~~(i) Receives information indicating that the juvenile involved in the family in need of services case has relocated to a county in another judicial district; and~~

~~(ii) Knows the address of the juvenile in the county to which the juvenile has relocated.~~

~~(2) The court shall not transfer any case to another judicial district prior to adjudication, excluding matters filed in the incorrect venue, or any case in which a petition to terminate parental rights has been filed unless the court has taken final action on the petition.~~

~~(c)(1) Prior to transferring a case to another venue, the court shall contact the judge in the other venue to confirm that the judge in the other venue will accept the transfer.~~

~~(2)(A) Upon confirmation that the judge will accept the transfer of venue, the transferring judge shall enter the transfer order. The transfer order shall:~~

~~(i) Indicate that the judge has accepted the transfer;~~

~~(ii) State the location of the court in the new~~

~~venue; and~~

~~(iii) Set the time and date of the next hearing.~~

~~(B) The transfer order shall be:~~

~~(i) Provided to all parties and attorneys to the case; and~~

~~(ii) Transmitted immediately to the judge accepting the transfer.~~

~~(3) The transferring court shall also ensure that all court records are copied and sent to the judge in the new venue.~~

~~9-27-308. Personnel — Duties.~~

~~(a) Intake Officers.~~

~~(1) The judge or judges of the circuit court designated to hear juvenile cases in their district plan under Supreme Court Administrative Order Number 14, originally issued April 6, 2001, shall designate no fewer than one (1) person in his or her judicial district as intake officer for the court.~~

~~(2)(A) An intake officer shall have the following duties:~~

~~(i) To receive and investigate complaints and charges that a juvenile is delinquent or dependent-neglected, or that a family is in need of services;~~

~~(ii) To make appropriate referrals to other public or private agencies of the community if their assistance appears to be needed or desired; and~~

~~(iii) To perform all other functions assigned to him or her by this subchapter, by rules promulgated pursuant thereto, or by order of the court.~~

~~(B) Any of the foregoing functions may be performed in another state if authorized by a court of this state and permitted by the laws of the other state.~~

~~(3) If the intake officer has reasonable cause to suspect that a juvenile has been subjected to child maltreatment as defined in § 12-18-103, the intake officer shall immediately notify the central intake of the Department of Human Services.~~

~~(b) Probation Officers.~~

~~(1) The judge or judges of the circuit court designated to hear~~

~~juvenile cases in their district plan under Supreme Court Administrative Order Number 14, originally issued April 6, 2001, shall designate no fewer than one (1) person in his or her judicial district as probation officer.~~

~~(2) A probation officer shall have the following duties:~~

~~(A) To make appropriate investigations and reports when required to do so by any provision of this subchapter or the rules promulgated pursuant thereto or by order of the court;~~

~~(B) To aid and counsel juveniles and their families when required to do so by order of the court;~~

~~(C) To perform all other appropriate functions assigned to him or her by this subchapter or the rules promulgated pursuant thereto or by order of the court; and~~

~~(D) To give appropriate aid and assistance to the court when requested to do so by the judge.~~

~~9-27-309. Confidentiality of records — Definition.~~

~~(a) All records may be closed and confidential within the discretion of the circuit court, except:~~

~~(1) Adoption records, including any part of a dependency-neglect record that includes adoption records, shall be closed and confidential as provided in the Revised Uniform Adoption Act, § 9-9-201 et seq.;~~

~~(2) Records of delinquency adjudications for which a juvenile could have been tried as an adult shall be made available to prosecuting attorneys for use at sentencing if the juvenile is subsequently tried as an adult or to determine if the juvenile should be tried as an adult; and~~

~~(3) The Administrative Office of the Courts shall provide the Arkansas Crime Information Center with records of delinquency adjudications for a juvenile adjudicated delinquent for an offense for which juvenile fingerprints shall be taken under § 9-27-320.~~

~~(b)(1)(A) Records of delinquency adjudications for a felony involving violence as defined under § 5-4-501 shall be kept for ten (10) years after the last adjudication of delinquency or the date of a plea of guilty or nolo contendere or a finding of guilt as an adult.~~

~~(B) Thereafter they may be expunged.~~

~~(2) The court may expunge other juvenile records at any time and shall expunge all the records of a juvenile upon his or her twenty-first~~

~~birthday, in other types of delinquency, dependency-neglect, or families in need of services cases.~~

~~(3) For purposes of this section, "expunge" means to destroy.~~

~~(c) Records of juveniles who are designated as extended juvenile jurisdiction offenders shall be kept for ten (10) years after the last adjudication of delinquency, date of plea of guilty or nolo contendere, or finding of guilt as an adult or until the juvenile's twenty-first birthday, whichever is longer.~~

~~(d)(1) If an adult criminal sentence is imposed on an extended juvenile jurisdiction offender, the record of that case shall be considered an adult criminal record.~~

~~(2)(A) The court shall enter an order transferring the juvenile record to the clerk who is the custodian of adult criminal records.~~

~~(B) The clerk shall assign a criminal docket number and shall maintain the file as if the case had originated as a criminal case.~~

~~(e) This section does not apply to nor restrict the use or publication of statistics, data, or other materials that summarize or refer to any records, reports, statements, notes, or other information in the aggregate and that do not refer to or disclose the identity of any juvenile defendant in any proceeding when used only for the purpose of research and study.~~

~~(f) This subchapter does not preclude prosecuting attorneys or the court from providing information, upon written request, concerning the disposition of a juvenile who has been adjudicated delinquent to:~~

~~(1) The victim or his or her next of kin; or~~

~~(2) The school superintendent of the school district or the designee of the school superintendent of the school district to which the juvenile transfers, in which the juvenile is enrolled, or from which the juvenile receives services.~~

~~(g) The prosecuting attorney shall notify the school superintendent or the designee of the school superintendent of the school district to which the juvenile transfers, in which the juvenile is enrolled, or from which the juvenile receives services if the juvenile is adjudicated delinquent for:~~

~~(1) An offense for which the juvenile could have been charged as an adult;~~

~~(2) An offense involving a deadly weapon under § 5-1-102;~~

~~(3) Kidnapping under § 5-11-102;~~

~~(4) Battery in the first degree under § 5-13-201;~~

~~(5) Sexual indecency with a child under § 5-14-110;~~

~~(6) First, second, third, or fourth degree sexual assault under §§ 5-14-124 — 5-14-127; or~~

~~(7) The unlawful possession of a handgun under § 5-73-119.~~

~~(h) Information provided pursuant to subsections (f) and (g) of this section shall not be released in violation of any state or federal law protecting the privacy of the juvenile.~~

~~(i)(1) If a juvenile is arrested for unlawful possession of a firearm under § 5-73-119, an offense involving a deadly weapon under § 5-1-102, or battery in the first degree under § 5-13-201, the arresting agency shall orally notify the superintendent or the designee of the superintendent of the school district to which the juvenile transfers, in which the juvenile is enrolled, or from which the juvenile receives services of the offense for which the juvenile was arrested or detained within twenty-four (24) hours of the arrest or detention or before the next school day, whichever is earlier.~~

~~(2)(A) The superintendent of the school district to which the juvenile transfers, in which the juvenile is enrolled, or from which the juvenile receives services shall then immediately notify:~~

~~(i) The principal of the school;~~

~~(ii) The resource officer of the school; and~~

~~(iii) Any other school official with a legitimate educational interest in the juvenile.~~

~~(B) The arrest information shall:~~

~~(i) Be treated as confidential information; and~~

~~(ii) Not be disclosed by the superintendent or the designee of the superintendent to any person other than a person listed in subdivision (i)(2)(A) of this section.~~

~~(C) A person listed in subdivision (i)(2)(A) of this section who is notified of the arrest or detention of a juvenile by the superintendent or the designee of the superintendent shall maintain the confidentiality of the information he or she receives.~~

~~(3) The arrest information shall be used by the school only for the limited purpose of obtaining services for the juvenile or to ensure school safety.~~

~~(j) Records of the arrest of a juvenile, the detention of a juvenile,~~

~~proceedings under this subchapter, and the records of an investigation that is conducted when the alleged offender is an adult and relates to an offense that occurred when the alleged offender was a juvenile shall be confidential and shall not be subject to disclosure under the Freedom of Information Act of 1967, § 25-19-101 et seq., unless:~~

~~(1) Authorized by a written order of the juvenile division of circuit court;~~

~~(2) The arrest or the proceedings under this subchapter result in the juvenile's being formally charged in the criminal division of circuit court for a felony; or~~

~~(3) As allowed under this section or § 9-27-320.~~

~~(k) Information regarding the arrest or detention of a juvenile and related proceedings under this subchapter shall be confidential unless the exchange of information is:~~

~~(1) For the purpose of obtaining services for the juvenile, to ensure school safety, or to ensure public safety;~~

~~(2) Reasonably necessary to achieve one (1) or more purposes; and~~

~~(3) Under a written order by the circuit court.~~

~~(l)(1) The information may be given only to the following persons:~~

~~(A) A school counselor;~~

~~(B) A juvenile court probation officer or caseworker;~~

~~(C) A law enforcement officer;~~

~~(D) A spiritual representative designated by the juvenile or his or her parents or legal guardian;~~

~~(E) A Department of Human Services caseworker;~~

~~(F) A community-based provider designated by the court, the school, or the parent or legal guardian of the juvenile;~~

~~(G) A Department of Health representative;~~

~~(H) The juvenile's attorney ad litem or other court-appointed special advocate; or~~

~~(I)(i) A school superintendent or the designee of the superintendent of the school district to which the juvenile transfers, in which the juvenile is enrolled, or from which the juvenile receives services.~~

~~(ii) A school superintendent or the designee of the superintendent of the school district in which the juvenile is enrolled or~~

~~from which the juvenile receives services shall immediately notify the following persons of information he or she obtains under subsection (k) of this section:~~

~~(a) The principal of the school;~~

~~(b) The resource officer of the school; and~~

~~(c) Any other school official with a legitimate educational interest in the juvenile.~~

~~(2) The persons listed in subdivision (l)(1) of this section may meet to exchange information, to discuss options for assistance to the juvenile, to develop and implement a plan of action to assist the juvenile, to ensure school safety, and to ensure public safety.~~

~~(3) The juvenile and his or her parent or legal guardian shall be notified within a reasonable time before a meeting and may attend any meeting of the persons referred to in subdivision (l)(1) of this section when three (3) or more individuals meet to discuss assistance for the juvenile or protection of the public due to the juvenile's behavior.~~

~~(4) Medical records, psychiatric records, psychological records, and related information shall remain confidential unless the juvenile's parent or legal guardian waives confidentiality in writing specifically describing the records to be disclosed between the persons listed in subdivision (l)(1) of this section and the purpose for the disclosure.~~

~~(5) Persons listed in subdivision (l)(1) of this section who exchange any information referred to in this section may be held civilly liable for disclosure of the information if the person does not comply with limitations set forth in this section.~~

~~(m)(1) When a court orders that a juvenile have a safety plan that restricts or requires supervised contact with another juvenile or juveniles as it relates to student or school safety, the court shall direct that a copy of the safety plan and a copy of the court order regarding the safety plan concerning student or school safety be provided to the school superintendent and principal of the school district to which the juvenile transfers, in which the juvenile is enrolled, or from which the juvenile receives services.~~

~~(2) When a court order amends or removes any safety plan outlined in subdivision (m)(1) of this section, the court shall direct that a copy of the safety plan and a copy of the court order regarding the safety plan, as it relates to student or school safety, be provided to the school~~

~~superintendent and principal of the school district to which the juvenile transfers, in which the juvenile is enrolled, or from which the juvenile receives services.~~

~~(3)(A) The superintendent or principal of the school district in which the juvenile is enrolled or from which the juvenile receives services shall provide verbal notification only to school officials who are necessary to implement the safety plan as ordered by the court to ensure student safety.~~

~~(B) This verbal notification may only be provided to assistant principals, counselors, resource officers, and the school employees who are primarily responsible for the supervision of the juvenile or responsible for the learning environment of the juvenile in the school district in which the juvenile is enrolled or from which the juvenile receives services, and to bus drivers, if applicable.~~

~~(4) Any school officials that receive a court order and safety plan or information concerning the court order and safety plan shall:~~

~~(A) Keep the information confidential and shall sign a statement not to disclose the information concerning the court order and safety plan that shall be kept by the superintendent or principal along with the court order and safety plan;~~

~~(B) Keep the information confidential and shall not disclose the information to any person not listed in subdivision (l)(l) of this section;~~

~~(C) Include the information in the juvenile's permanent educational records; and~~

~~(D)(i) Treat the information and documentation contained in the court order as education records under the Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g.~~

~~(ii) A school official shall not release, disclose, or make available the information and documentation contained in the court order for inspection to any party except as permitted under the Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g.~~

~~(iii) However, the local education agency shall not under any circumstance release, disclose, or make available for inspection to the public, any college, university, institution of higher education, vocational or trade school, or any past, present, or future employer of the~~

~~student the court order or safety plan portion of a student record.~~

~~(5) When a student attains an age that he or she is no longer under the jurisdiction of the juvenile division of circuit court, the safety plan and the order regarding the safety plan shall be removed from the juvenile's permanent records at the local education agency and destroyed.~~

~~9-27-310. Commencement of proceedings.~~

~~(a) Proceedings shall be commenced by filing a petition with the circuit clerk of the circuit court or by transfer by another court.~~

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

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

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

~~(A) Any adult; or~~

~~(B) Any member ten (10) years of age or older of the immediate family alleged to be in need of services.~~

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

~~(A) The biological mother;~~

~~(B) A putative father;~~

~~(C) A juvenile; or~~

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

~~(c) Concurrent with filing, a copy of any petition that requests that the Department of Human Services take custody or provide family services shall be mailed to the Secretary of the Department of Human Services and to the attorney of the local Office of Chief Counsel of the Department of Human Services by the petitioner.~~

~~(d)(1) A person may submit to the intake officer for investigation a complaint of acts or omissions that if substantiated would constitute delinquency.~~

~~(2) Upon substantiation, the intake officer may refer the matter~~

~~to the prosecuting attorney or an appropriate agency.~~

~~(e) No fees, including, but not limited to, fees for filings, copying, or faxing, including petitions for adoption, petitions for guardianships, summons, or subpoenas shall be charged or collected by the circuit clerk or sheriff's office in cases brought in the circuit court under this subchapter by a governmental entity or nonprofit corporation, including, but not limited to, the prosecuting attorney, an attorney ad litem appointed in a dependency-neglect case, or the Department of Human Services.~~

~~(f) If the circuit clerk's office has a fax machine, the circuit clerk, in cases commenced in the circuit court under this subchapter by a governmental entity or nonprofit corporation, including, but not limited to, the prosecuting attorney, an attorney ad litem appointed in a dependency-neglect case, or the Department of Human Services shall accept facsimile transmissions of any papers filed under this subchapter as described in Rule 5 of the Arkansas Rules of Civil Procedure.~~

~~(g) An attorney ad litem appointed under § 12-18-1001(c) shall review all relevant information from the juvenile proceeding regarding the child or children for whom protective custody was taken and shall file any pleadings that may be necessary to protect the health, safety, or welfare of the child or children.~~

~~9-27-311. Required contents of petition.~~

~~(a) The petition shall set forth the following:~~

~~(1)(A) The name, address, gender, Social Security number, and date of birth of each juvenile subject of the petition.~~

~~(B) A single petition for dependency-neglect or family in need of services shall be filed that includes all siblings who are subjects of the petition;~~

~~(2) The name and address of each of the parents or the surviving parent of the juvenile or juveniles;~~

~~(3) The name and address of the person, agency, or institution having custody of the juvenile or juveniles;~~

~~(4) The name and address of any other person, agency, or institution having a claim to custody or guardianship of the juvenile or juveniles;~~

~~(5) In a proceeding to establish paternity, the name and address~~

~~of both the putative father and the presumed legal father, if any;~~

~~(6) In a dependency-neglect proceeding, the name and address of a putative parent, if any; and~~

~~(7) In a dependency-neglect proceeding:~~

~~(A) The name, address, gender, and date of birth of any sibling of a juvenile named as respondent to the petition; and~~

~~(B) The name of each parent, guardian, or custodian of a sibling of a juvenile named as respondent to the petition.~~

~~(b) If the name or address of anyone listed in subsection (a) of this section is unknown or cannot be ascertained by the petitioner with reasonable diligence, this shall be alleged in the petition and the petition shall not be dismissed for insufficiency, but the court shall direct appropriate measures to find and give notice to the persons.~~

~~(c)(1) All persons named in subdivisions (a)(1)-(3) of this section shall be made defendants and served as required by this subchapter.~~

~~(2) However:~~

~~(A) In dependency-neglect petitions, the juvenile shall have party status and be named in the petition as a respondent and shall be served notice under § 9-27-312;~~

~~(B) In a dependency-neglect and termination of parental rights petition, the putative parent shall be named as a party if the petitioner alleges that the putative parent:~~

~~(i) May have a claim of paternity of a juvenile born outside of marriage;~~

~~(ii) Has established significant contacts with the juvenile, which may be demonstrated by a significant custodial, personal, or financial relationship with the juvenile; or~~

~~(iii) Is listed on the Putative Father Registry;~~

~~(C) A putative parent who was not originally named as a party to the dependency-neglect petition shall be added as a party if:~~

~~(i) Paternity is established and a court of competent jurisdiction enters an order establishing paternity between the juvenile and the putative parent; or~~

~~(ii) The court determines that the putative parent is a parent as defined in § 9-27-303; and~~

~~(D) In a paternity action, the petitioner shall name as~~

~~defendants only the mother, the putative father, or the presumed legal father, if any.~~

~~(d)(1)(A) The Department of Human Services shall make diligent efforts to identify putative parents in a dependency-neglect proceeding.~~

~~(B) Diligent efforts shall include without limitation checking the Putative Father Registry.~~

~~(2)(A)(i) A petitioner may name and serve a putative parent as a party under § 9-27-312 in order to resolve the putative parent's status and rights under § 9-27-325 or terminate the rights of the putative parent under § 9-27-341.~~

~~(ii) If the petitioner does not name and serve a putative parent as a party in accordance with subdivision (d)(2)(A)(i) of this section, the petitioner shall provide a putative parent with notice under Rule 4 of the Arkansas Rules of Civil Procedure of a proceeding as soon as the putative parent is identified.~~

~~(B) The notice shall include information about:~~

~~(i) The method of establishing paternity;~~

~~(ii) The right of the putative parent to prove significant contacts; and~~

~~(iii) The right of the putative parent to be heard by the court.~~

~~(C) The petitioner shall provide the notice to the court and the parties to the case.~~

~~(D) After receiving the notice required under subdivision (d)(2)(A)(ii) of this section, the putative parent has the burden of establishing one (1) of the following:~~

~~(i) The putative parent has significant contacts with the juvenile, which may be demonstrated by a significant custodial, personal, or financial relationship with the juvenile; or~~

~~(ii) The putative parent is a parent as defined in § 9-27-303.~~

~~(E) If the putative parent, after receiving the notice required under subdivision (d)(2)(A)(ii) of this section and being given an opportunity to prove significant contacts with the juvenile, fails to demonstrate significant contacts with the juvenile and the court finds that the putative parent was given sufficient notice and an opportunity to be~~

~~heard, the court may:~~

~~(i) Order deoxyribonucleic acid (DNA) testing to determine whether the putative parent is the biological parent of the juvenile;~~

~~(ii) Enter an order:~~

~~(a) Finding that the putative parent does not have rights to the juvenile;~~

~~(b) Dismissing the putative parent from the action; and~~

~~(c) Finding that no further notice is due to the putative parent whose rights have not attached with regard to the juvenile, including in the event of a filed petition for adoption; or~~

~~(iii) Enter an order providing that only a parent or putative parent whose rights have attached to the juvenile shall be included in a petition to terminate parental rights under § 9-27-341.~~

~~(c)(1) The petition shall set forth the following in plain and concise words:~~

~~(A) The facts that, if proven, would bring the family or juvenile within the court's jurisdiction;~~

~~(B) The section of this subchapter upon which jurisdiction for the petition is based;~~

~~(C) The relief requested by the petitioner; and~~

~~(D) If a petition for delinquency proceedings, any and all sections of the criminal laws allegedly violated.~~

~~(2)(A) The petition shall be supported by an affidavit of facts.~~

~~(B) A supporting affidavit of facts shall not be required for delinquency, paternity, or termination of parental rights petitions.~~

~~(C) The supporting affidavit of facts shall include known information regarding the fitness of the noncustodial parent to be considered for custody, placement, or family time with the juvenile.~~

~~(D) If the petition for dependency-neglect is filed by the department, the supporting affidavit of facts shall include a list of all contact the department has had with the family before the filing of the petition, including without limitation hotline calls accepted for maltreatment, investigations, and open cases.~~

~~9-27-312. Notification to defendants.~~

~~(a) In a delinquency and family-in-need-of-services case, a juvenile defendant ten (10) years of age and above, any persons having care and control of the juveniles, and all adult defendants shall be served with a copy of the petition and either a notice of hearing or order to appear in the manner provided by the Arkansas Rules of Civil Procedure.~~

~~(b) In a dependent-neglected case:~~

~~(1) A juvenile respondent shall be served with a copy of the petition and all other pleadings by serving the juvenile's attorney ad litem in accordance with Rule 5 of the Arkansas Rules of Civil Procedure; and~~

~~(2) Each adult defendant shall be served in the manner provided in the Arkansas Rules of Civil Procedure with a copy of the petition and either a notice of a hearing or an order to appear.~~

~~9-27-313. Taking into custody.~~

~~(a)(1) A juvenile only may be taken into custody without a warrant before service upon him or her of a petition and notice of hearing or order to appear as set out under § 9-27-312:~~

~~(A) Pursuant to an order of the circuit court under this subchapter;~~

~~(B) By a law enforcement officer without a warrant under circumstances as set forth in Rule 4.1 of the Arkansas Rules of Criminal Procedure; or~~

~~(C) By a designated person under § 12-18-1001 et seq.~~

~~(2) When any juvenile is taken into custody without a warrant, the officer taking the juvenile into custody shall immediately make every effort possible to notify the custodial parent, guardian, or custodian of the juvenile's location.~~

~~(b)(1) When any juvenile is taken into custody pursuant to a warrant, the officer taking the juvenile into custody shall immediately take the juvenile before the judge of the division of circuit court out of which the warrant was issued and make every effort possible to notify the custodial parent, guardian, or custodian of the juvenile's location.~~

~~(2) The judge shall decide whether the juvenile should be tried as a delinquent or a criminal defendant pursuant to § 9-27-318.~~

~~(c) When a juvenile is taken into protective custody under § 12-18-~~

~~1001, the person exercising protective custody shall:~~

~~(1)(A) Notify the Department of Human Services and make every effort possible to notify the custodial parent, guardian, or custodian of the juvenile's location.~~

~~(B) The notification to the custodial parent, noncustodial parent, guardian, or custodian of the juvenile shall be in writing and shall include a notice:~~

~~(i) That the juvenile has been taken into foster care;~~

~~(ii) Of the name, location, and phone number of the person at the department whom the custodial parent, noncustodial parent, guardian, or custodian of the juvenile can contact about the juvenile;~~

~~(iii) Of the rights of the juvenile and the rights of the custodial parent, noncustodial parent, guardian, or custodian of the juvenile to receive a copy of any petition filed under this subchapter;~~

~~(iv) Of the location and telephone number of the court; and~~

~~(v) Of the procedure for obtaining a hearing; or~~

~~(2) Return the juvenile to his or her home.~~

~~(d)(1)(A) A law enforcement officer shall take a juvenile to detention, immediately make every effort to notify the custodial parent, guardian, or custodian of the juvenile's location, and notify the juvenile intake officer within twenty-four (24) hours so that a petition may be filed if a juvenile is taken into custody for:~~

~~(i) Unlawful possession of a handgun, § 5-73-119(a)(1);~~

~~(ii) Possession of a handgun on school property, § 5-73-119(b)(1);~~

~~(iii) Unlawful discharge of a firearm from a vehicle, § 5-74-107;~~

~~(iv) Any felony committed while armed with a firearm; or~~

~~(v) Criminal use of prohibited weapons, § 5-73-104.~~

~~(B) The authority of a juvenile intake officer to make a detention decision pursuant to § 9-27-322 shall not apply when a juvenile is detained pursuant to subdivision (d)(1)(A) of this section.~~

~~(C) A detention hearing shall be held by the court pursuant to § 9-27-326 within seventy-two (72) hours after the juvenile is taken into custody or if the seventy-two (72) hours ends on a Saturday, Sunday, or holiday, on the next business day.~~

~~(2) If a juvenile is taken into custody for an act that would be a felony if committed by an adult, other than a felony listed in subdivision (d)(1)(A) of this section, the law enforcement officer shall immediately make every effort possible to notify the custodial parent, guardian, or custodian of the juvenile's location and may:~~

~~(A)(i) Take the juvenile to detention.~~

~~(ii) The intake officer shall be notified immediately to make a detention decision pursuant to § 9-27-322 within twenty-four (24) hours of the time the juvenile was first taken into custody, and the prosecuting attorney shall be notified within twenty-four (24) hours.~~

~~(iii) If the juvenile remains in detention, a detention hearing shall be held no later than seventy-two (72) hours after the juvenile is taken into custody or if the seventy-two (72) hours ends on a Saturday, Sunday, or holiday, on the next business day;~~

~~(B) Pursuant to the Arkansas Rules of Criminal Procedure, issue a citation for the juvenile and his or her parents to appear for a first appearance before the court and release the juvenile and within twenty-four (24) hours notify the juvenile intake officer and the prosecuting attorney so that a petition may be filed under this subchapter; or~~

~~(C) Return the juvenile to his or her home.~~

~~(3) If a juvenile is taken into custody for an act that would be a misdemeanor if committed by an adult, the law enforcement officer shall immediately make every effort possible to notify the custodial parent, guardian, or custodian of the juvenile's location and may:~~

~~(A) Notify the juvenile intake officer, who shall make a detention decision pursuant to § 9-27-322;~~

~~(B) Pursuant to the Arkansas Rules of Criminal Procedure, issue a citation for the juvenile and his or her parents to appear for a first appearance before the circuit court and release the juvenile and notify the juvenile intake officer and the prosecuting attorney within twenty-four (24) hours so that a petition may be filed under this subchapter; or~~

~~(C) Return the juvenile to his or her home.~~

~~(4)(A) In all instances when a juvenile may be detained, the juvenile may be held in a juvenile detention facility or a seventy-two-hour holdover if a bed is available in the facility or holdover.~~

~~(B) If not, an adult jail or lock-up may be used, as provided by § 9-27-336.~~

~~(5) In all instances when a juvenile may be detained, the intake officer shall immediately make every effort possible to notify the juvenile's custodial parent, guardian, or custodian.~~

~~(c) When a law enforcement officer takes custody of a juvenile under this subchapter for reasons other than those specified in subsection (c) of this section concerning dependent-neglected juveniles or subsection (d) of this section concerning delinquency, he or she shall:~~

~~(1)(A)(i) Take the juvenile to shelter care, notify the department and the intake officer of the court, and immediately make every possible effort to notify the custodial parent, guardian, or custodian of the juvenile's location.~~

~~(ii) The notification to parents shall be in writing and shall include a notice of the location of the juvenile, of the juvenile's and parents' rights to receive a copy of any petition filed under this subchapter, of the location and telephone number of the court, and of the procedure for obtaining a hearing.~~

~~(B)(i) In cases when the parent, guardian, or other person contacted lives beyond a fifty-mile driving distance or lives out of state and the juvenile has been absent from his or her home or domicile for more than twenty-four (24) hours, the juvenile may be held in custody in a juvenile detention facility for purposes of identification, processing, or arranging for release or transfer to an alternative facility.~~

~~(ii) The holding shall be limited to the minimum time necessary to complete these actions and shall not occur in any facility utilized for incarceration of adults.~~

~~(iii) A juvenile held under this subdivision (c)(1)(B) must be separated from detained juveniles charged or held for delinquency.~~

~~(iv) A juvenile may not be held under this subdivision (c)(1)(B) for more than six (6) hours if the parent, guardian, or other person contacted lives in the state or twenty-four (24) hours,~~

~~excluding weekends and holidays, if the parent, guardian, or other person contacted lives out of state; or~~

~~(2) Return the juvenile to his or her home.~~

~~(f) If no delinquency petition to adjudicate a juvenile taken into custody is filed within twenty-four (24) hours after a detention hearing or ninety-six (96) hours or, if the ninety-six (96) hours ends on a Saturday, Sunday, or a holiday, at the close of the next business day, after an alleged delinquent juvenile is taken into custody, whichever is sooner, the alleged delinquent juvenile shall be discharged from custody, detention, or shelter care.~~

~~9-27-314. Emergency orders.~~

~~(a)(1) In a case in which there is probable cause to believe that immediate emergency custody is necessary to protect the health or physical well-being of the juvenile from immediate danger or to prevent the juvenile's removal from the state, the circuit court shall issue an ex parte order for emergency custody to remove the juvenile from the custody of the parent, guardian, or custodian and shall determine the appropriate plan for placement of the juvenile.~~

~~(2)(A) In a case in which there is probable cause to believe that an emergency order is necessary to protect the health or physical well-being of the juvenile from immediate danger, the court shall issue an ex parte order to provide specific appropriate safeguards for the protection of the juvenile.~~

~~(B) Specific appropriate safeguards shall include without limitation the authority of the circuit court to restrict a legal custodian from:~~

~~(i) Having any contact with the juvenile; or~~

~~(ii) Removing a juvenile from a placement if the:~~

~~(a) Legal custodian placed or allowed the juvenile to remain in that home for more than six (6) months; and~~

~~(b) Department of Human Services has no immediate health or physical well-being concerns with the placement.~~

~~(3) In a case in which there is probable cause to believe that a juvenile is a dependent juvenile as defined in this subchapter, the court shall issue an ex parte order for emergency custody placing custody of the~~

~~dependent juvenile with the department.~~

~~(b) The emergency order shall include:~~

~~(1) Notice to all defendants and respondents named in the petition of the right to a hearing and that a hearing will be held within five (5) business days of the issuance of the ex parte order;~~

~~(2) Notice of a defendant's or respondent's right to be represented by counsel;~~

~~(3)(A) Notice of a defendant's or respondent's right to obtain appointed counsel, if eligible, and the procedure for obtaining appointed counsel.~~

~~(B) A court shall:~~

~~(i) Appoint counsel for the parent or custodian from whom legal custody was removed in the ex parte emergency order; and~~

~~(ii) Determine eligibility at the probable cause hearing; and~~

~~(4) The address and telephone number of the circuit court and the date and time of the probable cause hearing, if known.~~

~~(c)(1) Immediate notice of the emergency order shall be given by the petitioner or by the circuit court to the:~~

~~(A) Custodial parent, noncustodial parent, guardian, or custodian of the juvenile; and~~

~~(B) Attorney ad litem who represents the juvenile respondent.~~

~~(2) The petitioner shall provide copies of any petition, affidavit, or other pleading filed with or provided to the court in conjunction with the emergency order to the provisionally appointed parent counsel under § 9-27-316(h)(6)(B) before the probable cause hearing.~~

~~(3) All defendants shall be served with the emergency order according to Rule 4 or Rule 5 of the Arkansas Rules of Civil Procedure or as otherwise provided by the court.~~

~~9-27-315. Probable cause hearing.~~

~~(a)(1)(A) Following the issuance of an emergency order, the circuit court shall hold a probable cause hearing within five (5) business days of the issuance of the ex parte order to determine if probable cause to issue the emergency order continues to exist.~~

~~(B)(i) The hearing shall be limited to the purpose of determining whether probable cause existed to protect the juvenile and to determine whether probable cause still exists to protect the juvenile.~~

~~(ii) However, the issues as to custody and delivery of services may be considered by the court and appropriate orders for custody and delivery of services entered by the court.~~

~~(iii) If the defendant stipulates that probable cause exists, the only evidence that is presented at the probable cause hearing shall be:~~

~~(a) Evidence pertaining to family time; and~~

~~(b) Evidence pertaining to services delivered to the family.~~

~~(iv) A parent shall not be compelled to testify under any circumstances.~~

~~(v) For the sole purpose of the probable cause hearing, the stipulation of a parent that probable cause exists shall also serve as a stipulation to the introduction of the affidavit of the plaintiff.~~

~~(2)(A) All other issues, with the exception of custody and services, shall be reserved for hearing by the court at the adjudication hearing, which shall be a separate hearing conducted subsequent to the probable cause hearing.~~

~~(B) By agreement of the parties and with the court's approval, the adjudication hearing may be conducted at any time after the probable cause hearing, subject to § 9-27-327(a)(2).~~

~~(b) The petitioner shall have the burden of proof by a preponderance of evidence that probable cause exists for continuation of the emergency order.~~

~~(c) If the court determines that the juvenile can safely be returned to his or her home pending adjudication and it is in the best interest of the juvenile, the court shall so order.~~

~~(d)(1) At the probable cause hearing, the court shall set the time and date of the adjudication hearing.~~

~~(2) A written order shall be filed by the court or by a party or party's attorney, as designated by the court, within thirty (30) days of the date of the hearing or prior to the next hearing, whichever is sooner.~~

~~(e) All probable cause hearings are miscellaneous proceedings as~~

~~defined in Rule 1101(b)(3) of the Arkansas Rules of Evidence, and the rules of evidence, including, but not limited to, the hearsay rule, Rule 802 of the Arkansas Rules of Evidence, are not applicable.~~

~~9-27-316. Right to counsel.~~

~~(a)(1) In delinquency and family-in-need-of-services cases, a juvenile and his or her parent, guardian, or custodian shall be advised by the law enforcement official taking a juvenile into custody, by the intake officer at the initial intake interview, and by the court at the juvenile's first appearance before the circuit court that the juvenile has the right to be represented at all stages of the proceedings by counsel.~~

~~(2) An extended juvenile jurisdiction offender shall have a right to counsel at every stage of the proceedings, including all reviews.~~

~~(b)(1)(A) The inquiry concerning the ability of the juvenile to retain counsel shall include a consideration of the juvenile's financial resources and the financial resources of his or her family.~~

~~(B) However, the failure of the juvenile's family to retain counsel for the juvenile shall not deprive the juvenile of the right to appointed counsel if required under this section.~~

~~(2) After review by the court of an affidavit of financial means completed and verified by the parent of the juvenile and a determination by the court that the parent or juvenile has the ability to pay, the court may order financially able juveniles, parents, guardians, or custodians to pay all or part of reasonable attorney's fees and expenses for representation of a juvenile.~~

~~(3) All moneys collected by the circuit clerk under this subsection shall be retained by the clerk and deposited into a special fund to be known as the "juvenile representation fund".~~

~~(4) The court may direct that money from this fund be used in providing counsel for juveniles under this section in delinquency or family-in-need-of-services cases and indigent parents or guardians in dependency-neglect cases as provided by subsection (h) of this section.~~

~~(5) Any money remaining in the fund at the end of the fiscal year shall not revert to any other fund but shall carry over into the next fiscal year in the juvenile representation fund.~~

~~(c) If counsel is not retained for the juvenile or it does not appear~~

~~that counsel will be retained, counsel shall be appointed to represent the juvenile at all appearances before the court unless the right to counsel is waived in writing as set forth in § 9-27-317.~~

~~(d) In a proceeding in which the judge determines that there is a reasonable likelihood that the proceeding may result in the juvenile's commitment to an institution in which the freedom of the juvenile would be curtailed and counsel has not been retained for the juvenile, the court shall appoint counsel for the juvenile.~~

~~(e) Appointment of counsel shall be made at a time sufficiently in advance of the court appearance to allow adequate preparation by appointed counsel and adequate consultation between the appointed counsel and the client.~~

~~(f)(1) The court shall appoint an attorney ad litem who shall meet standards and qualifications established by the Supreme Court to represent the best interest of the juvenile when a dependency-neglect petition is filed or when an emergency ex parte order is entered in a dependency-neglect case, whichever occurs earlier.~~

~~(2) The court may appoint an attorney ad litem to represent the best interest of a juvenile involved in any case before the court and shall consider the juvenile's best interest in determining whether to appoint an attorney ad litem.~~

~~(3) Each attorney ad litem shall:~~

~~(A) File written motions, responses, or objections at all stages of the proceedings when necessary to protect the best interest of the juvenile;~~

~~(B) Attend all hearings and participate in all telephone conferences with the court unless excused by the court; and~~

~~(C) Present witnesses and exhibits when necessary to protect the juvenile's best interest.~~

~~(4) An attorney ad litem shall be provided access to all records relevant to the juvenile's case, including, but not limited to, school records, medical records, all court records relating to the juvenile and his or her family, and records, including those maintained electronically and in the case management system, of the Department of Human Services relating to the juvenile and his or her family to the extent permitted by federal law.~~

~~(5)(A) An attorney ad litem shall represent the best interest of~~

~~the juvenile.~~

~~(B) If the juvenile's wishes differ from the attorney's determination of the juvenile's best interest, the attorney ad litem shall communicate the juvenile's wishes to the court in addition to presenting his or her determination of the juvenile's best interest.~~

~~(g)(1) The court may appoint a volunteer court-appointed special advocate from a program that shall meet all state and national court-appointed special advocate standards to advocate for the best interest of juveniles in dependency-neglect proceedings.~~

~~(2) No court-appointed special advocate shall be assigned a case before:~~

~~(A) Completing a training program in compliance with National CASA/GAL Association for Children and state standards; and~~

~~(B) Being approved by the local court-appointed special advocate program, which will include appropriate criminal background and child abuse registry checks.~~

~~(3) Each court-appointed special advocate shall:~~

~~(A)(i) Investigate the case to which he or she is assigned to provide independent factual information to the court through the attorney ad litem, court testimony, or court reports.~~

~~(ii) The court-appointed special advocate may testify if called as a witness.~~

~~(iii) When the court-appointed special advocate prepares a written report for the court, the advocate shall provide all parties or the attorney of record with a copy of the written report seven (7) business days before the relevant hearing; and~~

~~(B) Monitor the case to which he or she is assigned to ensure compliance with the court's orders.~~

~~(4) Upon presentation of an order of appointment, a court-appointed special advocate shall be provided access to all records relevant to the juvenile's case, including, but not limited to, school records, medical records, all court records relating to the juvenile and his or her family, and department records, including those maintained electronically and in the Children's Reporting and Information System, to the extent permitted by federal law.~~

~~(5) A court-appointed special advocate is not a party to the~~

~~case to which he or she is assigned and shall not call witnesses or examine witnesses.~~

~~(6) A court-appointed special advocate shall not be liable for damages for personal injury or property damage pursuant to the Arkansas Volunteer Immunity Act, § 16-6-101 et seq.~~

~~(7) Except as provided in this subsection, a court-appointed special advocate shall not disclose any confidential information or reports to anyone except as ordered by the court or otherwise provided by law.~~

~~(h)(1)(A) All parents and custodians have a right to counsel in all dependency-neglect proceedings.~~

~~(B) In all dependency-neglect proceedings that set out to remove legal custody from a parent or custodian:~~

~~(i) The parent or custodian from whom custody was removed shall have the right to be appointed counsel; and~~

~~(ii) The court may appoint an attorney to a:~~

~~(a)(1) Noncustodial parent if the court determines that the noncustodial parent has demonstrated a significant custodial relationship with the juvenile.~~

~~(2) A determination that the noncustodial parent has demonstrated a significant custodial relationship with the juvenile shall be made at the first appearance of the noncustodial parent in the matter; or~~

~~(b)(1) Putative parent if the putative parent has demonstrated significant contact with the juvenile and the court finds the rights of the putative parent have attached.~~

~~(2) A determination on whether the rights of the putative parent have attached shall be made at the first appearance of the putative parent in the matter.~~

~~(3) Counsel shall not be appointed to a putative parent if the:~~

~~(A) Court finds that the putative parent has not demonstrated significant contact with the juvenile;~~

~~(B) Court finds that the rights of the putative parent have not attached; or~~

~~(C) The putative parent does not appear in the matter.~~

~~(4) If a putative parent fails to demonstrate significant contacts with the juvenile, the court shall inform the putative parent on the following:~~

~~(A) How to be considered a parent under the Arkansas Juvenile Code of 1989, § 9-27-301 et seq.;~~

~~(B) The eligibility requirements for being appointed counsel; and~~

~~(C) The process for requesting the appointment of counsel if the putative parent meets the eligibility requirements for being appointed counsel.~~

~~(C) Counsel shall not be appointed to a party in a dependency-neglect proceeding unless:~~

~~(i) The court finds that the parent, putative parent, or custodian of the juvenile is indigent; and~~

~~(ii) Counsel is requested by the parent, putative parent, or custodian of the juvenile after the parent, putative parent, or custodian is informed of his or her right to be appointed counsel.~~

~~(D)(i) Parents, putative parents, and custodians shall be advised in the dependency-neglect petition or the ex parte emergency order, whichever is sooner, and at the first appearance before the court, of the right to counsel and the right to appointed counsel, if eligible.~~

~~(ii) As required under § 9-27-314, a circuit court shall appoint counsel in an ex parte emergency order and shall determine eligibility at the commencement of the probable cause hearing.~~

~~(E) All parents shall have the right to be appointed counsel in termination of parental rights hearings, and the court shall appoint counsel if the court makes a finding that the parent is indigent and counsel is requested by the parent.~~

~~(F) In a dependency-neglect proceeding naming a minor parent as a defendant, the court shall appoint a qualified parent counsel for the minor parent.~~

~~(2) If at the permanency planning hearing or at any time the court establishes the goal of adoption and counsel has not yet been appointed for a parent, the court shall appoint counsel to represent the parent as provided by subdivision (h)(1)(E) of this section.~~

~~(3)(A) Except as otherwise provided by this chapter, putative~~

~~parents do not have a right to appointed counsel in dependency-neglect proceedings.~~

~~(B) A putative parent may be appointed counsel for a termination of parental rights proceeding if the court finds the following on the record:~~

~~(i) The putative parent is indigent;~~

~~(ii) The putative parent has established significant contacts with the juvenile so that putative rights attach;~~

~~(iii) Due process requires appointment of counsel for a full and fair hearing for the putative parent in the termination hearing; and~~

~~(iv) The putative parent requested counsel.~~

~~(4)(A) A putative parent has the burden to prove paternity and significant contacts with the child.~~

~~(B) The court shall make the findings required in subdivision (h)(3) of this section to determine whether a putative parent is entitled to appointed counsel at the termination hearing.~~

~~(C)(i) The termination petition shall include the putative parent as provided under § 9-27-311(c)(2)(B).~~

~~(ii) The court shall appoint counsel subject to subdivision (h)(3) of this section for the putative parent at any time the court establishes adoption as the case goal with a termination of parental rights petition to be filed.~~

~~(5)(A) The court shall order financially able parents or custodians to pay all or part of reasonable attorney's fees and expenses for court-appointed representation after review by the court of an affidavit of financial means completed and verified by the parent or custodian and a determination by the court of an ability to pay.~~

~~(B)(i) All moneys collected by the clerk under this subsection shall be retained by the clerk and deposited into a special fund to be known as the "Juvenile Court Representation Fund".~~

~~(ii) The court may direct that money from the fund be used in providing counsel for indigent parents or custodians at the trial level in dependency-neglect proceedings.~~

~~(iii) Upon a determination of indigency and a finding by the court that the fund does not have sufficient funds to pay reasonable~~

~~attorney's fees and expenses incurred at the trial court level and state funds have been exhausted, the court may order the county to pay these reasonable fees and expenses until the state provides funding for counsel.~~

~~(6)(A) Appointment of counsel shall be made at a time sufficiently in advance of the court appearance to allow adequate preparation by appointed counsel and adequate consultation between the appointed counsel and the client.~~

~~(B)(i) When the first appearance before the court is an emergency hearing to remove custody under § 9-27-315, parents shall be appointed a parent counsel in a timely manner for meaningful representation until eligibility for appointed counsel is determined by the court under subdivision (h)(1)(B) of this section.~~

~~(ii) If in the interest of time or availability of qualified parent counsel it becomes necessary for a provisional parent counsel or counsel other than the parent counsel originally appointed under subdivision (h)(1)(B) of this section, a substitute parent counsel shall be appointed.~~

~~(7) The attorney for the parent or custodian shall be provided access to all records relevant to the juvenile's case, including without limitation school records, medical records, all court records relating to the juvenile and his or her family, and department records relating to the juvenile and his or her family, including those maintained electronically and in the Children's Reporting and Information System, to which the parent or custodian is entitled under state and federal law.~~

~~(8)(A) In all cases where a court has determined that appointed counsel for an indigent parent or custodian is necessary under this subsection, the court shall appoint counsel in compliance with federal law and Supreme Court Administrative Order No. 15.~~

~~(B) When a court orders payment of funds for parent counsel on behalf of an indigent parent or custodian from a state contract, the court shall make written findings in the appointment order in compliance with this section.~~

~~9-27-317. Waiver of right to counsel -- Detention of juvenile -- Questioning.~~

~~(a) Waiver of the right to counsel at a delinquency or family in need~~

~~of services hearing shall be accepted only upon a finding by the court from clear and convincing evidence, after questioning the juvenile, that:~~

~~(1) The juvenile understands the full implications of the right to counsel;~~

~~(2) The juvenile freely, voluntarily, and intelligently wishes to waive the right to counsel; and~~

~~(3) The parent, guardian, custodian, or counsel for the juvenile has agreed with the juvenile's decision to waive the right to counsel.~~

~~(b) The agreement of the parent, guardian, custodian, or attorney shall be accepted by the court only if the court finds:~~

~~(1) That the person has freely, voluntarily, and intelligently made the decision to agree with the juvenile's waiver of the right to counsel;~~

~~(2) That the person has no interest adverse to the juvenile; and~~

~~(3) That the person has consulted with the juvenile in regard to the juvenile's waiver of the right to counsel.~~

~~(c) In determining whether a juvenile's waiver of the right to counsel at any stage of the proceeding was made freely, voluntarily, and intelligently, the court shall consider all the circumstances of the waiver, including:~~

~~(1) The juvenile's physical, mental, and emotional maturity;~~

~~(2) Whether the juvenile understood the consequences of the waiver;~~

~~(3) In cases in which the custodial parent, guardian, or custodian agreed with the juvenile's waiver of the right to counsel, whether the parent, guardian, or custodian understood the consequences of the waiver;~~

~~(4) Whether the juvenile and his or her custodial parent, guardian, or custodian were informed of the alleged delinquent act;~~

~~(5) Whether the waiver of the right to counsel was the result of any coercion, force, or inducement;~~

~~(6) Whether the juvenile and his or her custodial parent, guardian, or custodian had been advised of the juvenile's right to remain silent and to the appointment of counsel and had waived such rights; and~~

~~(7) Whether the waiver was recorded in audio or video format and the circumstances surrounding the availability or unavailability of the recorded waiver.~~

~~(d) No waiver of the right to counsel shall be accepted in any case in which the parent, guardian, or custodian has filed a petition against the juvenile, initiated the filing of a petition against the juvenile, or requested the removal of the juvenile from the home.~~

~~(e) No waiver of the right to counsel shall be accepted in any case in which counsel was appointed due to the likelihood of the juvenile's commitment to an institution under § 9-27-316(d).~~

~~(f) No waiver of counsel shall be accepted when a juvenile has been designated an extended juvenile jurisdiction offender.~~

~~(g) No waiver of the right to counsel shall be accepted when a juvenile is in the custody of the Department of Human Services, including the Division of Youth Services.~~

~~(h)(1) All waivers of the right to counsel, except those made in the presence of the court pursuant to subsection (a) of this section, shall be in writing and signed by the juvenile.~~

~~(2)(A) When a custodial parent, guardian, or custodian cannot be located or is located and refuses to go to the place where the juvenile is being held, counsel shall be appointed for the juvenile.~~

~~(B) Procedures shall then be the same as if the juvenile had invoked counsel.~~

~~(i)(1)(A) Whenever a law enforcement officer has reasonable cause to believe that any juvenile found at or near the scene of a felony is a witness to the offense, he or she may stop that juvenile.~~

~~(B) After having identified himself or herself, the officer must advise the juvenile of the purpose of the stopping and may then demand of the juvenile his or her name, address, and any information the juvenile may have regarding the offense.~~

~~(C) Such detention shall in all cases be reasonable and shall not exceed fifteen (15) minutes, unless the juvenile shall refuse to give this information, in which case the juvenile, if detained further, shall immediately be brought before any judicial officer or prosecuting attorney to be examined with reference to his or her name, address, or the information the juvenile may have regarding the offense.~~

~~(2)(A) A law enforcement officer who takes a juvenile into custody for a delinquent or criminal offense shall advise the juvenile of his or her Miranda rights in the juvenile's own language.~~

~~(B) A law enforcement officer shall not question a juvenile who has been taken into custody for a delinquent act or criminal offense until the law enforcement officer has advised the juvenile of his or her rights pursuant to subdivision (i)(2)(C) of this section in the juvenile's own language.~~

~~(C) A law enforcement officer shall not question a juvenile who has been taken into custody for a delinquent act or criminal offense if the juvenile has indicated in any manner that he or she:~~

~~(i) Does not wish to be questioned;~~

~~(ii) Wishes to speak with his or her custodial parent, guardian, or custodian or to have that person present; or~~

~~(iii) Wishes to consult counsel before submitting to any questioning.~~

~~(D) Any waiver of the right to counsel by a juvenile shall conform to subsection (h) of this section.~~

~~9-27-318. Filing and transfer to criminal division of circuit court.~~

~~(a) The state may proceed with a case as a delinquency only when the case involves a juvenile:~~

~~(1) Fifteen (15) years of age or younger when the alleged delinquent act occurred, except as provided by subdivision (c)(2) of this section; or~~

~~(2) Less than eighteen (18) years of age when he or she engages in conduct that if committed by an adult would be any misdemeanor.~~

~~(b) The state may file a motion in the juvenile division of circuit court to transfer a case to the criminal division of circuit court or to designate a juvenile as an extended juvenile jurisdiction offender when a case involves a juvenile:~~

~~(1) Fourteen (14) or fifteen (15) years old when he or she engages in conduct that if committed by an adult would be:~~

~~(A) Murder in the second degree, § 5-10-103;~~

~~(B) Battery in the second degree in violation of § 5-13-202(a)(2), (3), or (4);~~

~~(C) Possession of a handgun on school property, § 5-73-119(b)(1)(A);~~

~~(D) Aggravated assault, § 5-13-204;~~

~~(E) Unlawful discharge of a firearm from a vehicle, § 5-74-107;~~

~~(F) Any felony committed while armed with a firearm;~~

~~(G) Soliciting a minor to join a criminal street gang, § 5-74-203;~~

~~(H) Criminal use of prohibited weapons, § 5-73-104;~~

~~(I) First degree escape, § 5-54-110;~~

~~(J) Second degree escape, § 5-54-111; or~~

~~(K) A felony attempt, solicitation, or conspiracy to commit any of the following offenses:~~

~~(i) Capital murder, § 5-10-101;~~

~~(ii) Murder in the first degree, § 5-10-102;~~

~~(iii) Murder in the second degree, § 5-10-103;~~

~~(iv) Kidnapping, § 5-11-102;~~

~~(v) Aggravated robbery, § 5-12-103;~~

~~(vi) Rape, § 5-14-103;~~

~~(vii) Battery in the first degree, § 5-13-201;~~

~~(viii) First degree escape, § 5-54-110; and~~

~~(ix) Second degree escape, § 5-54-111;~~

~~(2) At least fourteen (14) years old when he or she engages in conduct that constitutes a felony under § 5-73-119(a); or~~

~~(3) At least fourteen (14) years old when he or she engages in conduct that, if committed by an adult, constitutes a felony and who has, within the preceding two (2) years, three (3) times been adjudicated as a delinquent juvenile for acts that would have constituted felonies if they had been committed by an adult.~~

~~(c) A prosecuting attorney may charge a juvenile in either the juvenile or criminal division of circuit court when a case involves a juvenile:~~

~~(1) At least sixteen (16) years old when he or she engages in conduct that, if committed by an adult, would be any felony; or~~

~~(2) Fourteen (14) or fifteen (15) years old when he or she engages in conduct that, if committed by an adult, would be:~~

~~(A) Capital murder, § 5-10-101;~~

~~(B) Murder in the first degree, § 5-10-102;~~

~~(C) Kidnapping, § 5-11-102;~~

~~(D) Aggravated robbery, § 5-12-103;~~

~~(E) Rape, § 5-14-103;~~

~~(F) Battery in the first degree, § 5-13-201; or~~

~~(G) Terroristic act, § 5-13-310.~~

~~(d) If a prosecuting attorney can file charges in the criminal division of circuit court for an act allegedly committed by a juvenile, the state may file any other criminal charges that arise out of the same act or course of conduct in the same division of the circuit court case if, after a hearing before the juvenile division of circuit court, a transfer is so ordered.~~

~~(e) Upon the motion of the court or of any party, the judge of the division of circuit court in which a delinquency petition or criminal charges have been filed shall conduct a transfer hearing to determine whether to transfer the case to another division of circuit court.~~

~~(f) The court shall conduct a transfer hearing within thirty (30) days if the juvenile is detained and no longer than ninety (90) days from the date of the motion to transfer the case.~~

~~(g) In the transfer hearing, the court shall consider all of the following factors:~~

~~(1) The seriousness of the alleged offense and whether the protection of society requires prosecution in the criminal division of circuit court;~~

~~(2) Whether the alleged offense was committed in an aggressive, violent, premeditated, or willful manner;~~

~~(3) Whether the offense was against a person or property, with greater weight being given to offenses against persons, especially if personal injury resulted;~~

~~(4) The culpability of the juvenile, including the level of planning and participation in the alleged offense;~~

~~(5) The previous history of the juvenile, including whether the juvenile had been adjudicated a juvenile offender and, if so, whether the offenses were against persons or property, and any other previous history of antisocial behavior or patterns of physical violence;~~

~~(6) The sophistication or maturity of the juvenile as determined by consideration of the juvenile's home, environment, emotional attitude, pattern of living, or desire to be treated as an adult;~~

~~(7) Whether there are facilities or programs available to the judge of the juvenile division of circuit court that are likely to rehabilitate the juvenile before the expiration of the juvenile's twenty-first birthday;~~

~~(8) Whether the juvenile acted alone or was part of a group in the commission of the alleged offense;~~

~~(9) Written reports and other materials relating to the juvenile's mental, physical, educational, and social history; and~~

~~(10) Any other factors deemed relevant by the judge.~~

~~(h)(1) The court shall make written findings on all of the factors set forth in subsection (g) of this section.~~

~~(2) Upon a finding by clear and convincing evidence that a case should be transferred to another division of circuit court, the judge shall enter an order to that effect.~~

~~(i) Upon a finding by the criminal division of circuit court that a juvenile fourteen (14) through seventeen (17) years of age and charged with the crimes in subdivision (c)(2) of this section should be transferred to the juvenile division of circuit court, the criminal division of circuit court may enter an order to transfer as an extended juvenile jurisdiction case.~~

~~(j) If a juvenile fourteen (14) or fifteen (15) years of age is found guilty in the criminal division of circuit court for an offense other than an offense listed in subsection (b) or subdivision (c)(2) of this section, the judge shall enter a juvenile delinquency disposition under § 9-27-330.~~

~~(k) If the case is transferred to another division, any bail or appearance bond given for the appearance of the juvenile shall continue in effect in the division to which the case is transferred.~~

~~(l) Any party may appeal from a transfer order.~~

~~(m) The circuit court may conduct a transfer hearing and an extended juvenile jurisdiction hearing under § 9-27-503 at the same time.~~

~~9-27-319. Double jeopardy.~~

~~(a) No juvenile who has been subjected to an adjudication pursuant to a petition alleging him or her to be delinquent shall be tried later under criminal charges based upon facts alleged in the petition to find him or her delinquent.~~

~~(b) No juvenile who has been tried for a violation of the criminal~~

~~laws of this state shall be later subjected to a delinquency proceeding arising out of the facts that formed the basis of the criminal charges.~~

~~9-27-320. Fingerprinting or photographing.~~

~~(a)(1) When a juvenile is arrested for any offense that if committed by an adult would constitute a Class Y, Class A, or Class B felony, the juvenile shall be photographed and fingerprinted by the law enforcement agency.~~

~~(2) In the case of an allegation of delinquency, a juvenile shall not be photographed or fingerprinted under this subchapter by any law enforcement agency unless he or she has been taken into custody for the commission of an offense that, if committed by an adult, would constitute a Class Y, Class A, or Class B felony.~~

~~(b)(1) Copies of a juvenile's fingerprints and photographs shall be made available only to other law enforcement agencies, the Arkansas Crime Information Center, prosecuting attorneys, and the juvenile division of circuit court.~~

~~(2) Photographs and fingerprints of juveniles adjudicated delinquent for offenses for which they could have been tried as adults shall be made available to prosecuting attorneys and circuit courts for use at sentencing in subsequent adult criminal proceedings against those same individuals.~~

~~(3)(A) When a juvenile departs without authorization from a youth services center or other facility operated by the Division of Youth Services for the care of delinquent juveniles, if at the time of departure the juvenile is committed or detained for an offense for which the juvenile could have been tried as an adult, the Director of the Division of Youth Services shall release to the general public the name, age, and description of the juvenile and any other pertinent information the Director of the Division of Youth Services deems necessary to aid in the apprehension of the juvenile and to safeguard the public welfare.~~

~~(B) When a juvenile departs without authorization from the Arkansas State Hospital, if at the time of departure the juvenile is committed as a result of an acquittal on the grounds of mental disease or defect for an offense for which the juvenile could have been tried as an adult, the Director of the Division of Aging, Adult, and Behavioral Health~~

~~Services of the Department of Human Services shall release to the general public the name, age, and description of the juvenile and any other pertinent information the Director of the Division of Aging, Adult, and Behavioral Health Services deems necessary to aid in the apprehension of the juvenile and to safeguard the public welfare.~~

~~(C) When a juvenile departs without authorization from a local juvenile detention facility, if at the time of departure the juvenile is committed or detained for an offense for which the juvenile could have been tried as an adult, the director of the juvenile detention facility shall release to the general public the name, age, and description of the juvenile and any other pertinent information the director of the juvenile detention facility deems necessary to aid in the apprehension of the juvenile and to safeguard the public welfare.~~

~~(c) Each law enforcement agency in the state shall keep a separate file of photographs and fingerprints, it being the intention that the photographs and fingerprints of juveniles not be kept in the same file with those of adults.~~

~~(d) When a juvenile is adjudicated delinquent for an offense for which the juvenile could be charged as an adult:~~

~~(1) The arresting law enforcement agency shall ensure that the fingerprints and photograph of the juvenile have been properly taken and submitted; and~~

~~(2) The court shall submit the adjudicated delinquent information to the center.~~

~~(e) If the juvenile is found not to have committed the alleged delinquent act, the court may order a law enforcement agency to return all pictures and fingerprints to the circuit court and shall order the law enforcement agency that took the juvenile into custody to mark the arrest record with the notation "found not to have committed the alleged offense".~~

~~(f) The center shall create a form to be used for the reporting and expungement of juvenile information.~~

~~(g) If the juvenile is arrested for a Class Y, Class A, or Class B felony but not charged, the prosecuting attorney shall submit the information to the center and the arrest shall be removed from the center's records.~~

~~9-27-321. Statements not admissible.~~

~~Statements made by a juvenile to the intake officer or probation officer during the intake process before a hearing on the merits of the petition filed against the juvenile shall not be used or be admissible against the juvenile at any stage of any proceedings in circuit court or in any other court.~~

~~9-27-322. Release from custody.~~

~~(a) Upon receiving notice that a juvenile has been taken into custody on an allegation of delinquency, the intake officer shall immediately notify the juvenile's parent, guardian, or custodian of the location at which the juvenile is being held and of the reasons for the juvenile's detention if such notification has not previously taken place and shall:~~

~~(1) Unconditionally release the juvenile to the juvenile's parent, guardian, or custodian;~~

~~(2) Release the juvenile to the juvenile's parent, guardian, or custodian upon the written promise of the parent, guardian, or custodian to bring the juvenile before the court when summoned;~~

~~(3) Release the juvenile to the juvenile's parent, guardian, or custodian upon written conditions to ensure the juvenile will be brought before the court;~~

~~(4) Pending court review, place the juvenile in shelter care if unable to locate the juvenile's parent, guardian, or custodian;~~

~~(5) Pending court review, place the juvenile on electronic monitoring; or~~

~~(6) Detain the juvenile pending a detention hearing before the circuit court.~~

~~(b) Criteria for Release by Intake Officer.~~

~~(1) In determining whether to detain a juvenile who has been taken into custody on an allegation of delinquency pending a detention hearing, the intake officer shall consider the following facts:~~

~~(A) Ties to the community, including:~~

~~(i) Place and length of residence;~~

~~(ii) School attendance;~~

~~(iii) Present and past employment;~~

~~(iv) Family relationships; and~~

~~(v) References; and~~

~~(B) Nature of the alleged offense, including:~~

~~(i) Whether the offense would constitute a felony or misdemeanor;~~

~~(ii) The use of force or violence;~~

~~(iii) Prior juvenile or criminal record; and~~

~~(iv) Any history of failure to appear for court appearances.~~

~~(2) The intake officer may determine that there is no less restrictive alternative to detention if detention is necessary:~~

~~(A) To prevent imminent bodily harm to the juvenile or to another; or~~

~~(B) To prevent flight when the juvenile is a fugitive or escapee from another jurisdiction.~~

~~(3) Only if a substantial number of the facts considered under subdivision (b)(1) of this section weigh against the juvenile or one (1) of the two (2) circumstances in subdivision (b)(2) of this section exists shall the juvenile be detained pending a detention hearing by the court.~~

~~(c) The juvenile and his or her parent, guardian, or custodian shall not be charged the cost of detention, shelter, or electronic monitoring authorized by a juvenile officer under subsection (a) of this section.~~

~~9-27-323. Diversion — Conditions — Agreement — Completion — Definition.~~

~~(a) If the prosecuting attorney, after consultation with the intake officer, determines that a diversion of a delinquency case is in the best interests of the juvenile and the community, the officer with the consent of the juvenile and his or her parent, guardian, or custodian may attempt to make a satisfactory diversion of a case.~~

~~(b) If the intake officer determines that a diversion of a family in need of services case is in the best interest of the juvenile and the community, the officer with the consent of the petitioner, juvenile, and his or her parent, guardian, or custodian may attempt to make a satisfactory diversion of a case.~~

~~(c) In addition to the requirements of subsections (a) and (b) of this section, a diversion of a case is subject to the following conditions:~~

~~(1) The juvenile has admitted his or her involvement in:~~

~~(A) A delinquent act for a delinquency diversion; or~~

~~(B) A family in need of services act for a family in need of services diversion;~~

~~(2) The intake officer advises the juvenile and his or her parent, guardian, or custodian that they have the right to refuse a diversion of the case and demand the filing of a petition and a formal adjudication;~~

~~(3) Any diversion agreement is entered into voluntarily and intelligently by the juvenile with the advice of his or her attorney or by the juvenile with the consent of a parent, guardian, or custodian if the juvenile is not represented by counsel;~~

~~(4) The diversion agreement provides for the supervision of a juvenile or the referral of the juvenile to a public or private agency for services not to exceed six (6) months;~~

~~(5) All other terms of a diversion agreement do not exceed nine (9) months; and~~

~~(6) The juvenile and his or her parent, guardian, or custodian shall have the right to terminate the diversion agreement at any time and to request the filing of a petition and a formal adjudication.~~

~~(d)(1) The terms of the diversion agreement shall:~~

~~(A) Be in writing in simple, ordinary, and understandable language;~~

~~(B) State that the agreement was entered into voluntarily by the juvenile;~~

~~(C) Name the attorney or other person who advised the juvenile upon the juvenile's entering into the agreement; and~~

~~(D) Be signed by all parties to the agreement and by the prosecuting attorney if it is a delinquency case and the offense would constitute a felony if committed by an adult or a family in need of services case pursuant to § 6-18-222.~~

~~(2) A copy of the diversion agreement shall be given to the juvenile, the counsel for the juvenile, the parent, guardian, or custodian, and the intake officer, who shall retain the copy in the case file.~~

~~(e) Diversion agreements shall be:~~

~~(1) Implemented by all juvenile courts based on validated assessment tools; and~~

~~(2) Used to provide for:~~

~~(A) Nonjudicial probation under the supervision of the~~

~~intake officer or probation officer for a period during which the juvenile may be required to comply with specified conditions concerning his or her conduct and activities;~~

~~(B) Participation in a court-approved program of education, counseling, or treatment;~~

~~(C) Participation in a court-approved teen court;~~

~~(D) Participation in a juvenile drug court program;~~

~~(E) Enrollment in the Regional Educational Career Alternative School System for Adjudicated Youth; and~~

~~(F)(i) Payment of restitution to the victim.~~

~~(ii) Payments of restitution under subdivision (c)(2)(F)(i) of this section shall be paid under § 16-13-326.~~

~~(f)(1) If a diversion of a complaint has been made, a petition based upon the events out of which the original complaint arose may be filed only during the period for which the agreement was entered into.~~

~~(2) If a petition is filed within this period, the juvenile's compliance with all proper and reasonable terms of the agreement shall be grounds for dismissal of the petition by the court.~~

~~(g) The diversion agreement may be terminated, and the prosecuting attorney in a delinquency case or the petitioner in a family in need of services case may file a petition if at any time during the agreement period:~~

~~(1) The juvenile or his or her parent, guardian, or custodian declines to further participate in the diversion process;~~

~~(2) The juvenile fails, without reasonable excuse, to attend a scheduled conference;~~

~~(3) The juvenile appears unable or unwilling to benefit from the diversion process; or~~

~~(4) The intake officer becomes apprised of new or additional information that indicates that further efforts at diversion would not be in the best interests of the juvenile or society.~~

~~(h) Upon the satisfactory completion of the diversion period:~~

~~(1) The juvenile shall be dismissed without further proceedings;~~

~~(2) The intake officer shall furnish written notice of the dismissal to the juvenile and his or her parent, guardian, or custodian; and~~

~~(3) The complaint and the agreement, and all references thereto, may be expunged by the court from the juvenile's file.~~

~~(i)(1) A juvenile intake or probation officer may charge a diversion fee only after review of an affidavit of financial means and a determination of the juvenile's or the juvenile's parent's, guardian's, or custodian's ability to pay the fee.~~

~~(2) The diversion fee shall not exceed twenty dollars ($20.00) per month to the juvenile division of circuit court.~~

~~(3) The court may direct that the fees be collected by the juvenile officer, sheriff, or court clerk for the county in which the fees are charged.~~

~~(4) The officer designated by the court to collect diversion fees shall maintain receipts and account for all incoming fees and shall deposit the fees at least weekly into the county treasury of the county where the fees are collected and in which diversion services are provided.~~

~~(5) The diversion fees shall be deposited into the account with the juvenile service fees under § 16-13-326.~~

~~(j)(1) In judicial districts having more than one (1) county, the judge may designate the treasurer of one (1) of the counties in the district as the depository of all juvenile fees collected in the district.~~

~~(2) The treasurer so designated by the court shall maintain a separate account of the juvenile fees collected and expended in each county in the district.~~

~~(3) Money remaining at the end of the fiscal year shall not revert to any other fund but shall carry over to the next fiscal year.~~

~~(4) The funds derived from the collection of diversion fees shall be used by agreement of the judge or judges of the circuit court designated to hear juvenile cases in their district plan pursuant to Supreme Court Administrative Order No. 14, originally issued April 6, 2001, and the quorum court of the county to provide services and supplies to juveniles at the discretion of the juvenile division of circuit court.~~

~~(k)(1) The Department of Human Services shall develop a statewide referral protocol for helping to coordinate the delivery of services to sexually exploited children.~~

~~(2) As used in this section, "sexually exploited child" means a person less than eighteen (18) years of age who has been subject to sexual exploitation because the person:~~

~~(A) Is a victim of trafficking of persons under § 5-18-~~

~~103;~~

~~(B) Is a victim of child sex trafficking under 18 U.S.C. § 1591, as it existed on January 1, 2013; or~~

~~(C) Engages in an act of prostitution under § 5-70-102 or sexual solicitation under § 5-70-103.~~

~~9-27-324. Preliminary investigation.~~

~~(a) Upon receiving notice that a juvenile has been taken into custody on an allegation of delinquency, the intake officer shall also conduct a preliminary investigation.~~

~~(b) In the course of a preliminary investigation, the intake officer may:~~

~~(1) Interview the complainant, victim, or witnesses of the act and circumstances alleged in the complaint;~~

~~(2) Review existing records of the court, law enforcement agencies, and public records of other agencies; and~~

~~(3) Hold conferences with the juvenile and his or her parent, guardian, or custodian for the purpose of interviewing them and discussing the disposition of the complaint.~~

~~(c) Any additional inquiries may be made only with the consent of the juvenile and his or her parent, guardian, or custodian.~~

~~(d)(1) Participation of the juvenile and his or her parent, guardian, or custodian in a conference with an intake officer shall be voluntary, with the right to refuse to continue participation at any time.~~

~~(2) At the conferences, the juvenile and his or her parent, guardian, or custodian shall be advised of the juvenile's right to assistance of counsel and the right to remain silent when questioned by the intake officer.~~

~~9-27-325. Hearings — Generally.~~

~~(a)(1)(A) All hearings shall be conducted by the judge without a jury, except as provided by the Extended Juvenile Jurisdiction Act, § 9-27-501 et seq.~~

~~(B) If a juvenile is designated an extended juvenile jurisdiction offender, the juvenile shall have a right to a jury trial at the adjudication.~~

~~(2) The juvenile shall be advised of the right to a jury trial by the court following a determination that the juvenile will be tried as an extended juvenile jurisdiction offender.~~

~~(3) The right to a jury trial may be waived by a juvenile only after being advised of his or her rights and after consultation with the juvenile's attorney.~~

~~(4) The waiver shall be in writing and signed by the juvenile and the juvenile's attorney.~~

~~(b)(1) The defendant need not file a written responsive pleading in order to be heard by the court.~~

~~(2) In dependency-neglect proceedings, if not appointed by the court in an order provided to all parties, counsel shall file a notice of appearance immediately upon acceptance of representation, with a copy to be served on the petitioner and all parties.~~

~~(c)(1) At the time set for hearing, the court may:~~

~~(A) Proceed to hear the case only if the juvenile is present or excused for good cause by the court; or~~

~~(B) Continue the case upon determination that the presence of an adult defendant is necessary.~~

~~(2) Upon determining that a necessary party is not present before the court, the court may:~~

~~(A) Issue an order for contempt if the juvenile was served with an order to appear; or~~

~~(B) Issue an order to appear, with a time and place set by the court for hearing, if the juvenile was served with a notice of hearing.~~

~~(d)(1) The court shall be a court of record.~~

~~(2) A record of all proceedings shall be kept in the same manner as other proceedings of circuit court and in accordance with rules promulgated by the Supreme Court.~~

~~(e)(1) Unless otherwise indicated, the Arkansas Rules of Evidence shall apply.~~

~~(2)(A) Upon motion of any party, the court may order that the father, mother, and child submit to scientific testing for drug or alcohol abuse.~~

~~(B) A written report of the test results prepared by the person conducting the test, or by a person under whose supervision or~~

~~direction the test and analysis have been performed, certified by an affidavit subscribed and sworn to by him or her before a notary public, may be introduced in evidence without calling the person as a witness unless a motion challenging the test procedures or results has been filed within thirty (30) days before the hearing and bond is posted in an amount sufficient to cover the costs of the person's appearance to testify.~~

~~(C)(i) If contested, documentation of the chain of custody of samples taken from test subjects shall be verified by affidavit of one (1) person's witnessing the procedure or extraction, packaging, and mailing of the samples and by one (1) person's signing for the samples at the place where the samples are subject to the testing procedure.~~

~~(ii) Submission of the affidavits along with the submission of the test results shall be competent evidence to establish the chain of custody of those specimens.~~

~~(D) Whenever a court orders scientific testing for drug or alcohol abuse and one (1) of the parties refuses to submit to the testing, that refusal shall be disclosed at trial and may be considered civil contempt of court.~~

~~(f) Except as otherwise provided in this subchapter, the Arkansas Rules of Civil Procedure shall apply to all proceedings and the Arkansas Rules of Criminal Procedure shall apply to delinquency proceedings.~~

~~(g) All parties shall have the right to compel attendance of witnesses in accordance with the Arkansas Rules of Civil Procedure and the Arkansas Rules of Criminal Procedure.~~

~~(h)(1) The petitioner in all proceedings shall bear the burden of presenting the case at hearings.~~

~~(2)(A) The following burdens of proof shall apply:~~

~~(i) Proof beyond a reasonable doubt in delinquency hearings;~~

~~(ii) Proof by a preponderance of the evidence in dependency-neglect proceedings, except if subject to the Indian Child Welfare Act of 1978, 25 U.S.C. § 1901 et seq., family in need of services, and probation revocation hearings; and~~

~~(iii) Proof by clear and convincing evidence for hearings to terminate parental rights, except if subject to the Indian Child Welfare Act of 1978, 25 U.S.C. § 1901 et seq., transfer hearings, and in~~

~~hearings to determine whether or not reunification services shall be provided.~~

~~(B) If the Indian Child Welfare Act of 1978, 25 U.S.C. § 1901 et seq., applies, the following burdens of proof shall apply:~~

~~(i) Clear and convincing evidence in probable cause, adjudication, review, and permanency planning hearings; and~~

~~(ii) Beyond a reasonable doubt in termination of parental rights hearings that are subject to the Indian Child Welfare Act of 1978, 25 U.S.C. § 1901 et seq.~~

~~(i)(1)(A) Except as provided by this section, all hearings involving allegations and reports of child maltreatment and all hearings involving cases of children in foster care shall be closed.~~

~~(B)(i) A member of the General Assembly may attend any hearing held under this subchapter, including a closed hearing, unless the court excludes the member of the General Assembly based on the:~~

~~(a) Best interest of the child; or~~

~~(b) Court's authority under the Arkansas Rules of Civil Procedure or the Arkansas Rules of Evidence.~~

~~(ii) Except as otherwise provided by law, a member of the General Assembly who attends a hearing in accordance with subdivision (i)(1)(B)(i) of this section shall not disclose information obtained during his or her attendance at the hearing.~~

~~(C)(i)(a) A Child Welfare Ombudsman may attend a hearing held under this subchapter, including a closed hearing.~~

~~(b) However, a court may exclude the Child Welfare Ombudsman from a hearing if:~~

~~(1) It is in the best interest of the child; or~~

~~(2) The reason for the exclusion is based on the authority of the court under the Arkansas Rules of Civil Procedure or the Arkansas Rules of Evidence.~~

~~(ii) Unless otherwise allowed by law, the Child Welfare Ombudsman shall not disclose information that he or she obtains through his or her attendance at a hearing held under this subchapter.~~

~~(D)(i) A relative, fictive kin, or individual with a connection to the family involved in a dependency-neglect proceeding may~~

~~attend a hearing unless the court determines:~~

~~(a) The best interest of the child requires the relative, fictive kin, or individual with a connection to the family involved in the dependency-neglect proceeding to be excluded from the hearing; or~~

~~(b) It is within the authority of the court under the Arkansas Rules of Civil Procedure or the Arkansas Rules of Evidence to exclude the relative, fictive kin, or individual with a connection to the family involved in the dependency-neglect proceeding from the hearing.~~

~~(ii) The court shall confirm the identity of each relative, fictive kin, or individual with a connection to the family involved in the dependency-neglect proceeding to determine if the relative, fictive kin, or individual with a connection to the family involved in the dependency-neglect proceeding should be excluded from the hearing.~~

~~(iii) A relative, fictive kin, or individual with a connection to the family involved in the dependency-neglect proceeding who is permitted to attend a hearing shall not disclose any information obtained during the hearing.~~

~~(E)(i) The court may allow an individual with an interest in attending a closed hearing in a dependency-neglect proceeding to attend the hearing if:~~

~~(a) It is in the best interest of the child; and~~

~~(b) The individual demonstrates a sincere and legitimate need to attend the hearing as determined by the court.~~

~~(ii) An individual who attends a hearing in accordance with subdivision (i)(l)(E)(i) of this section shall not disclose any information obtained during the hearing.~~

~~(F) An individual who discloses information in violation of subdivision (i)(l)(D)(iii) and subdivision (i)(l)(E)(ii) of this section is guilty of a Class C misdemeanor.~~

~~(2) All other hearings may be closed within the discretion of the court, except that in delinquency cases the juvenile shall have the right to an open hearing, and in adoption cases the hearings shall be closed as provided in the Revised Uniform Adoption Act, § 9-9-201 et seq.~~

~~(j) Except as provided in § 9-27-502, in any juvenile delinquency~~

~~proceeding in which the juvenile's fitness to proceed is put in issue by any party or the court, the provisions of § 5-2-301 et seq. shall apply.~~

~~(k) In delinquency proceedings, juveniles are entitled to all defenses available to criminal defendants in circuit court.~~

~~(l)(1) The Department of Human Services shall provide to foster parents and preadoptive parents of a child in department custody notice of any proceeding to be held with respect to the child.~~

~~(2) Relative caregivers shall be provided notice by the original petitioner in the juvenile matter.~~

~~(3)(A) The court shall allow foster parents, preadoptive parents, and relative caregivers an opportunity to be heard in any proceeding held with respect to a child in their care but only as witnesses.~~

~~(B) Foster parents, adoptive parents, and relative caregivers shall not be made parties to the proceeding solely on the basis that the persons are entitled to notice and the opportunity to be heard.~~

~~(C) Foster parents, adoptive parents, and relative caregivers shall not be made parties to the proceeding when reunification remains the goal of the case.~~

~~(D) A foster parent, adoptive parent, preadoptive parent, or relative caregiver may not offer evidence to be considered by the court unless he or she is called as a witness.~~

~~(m)(1)(A) A grandparent shall be entitled to notice and shall be granted an opportunity to be heard in any dependency-neglect proceeding involving a grandchild who is twelve (12) months of age or younger when:~~

~~(i) The grandchild resides with this grandparent for at least six (6) continuous months prior to his or her first birthday;~~

~~(ii) The grandparent was the primary caregiver for and financial supporter of the grandchild during the time the grandchild resided with the grandparent;~~

~~(iii) The continuous custody occurred within one (1) year of the date the child custody proceeding was initiated; and~~

~~(iv) Notice to a grandparent under this subdivision (m)(1) shall be given by the department.~~

~~(B) A grandparent shall be entitled to notice and shall be granted an opportunity to be heard in any dependency-neglect proceeding involving a grandchild who is twelve (12) months of age or older when:~~

~~(i) The grandchild resides with this grandparent for at least one (1) continuous year regardless of age;~~

~~(ii) The grandparent was the primary caregiver for and financial supporter of the grandchild during the time the grandchild resided with the grandparent; and~~

~~(iii) The continuous custody occurred within one (1) year of the date the child custody proceeding was initiated.~~

~~(2) For purposes of this subsection, "grandparent" does not mean a parent of a putative father of a child.~~

~~(n)(1)(A) The department shall make diligent efforts to identify putative parents in a dependency-neglect proceeding.~~

~~(B) Diligent efforts shall include without limitation checking the Putative Father Registry.~~

~~(2)(A)(i) If the petitioner has named and served a putative parent under this section and § 9-27-311, the court shall resolve the party status of a putative parent and the rights of the putative parent as a putative father.~~

~~(ii) A court may consider the termination of the rights of a putative parent under § 9-27-341 if the court finds that the putative parent has established significant contacts and the rights of the putative parent as a putative father have attached.~~

~~(B) The court shall provide a putative parent the opportunity to be heard regarding his or her efforts in establishing paternity and his or her significant contacts with regard to the juvenile involved in the dependency-neglect proceedings.~~

~~(C)(i) The court may order deoxyribonucleic acid (DNA) testing at any time.~~

~~(ii) A court may establish paternity or determine whether a putative parent is a parent as defined in § 9-27-303 without a deoxyribonucleic acid (DNA) test being ordered by the court or performed.~~

~~(D) If there is more than one (1) putative parent of the juvenile, the court shall order a deoxyribonucleic acid (DNA) test of each identified putative parent to determine the biological parent of the juvenile.~~

~~(E) A deoxyribonucleic acid (DNA) test establishing a putative parent as the biological parent of a juvenile is sufficient evidence~~

~~on which the court may adjudicate paternity, establish that the putative parent is a parent for the purposes of this subchapter, and enter a decree of paternity.~~

~~(3) A putative parent has the burden to prove paternity and significant contacts with the juvenile.~~

~~(4)(A) Except as provided under § 9-27-311, a putative parent shall be named as a party if the circuit court determines that the putative parent:~~

~~(i) Has established paternity and the circuit court enters an order establishing the putative parent as the parent for the purposes of this subchapter and directs that the parent be added to the case as a party defendant; or~~

~~(ii) Has established significant contacts with the juvenile and the circuit court enters an order that putative parent rights have attached and the putative parent shall be added to the case as a party defendant.~~

~~(B)(i) If the petitioner has named and served a putative parent under this section and § 9-27-311 and the circuit court finds that the putative parent has established paternity, the court shall:~~

~~(a) Enter an order establishing the putative parent as a parent for the purposes of this subchapter; and~~

~~(b) Maintain the parent as a party defendant.~~

~~(ii) If the petitioner has named and served a putative parent under this section and § 9-27-311 and the circuit court finds that the putative parent has established significant contacts with the juvenile, the court shall:~~

~~(a) Enter an order stating that the rights of the putative parent have attached; and~~

~~(b) Maintain the putative parent as a party defendant.~~

~~(C) If the circuit court finds that the putative parent, after being given notice and opportunity to be heard, has not established paternity or significant contacts, the circuit court shall:~~

~~(i) Find that the putative parent is not a parent for the purposes of this subchapter;~~

~~(ii) Find that the rights of the putative parent have~~

~~not attached; and~~

~~(iii) Dismiss the putative parent from the case and enter an order finding that no further notice, including notice of an adoption petition concerning the juvenile, is required to be provided to the putative parent.~~

~~(5) The rights of a putative parent to appointed counsel are subject to § 9-27-316(h)(3).~~

~~(o)(1)(A) If the court determines that the health and safety of the juvenile can be adequately protected and it is in the best interest of the child, unsupervised family time may occur between a juvenile and a parent.~~

~~(B) Unless the court has restricted unsupervised family time, the department may allow unsupervised family time between a juvenile and a parent at any time.~~

~~(2)(A) A petitioner has the burden of proving at every hearing that unsupervised family time is not in the best interest of a child.~~

~~(B) If the court determines that unsupervised family time between a juvenile and a parent is not in the best interest of the child, family time between the juvenile and the parent shall be supervised.~~

~~(C)(i) A rebuttable presumption that unsupervised family time is in the best interest of the juvenile applies at every hearing.~~

~~(ii) The burden of proof to rebut the presumption is proof by a preponderance of the evidence.~~

~~(D) The court may consider the preferences of the juvenile if the juvenile is of a sufficient age and capacity to reason, regardless of the juvenile's chronological age.~~

~~(E)(i) If the court orders supervised family time, the parent from whom custody of the juvenile has been removed shall receive a minimum of four (4) hours of supervised family time per week.~~

~~(ii) The court may order less than four (4) hours of supervised family time if the court determines that the supervised family time:~~

~~(a) Is not in the best interest of the juvenile; or~~

~~(b) Will impose an extreme hardship on one (1) of the parties.~~

~~(p) When family time is ordered between a juvenile and the parent:~~

~~(1)(A) A parent's positive result from a drug test is insufficient to deny the parent family time with a juvenile.~~

~~(B) If at the time that family time between the parent and a juvenile occurs a parent is under the influence of drugs or alcohol, exhibits behavior that may create an unsafe environment for a child, or appears to be actively impaired, the family time may be cancelled; and~~

~~(2) A relative or fictive kin may transport a juvenile to and from family time with a parent if:~~

~~(A) It is in the best interest of a child;~~

~~(B) The relative or fictive kin submits to a background check and a child maltreatment registry check; and~~

~~(C) The relative or fictive kin meets the driving requirements established by the department.~~

~~(q)(1) A court shall set a hearing to address the entry of a written order if:~~

~~(A) The written order is not provided to the court for entry within the time specified under this subchapter; and~~

~~(B) A party files a motion for a hearing to address the entry of the written order.~~

~~(2)(A) The court shall conduct a hearing to address the entry of the written order within thirty (30) days from the date on which the motion for a hearing to address the entry of the written order is filed.~~

~~(B) A hearing to address the entry of a written order may be the next scheduled hearing in the proceeding if the hearing to address the entry of the written order is being held within thirty (30) days from the date on which the motion for a hearing to address the entry of the written order is filed.~~

~~(C) The court is not required to conduct a hearing to address the entry of a written order if the written order is submitted to the court.~~

~~(3) The court shall reassign the preparation of the written order as needed.~~

~~9-27-326. Detention hearing.~~

~~(a) If a juvenile is taken into custody on an allegation of delinquency, violation of Division of Youth Services aftercare, violation of~~

~~probation, or violation of a court order and not released by the law enforcement officer or intake officer, a detention hearing shall be held as soon as possible but no later than seventy-two (72) hours after the juvenile was taken into custody or, if the seventy-two (72) hours ends on a Saturday, Sunday, or holiday, on the next business day. Otherwise, the juvenile shall be released.~~

~~(b) Prior written notice of the time, place, and purpose of the detention hearing shall be given to:~~

~~(1) The juvenile;~~

~~(2) The juvenile's attorney; and~~

~~(3)(A) The juvenile's parent, guardian, or custodian.~~

~~(B) However, if the court finds after a reasonable, diligent effort that the petitioner was unable to notify the parent, guardian, or custodian, the hearing may proceed without notice to that party.~~

~~(c) The petitioner shall have the burden of proof by clear and convincing evidence that the restraint on the juvenile's liberty is necessary and that no less restrictive alternative will reduce the risk of flight, or of serious harm to property, or to the physical safety of the juvenile or others.~~

~~(d) During the detention hearing, the court shall:~~

~~(1) Inform the juvenile:~~

~~(A) Of the reasons continued detention is being sought;~~

~~(B) That he or she is not required to say anything, and that anything he or she says may be used against him or her;~~

~~(C) That he or she has a right to counsel; and~~

~~(D) That before the hearing proceeds further he or she has the right to communicate with his or her attorney, parent, guardian, or custodian, and that reasonable means will be provided for him or her to do so;~~

~~(2) Admit testimony and evidence relevant only to determination that probable cause exists that the juvenile committed the offense as alleged and that detention of the juvenile is necessary; and~~

~~(3) Assess the following factors in determining whether to release the juvenile prior to further hearings in the case:~~

~~(A) Place and length of residence;~~

~~(B) Family relationships;~~

~~(C) References;~~

~~(D) School attendance;~~

~~(E) Past and present employment;~~

~~(F) Juvenile and criminal records;~~

~~(G) The juvenile's character and reputation;~~

~~(H) Nature of the charge being brought and any mitigating or aggravating circumstances;~~

~~(I) Whether detention is necessary to prevent imminent bodily harm to the juvenile or to another;~~

~~(J) The possibility of additional violations occurring if the juvenile is released;~~

~~(K) Factors that indicate the juvenile is likely to appear as required; and~~

~~(L) Whether conditions should be imposed on the juvenile's release.~~

~~(c)(1) The court shall release the juvenile when there is a finding that no probable cause exists that the juvenile committed the offense as alleged.~~

~~(2) The court, upon a finding that detention is not necessary, may release the juvenile:~~

~~(A) Upon his or her personal recognizance;~~

~~(B) Upon an order to appear;~~

~~(C) To his or her parent, guardian, or custodian upon written promise to bring the juvenile before the court when required;~~

~~(D)(i) To the care of a qualified person or agency agreeing to supervise the juvenile and assist him or her in appearing in court.~~

~~(ii) Provided, that for purposes of this subdivision (c)(2)(D), "qualified agency" does not include the Department of Human Services or any of its divisions;~~

~~(E)(i) Under the supervision of the probation officer or other appropriate public official.~~

~~(ii) However, for purposes of this subdivision (c)(2)(E), "appropriate public official" does not include the department;~~

~~(F) Upon reasonable restrictions on activities, movements, associations, and residences of the juvenile;~~

~~(C) On bond to his or her parent, guardian, or custodian; or~~

~~(H) Under such other reasonable restrictions to ensure the appearance of the juvenile.~~

~~(3) If the court determines that only a money bond will ensure the appearance of the juvenile, the court may require:~~

~~(A) An unsecured bond in an amount set by the judicial officer;~~

~~(B) A bond accompanied by a deposit of cash or securities equal to ten percent (10%) of the face amount set by the court that shall be returned at the conclusion of the proceedings if the juvenile has not defaulted in the performance of the conditions of the bond; or~~

~~(C) A bond secured by deposit of the full amount in cash, or by other property, or by obligation of qualified securities.~~

~~(4) Orders of conditional release may be modified upon notice, hearing, and good cause shown.~~

~~(5)(A) If the court releases a juvenile under subdivision (c)(2)(D) of this section, the court may, if necessary for the best interest of the juvenile, request that the department immediately initiate an investigation as to whether the juvenile is in imminent danger or a situation exists whereby the juvenile is dependent-neglected.~~

~~(B) The court shall not place preadjudicated juveniles in the custody of the department except as provided in § 12-12-516 [repealed].~~

~~(f)(1) If the juvenile who is being detained is also in the custody of the department pursuant to a family in need of services or dependency-neglect petition and the court does not keep the juvenile in detention, then any issues regarding placement of the juvenile shall be addressed only in the family in need of services or dependency-neglect case and shall not be an issue addressed, nor shall any orders be entered in the delinquency case regarding placement of the juvenile.~~

~~(2) Within ten (10) days of the entry of any order in the delinquency case, the prosecuting attorney shall file a copy of the order in the juvenile's dependency-neglect or family in need of services case.~~

~~9-27-327. Adjudication hearing.~~

~~(a)(1)(A) An adjudication hearing shall be held to determine whether~~

~~the allegations in a petition are substantiated by the proof.~~

~~(B)(i) If the court finds that the juvenile is dependent-neglected, the court shall determine whether a noncustodial parent contributed to the dependency-neglect and whether the noncustodial parent is a fit parent for purposes of custody or family time.~~

~~(ii) A noncustodial parent in subdivision (a)(1)(B)(i) of this section is presumed to be a fit parent.~~

~~(iii)(a) If no prior court order has been entered into evidence concerning custody or family time with the noncustodial parent of the juvenile subject to the dependency-neglect petition, the petitioner shall, and any party may, provide evidence to the court whether the noncustodial parent is unfit for purposes of custody or family time.~~

~~(b) The petitioner shall provide evidence as to whether the noncustodial parent contributed to the dependency-neglect.~~

~~(iv)(a) The court may transfer temporary custody or permanent custody to the noncustodial parent after a review of evidence and a finding that it is in the best interest of the juvenile to transfer custody, or the court may order family time with the noncustodial parent.~~

~~(b) An order of transfer of custody to the noncustodial parent does not relieve the Department of Human Services of the responsibility to provide services to the parent from whom custody was removed, unless the court enters an order to relieve the department of the responsibility.~~

~~(c) A home study is not required to transfer custody to a parent of the juvenile.~~

~~(v) If the court determines that the child cannot safely be placed in the custody of the noncustodial parent, the court shall make specific findings of fact regarding the safety factors that need to be corrected by the noncustodial parent before placement or family time with the juvenile.~~

~~(2) Unless the court finds that a removal occurred due to an emergency and the agency had no prior contact with the family or the child, evidence shall be presented to the court regarding all prior contact between the agency and the juvenile or the family before a finding of reasonable efforts to prevent removal by the department.~~

~~(3) A finding of reasonable efforts to prevent removal of the juvenile is void if the court determines that the department failed to disclose all prior contact between the agency and juvenile or the family before the finding.~~

~~(4)(A) The dependency-neglect adjudication hearing shall be held within thirty (30) days after the probable cause hearing under § 9-27-315.~~

~~(B) On a motion of the court or any party, the court may continue the adjudication hearing up to sixty (60) days after the removal for good cause shown.~~

~~(C)(i) The court may continue an adjudication hearing beyond the sixty-day limitation provided in subdivision (a)(4)(B) of this section in extraordinary circumstances.~~

~~(ii) As used in this subdivision (a)(4)(C), "extraordinary circumstances" includes without limitation the following circumstances:~~

~~(a) The Supreme Court orders the suspension of in-person court proceedings; and~~

~~(b) One (1) of the following has occurred:~~

~~(1) The President of the United States has declared a national emergency; or~~

~~(2) The Governor has declared a state of emergency or a statewide public health emergency.~~

~~(5) If the juvenile has previously been adjudicated a dependent-neglected juvenile in the same case in which a motion for a change of custody has been filed to remove the juvenile from the custody of a parent, a subsequent adjudication is required if the ground for the removal is not the same as the ground previously adjudicated.~~

~~(b) If a juvenile is in detention, an adjudication hearing shall be held, unless the juvenile or a party is seeking an extended juvenile jurisdiction designation, not later than fourteen (14) days from the date of the detention hearing unless waived by the juvenile or good cause is shown for a continuance.~~

~~(c) In extended juvenile jurisdiction offender proceedings, the adjudication shall be held within the time prescribed by the speedy trial provisions of Rule 28 of the Arkansas Rules of Criminal Procedure.~~

~~(d) Following an adjudication in which a juvenile is found to be~~

~~delinquent, dependent-neglected, or a member of a family in need of services, the court may order any studies, evaluations, or predisposition reports, if needed, that bear on disposition.~~

~~(c)(1) All such reports shall be provided in writing to all parties and counsel at least two (2) days prior to the disposition hearing.~~

~~(2) All parties shall be given a fair opportunity to controvert any parts of such reports.~~

~~(f) In dependency-neglect cases, a written adjudication order shall be filed by the court, or by a party or party's attorney as designated by the court, within thirty (30) days of the date of the hearing or prior to the next hearing, whichever is sooner.~~

~~9-27-328. Removal of juvenile.~~

~~(a) Before a circuit court may order any dependent-neglected juvenile or family in need of services juvenile removed from the custody of his or her parent, guardian, or custodian and placed with the Department of Human Services or other licensed agency responsible for the care of juveniles or with a relative or other individual, the court shall order family services appropriate to prevent removal unless the health and safety of the juvenile warrant immediate removal for the protection of the juvenile.~~

~~(b) When the court orders a dependent-neglected or family in need of services juvenile removed from the custody of a parent, guardian, or custodian and placed in the custody of the department or other licensed agency responsible for the care of juveniles or with a relative or other individual, the court shall make these specific findings in the order:~~

~~(1) In the initial order of removal, the court must find:~~

~~(A) Whether it is contrary to the welfare of the juvenile to remain at home;~~

~~(B) Whether the removal and the reasons for the removal of the juvenile is necessary to protect the health and safety of the juvenile; and~~

~~(C) Whether the removal is in the best interest of the juvenile; and~~

~~(2) Within sixty (60) days of removal, the court must find:~~

~~(A) Which family services were made available to the family before the removal of the juvenile;~~

~~(B) What efforts were made to provide those family services relevant to the needs of the family before the removal of the juvenile, taking into consideration whether or not the juvenile could safely remain at home while family services were provided;~~

~~(C) Why efforts made to provide the family services described did not prevent the removal of the juvenile; and~~

~~(D) Whether efforts made to prevent the removal of the juvenile were reasonable, based upon the needs of the family and the juvenile.~~

~~(c) When the state agency's first contact with the family has occurred during an emergency in which the juvenile could not safely remain at home, even with reasonable services being provided, the responsible state agency shall be deemed to have made reasonable efforts to prevent or eliminate the need for removal.~~

~~(d) When the court finds that the department's preventive or reunification efforts have not been reasonable, but further preventive or reunification efforts could not permit the juvenile to remain safely at home, the court may authorize or continue the removal of the juvenile but shall note the failure by the department in the record of the case.~~

~~(e)(1) In all instances of removal of a juvenile from the home of his or her parent, guardian, or custodian by a court, the court shall set forth in a written order:~~

~~(A) The evidence supporting the decision to remove;~~

~~(B) The facts regarding the need for removal; and~~

~~(C) The findings required by this section.~~

~~(2) The written findings and order shall be filed by the court or by a party or party's attorney as designated by the court within thirty (30) days of the date of the hearing at which removal is ordered or prior to the next hearing, whichever is sooner.~~

~~(f) Within one (1) year from the date of removal of the juvenile and annually thereafter, the court shall determine whether the department has made reasonable efforts to obtain permanency for the juvenile.~~

~~(g)(1) If the court transfers custody of a child to the department, the court shall issue an order containing the following determinations regarding the educational issues of the child and whether the parent or guardian of the child may:~~

~~(A) Have access to the child's school records;~~

~~(B) Obtain information on the current placement of the child, including the name and address of the child's foster parent or provider, if the parent or guardian has access to the child's school records; and~~

~~(C) Participate in school conferences or similar activities at the child's school.~~

~~(2) If the court transfers custody of a child to the department, the court may appoint an individual to consent to an initial evaluation of the child and serve as the child's surrogate parent under the Individuals with Disabilities Education Act, 20 U.S.C. § 1400 et seq., as it existed on February 1, 2007.~~

~~9-27-329. Disposition hearing.~~

~~(a) If the circuit court finds that the petition has been substantiated by the proof at the adjudication hearing, a disposition hearing shall be held for the court to enter orders consistent with the disposition alternatives.~~

~~(b) When a juvenile is held in detention after an adjudication hearing for delinquency pending a disposition hearing, the disposition hearing shall be held no more than fourteen (14) days following the adjudication hearing.~~

~~(c) In dependency-neglect proceedings, the disposition hearing may be held immediately following or concurrent with the adjudication hearing but in any event shall be held no more than fourteen (14) days following the adjudication hearing.~~

~~(d) In initially considering the disposition alternatives and at any subsequent hearing, the court shall give preference to the least restrictive disposition consistent with the best interests and welfare of the juvenile and the public.~~

~~(e) In dependency-neglect cases, a written disposition order shall be filed by the court, or by a party or party's attorney as designated by the court, within thirty (30) days of the date of the hearing or prior to the next hearing, whichever is sooner.~~

~~(f) At the disposition hearing, the court may admit into evidence any victim impact statements and studies or reports that have been ordered, even though they are not admissible at the adjudication hearing.~~

~~9-27-330. Disposition — Delinquency — Alternatives.~~

~~(a) If a juvenile is found to be delinquent, the circuit court may enter an order making any of the following dispositions based upon the best interest of the juvenile:~~

~~(1)(A) Transfer legal custody of the juvenile to any licensed agency responsible for the care of delinquent juveniles or to a relative or other individual.~~

~~(B)(i) Commit the juvenile to the Division of Youth Services using the validated risk assessment system for Arkansas juvenile offenders selected by the Juvenile Judges Committee of the Arkansas Judicial Council with the division and distributed and administered by the Administrative Office of the Courts.~~

~~(ii)(a) The validated risk assessment system selected by the Juvenile Judges Committee of the Arkansas Judicial Council with the division shall be:~~

~~(1) The only validated risk assessment used by courts for commitment;~~

~~(2) Used throughout the state; and~~

~~(3) Applied to all commitment decisions for all juvenile offenders.~~

~~(b) The validated risk assessment may be changed to another validated risk assessment system by the Juvenile Judges Committee of the Arkansas Judicial Council with the division.~~

~~(iii)(a) In an order of commitment, the court may recommend that a juvenile be placed in a treatment program or community-based program instead of a youth services center and shall make specific findings in support of such a placement in the order.~~

~~(b) The court shall also specify in its recommendation whether it is requesting a division aftercare plan upon the juvenile's release from the division.~~

~~(c) A court may not commit a juvenile to the division if the juvenile is adjudicated delinquent of only a misdemeanor offense unless the:~~

~~(1) Juvenile is determined to be moderate risk or high risk by the validated risk assessment; and~~

~~(2) Court makes specific findings as to the factors considered for the disposition to be in the juvenile's best interest.~~

~~(d) A court may not commit a juvenile to the division if the juvenile is adjudicated delinquent of only a misdemeanor offense and the juvenile is determined to be low risk by the validated risk assessment.~~

~~(iv) A circuit court committing a juvenile to the division under subdivision (a)(l)(B)(iii) of this section shall make written findings and consider the following factors in making its determination to commit the juvenile to the division:~~

~~(a) The previous history of the juvenile, including without limitation whether:~~

~~(1) The juvenile has been adjudicated delinquent and, if so, whether the offense was against a person or property; and~~

~~(2) Any other previous history of antisocial behavior or patterns of physical violence exist;~~

~~(b) Whether the circuit court has previously offered less restrictive programs or services to the juvenile and whether there are less restrictive programs or services available to the court that are likely to rehabilitate the juvenile before the expiration of the court's jurisdiction;~~

~~(c) Written reports and other materials relating to the juvenile's mental, physical, educational, and social history; and~~

~~(d) Any other factors deemed relevant by the circuit court.~~

~~(v) Upon receipt of an order of commitment with recommendations for placement, the division shall consider the recommendations of the committing court in placing a juvenile in a youth services facility or a community-based program.~~

~~(vi) Upon receipt of an order of commitment, the division or its contracted provider or designee shall prepare a written treatment plan that:~~

~~(a) States the treatment plan for the~~

~~juvenile, including the types of programs and services that will be provided to the juvenile;~~

~~(b) States the anticipated length of the juvenile's commitment;~~

~~(c)(1) States recommendations as to the most appropriate post-commitment placement for the juvenile.~~

~~(2) If the juvenile cannot return to the custody of his or her parent, guardian, or custodian because of child maltreatment, which includes the parent's, guardian's, or custodian's refusing to take responsibility for the juvenile, the division shall immediately contact the Office of Chief Counsel of the Department of Human Services.~~

~~(3) The Office of Chief Counsel of the Department of Human Services shall petition the committing court to determine the issue of custody of the juvenile;~~

~~(d) States any post-commitment community-based services that will be offered to the juvenile and to his or her family by the division or the community-based provider;~~

~~(e)(1) Outlines an aftercare plan, if recommended, including specific terms and conditions required of the juvenile and the community-based provider.~~

~~(2) If the juvenile progresses in treatment and an aftercare plan is no longer recommended or the terms of the aftercare plan need to be amended as a result of treatment changes, any change in the terms of the aftercare plan and conditions shall be provided in writing and shall be explained to the juvenile.~~

~~(3) The terms and conditions shall be provided also to the prosecuting attorney, the juvenile's attorney, and to the juvenile's legal parent, guardian, or custodian by the division or its designee before the juvenile's release from the division.~~

~~(4) All aftercare terms shall be provided to the committing court; and~~

~~(f)(1) The treatment plan shall be filed with the committing court no later than thirty (30) days from the date of the commitment order or before the juvenile's release, whichever is sooner.~~

~~(2) A copy of the written treatment plan~~

~~shall be provided and shall be explained to the juvenile.~~

~~(3) A copy shall be provided to the prosecutor, the juvenile's attorney, and to the juvenile's legal parent, guardian, or custodian and shall be filed in the court files of any circuit court where a dependency-neglect or family in need of services case concerning that juvenile is pending.~~

~~(C) This transfer of custody shall not include placement of adjudicated delinquents into the custody of the Department of Human Services for the purpose of foster care except as under the Child Maltreatment Act, § 12-18-101 et seq.;~~

~~(2) Order the juvenile or members of the juvenile's family to submit to physical, psychiatric, or psychological evaluations;~~

~~(3) Grant permanent custody to an individual upon proof that the parent or guardian from whom the juvenile has been removed has not complied with the orders of the court and that no further services or periodic reviews are required;~~

~~(4)(A) Place the juvenile on probation under those conditions and limitations that the court may prescribe pursuant to § 9-27-339(a).~~

~~(B)(i) In addition, the court shall have the right as a term of probation to require the juvenile to attend school or make satisfactory progress toward attaining a high school equivalency diploma approved by the Adult Education Section.~~

~~(ii) The court shall have the right to revoke probation if the juvenile fails to regularly attend school or if satisfactory progress toward attaining a high school equivalency diploma approved by the Adult Education Section is not being made;~~

~~(5) Order a probation fee, not to exceed twenty dollars ($20.00) per month, as provided in § 16-13-326(a);~~

~~(6) Assess a court cost of no more than thirty-five dollars ($35.00) to be paid by the juvenile, his or her parent, both parents, or his or her guardian;~~

~~(7)(A) Order restitution to be paid by the juvenile, a parent, both parents, the guardian, or his or her custodian.~~

~~(B) If the custodian is the State of Arkansas, both liability and the amount that may be assessed shall be determined by the Arkansas State Claims Commission;~~

~~(8) Order a fine of not more than five hundred dollars ($500) to be paid by the juvenile, a parent, both parents, or the guardian;~~

~~(9) Order that the juvenile and his or her parent, both parents, or the guardian perform court-approved volunteer service in the community designed to contribute to the rehabilitation of the juvenile or to the ability of the parent or guardian to provide proper parental care and supervision of the juvenile, not to exceed one hundred sixty (160) hours;~~

~~(10)(A) Order that the parent, both parents, or the guardian of the juvenile attend a court-approved parental responsibility training program if available.~~

~~(B) The court may make reasonable orders requiring proof of completion of the training program within a certain time period and payment of a fee covering the cost of the training program.~~

~~(C) The court may provide that any violation of such orders shall subject the parent, both parents, or the guardian to the contempt sanctions of the court;~~

~~(11)(A)(i) Order that the juvenile remain in a juvenile detention facility for an indeterminate period not to exceed ninety (90) days.~~

~~(ii) The court may further order that the juvenile be eligible for work release or to attend school or other educational or vocational training.~~

~~(B) The juvenile detention facility shall afford opportunities for education, recreation, and other rehabilitative services to adjudicated delinquents;~~

~~(12) Place the juvenile on residential detention with electronic monitoring, either in the juvenile's home or in another facility as ordered by the court;~~

~~(13)(A) Order the parent, both parents, or the guardian of any juvenile adjudicated delinquent and committed to a youth services center, detained in a juvenile detention facility, or placed on electronic monitoring to be liable for the cost of the commitment, detention, or electronic monitoring.~~

~~(B)(i) The court shall take into account the financial ability of the parent, both parents, or the guardian to pay for the commitment, detention, or electronic monitoring.~~

~~(ii) The court shall take into account the past efforts of the parent, both parents, or the guardian to correct the delinquent juvenile's conduct.~~

~~(iii) If the parent is a noncustodial parent, the court shall take into account the opportunity the parent has had to correct the delinquent juvenile's conduct.~~

~~(iv) The court shall take into account any other factors the court deems relevant;~~

~~(14) When a juvenile is committed to a youth services center or detained in a juvenile detention facility and the juvenile is covered by private health insurance, order the parent or guardian to provide information on the juvenile's health insurance coverage, including a copy of the health insurance policy and the pharmacy card when available, to the juvenile detention center or youth services center that has physical custody of the juvenile; or~~

~~(15)(A) Order the Department of Finance and Administration to suspend the driving privileges of any juvenile adjudicated delinquent.~~

~~(B) The order shall be prepared and transmitted to the Department of Finance and Administration within twenty-four (24) hours after the juvenile has been found delinquent and is sentenced to have his or her driving privileges suspended.~~

~~(C) The court may provide in the order for the issuance of a restricted driving permit to allow driving to and from a place of employment or driving to and from school or for other circumstances.~~

~~(b) The court shall specifically retain jurisdiction to amend or modify any orders entered pursuant to this section.~~

~~(c)(1) If a juvenile is adjudicated delinquent for possession of a handgun, as provided in § 5-73-119, or criminal use of prohibited weapons, as provided in § 5-73-104, or possession of a defaced firearm, as provided in § 5-73-107, then the court shall commit the juvenile:~~

~~(A) To a juvenile detention facility, as provided in subdivision (a)(11) of this section;~~

~~(B) To a youth services center operated by the Department of Human Services State Institutional System Board, as provided in subdivision (a)(1) of this section; or~~

~~(C) Place the juvenile on residential detention, as~~

~~provided in subdivision (a)(12) of this section.~~

~~(2) The court may take into consideration any preadjudication detention period served by the juvenile and sentence the juvenile to time served.~~

~~(d)(1) When the court orders restitution pursuant to subdivision (a)(7) of this section, the court shall consider the following:~~

~~(A) The amount of restitution may be decided:~~

~~(i) If the juvenile is to be responsible for the restitution, by agreement between the juvenile and the victim;~~

~~(ii) If the parent or parents are to be responsible for the restitution, by agreement between the parent or parents and the victim;~~

~~(iii) If the juvenile and the parent or parents are to be responsible for the restitution, by agreement between the juvenile, his or her parent or parents, and the victim; or~~

~~(iv) At a hearing at which the state must prove the restitution amount by a preponderance of the evidence;~~

~~(B) Restitution shall be made immediately unless the court determines that the parties should be given a specified time to pay or should be allowed to pay in specified installments; and~~

~~(C)(i) In determining if restitution should be paid and by whom, as well as the method and amount of payment, the court shall take into account:~~

~~(a) The financial resources of the juvenile, his or her parent, both parents, or the guardian and the burden the payment will impose with regard to the other obligations of the paying party;~~

~~(b) The ability to pay restitution on an installment basis or on other conditions to be fixed by the court;~~

~~(c) The rehabilitative effect of the payment of restitution and the method of payment; and~~

~~(d) The past efforts of the parent, both parents, or the guardian to correct the delinquent juvenile's conduct.~~

~~(ii)(a) The court shall take into account whether the parent is a noncustodial parent.~~

~~(b) The court may take into consideration the opportunity the parent has had to correct the delinquent juvenile's conduct.~~

~~(iii) The court shall take into account any other factors the court deems relevant.~~

~~(2) If the juvenile is placed on probation, any restitution ordered under this section may be a condition of the probation.~~

~~(e) When an order of restitution is entered, it may be collected by any means authorized for the enforcement of money judgments in civil actions, and it shall constitute a lien on the real and personal property of the persons and entities the order of restitution is directed upon in the same manner and to the same extent as a money judgment in a civil action.~~

~~(f)(1) The judgment entered by the court may be in favor of the state, the victim, or any other appropriate beneficiary.~~

~~(2) The judgment may be discharged by a settlement between the parties ordered to pay restitution and the beneficiaries of the judgment.~~

~~(g) The court shall determine priority among multiple beneficiaries on the basis of the seriousness of the harm each suffered, their other resources, and other equitable factors.~~

~~(h) If more than one (1) juvenile is adjudicated delinquent of an offense for which there is a judgment under this section, the juveniles are jointly and severally liable for the judgment, unless the court determines otherwise.~~

~~(i)(1) A judgment under this section does not bar a remedy available in a civil action under other law.~~

~~(2) A payment under this section must be credited against a money judgment obtained by the beneficiary of the payment in a civil action.~~

~~(3) A determination under this section and the fact that payment was or was not ordered or made are not admissible in evidence in a civil action and do not affect the merits of the civil action.~~

~~(j) If a juvenile is adjudicated delinquent as an extended juvenile jurisdiction offender, the court shall enter the following dispositions:~~

~~(1) Order any of the juvenile delinquency dispositions authorized by this section; and~~

~~(2) Suspend the imposition of an adult sentence pending court review.~~

~~9-27-331. Disposition -- Delinquency -- Limitations.~~

~~(a)(1) A commitment to the Division of Youth Services is for an~~

~~indeterminate period not to exceed the juvenile's twenty-first birthday, except as otherwise provided by law.~~

~~(2) An order of commitment shall remain in effect for an indeterminate period not exceeding two (2) years from the date entered.~~

~~(3) Before the expiration of an order of commitment, the circuit court may extend the order for additional periods of one (1) year if it finds the extension is necessary to safeguard the welfare of the juvenile or the interest of the public.~~

~~(4) The committing court may at any time recommend that a juvenile be released from the custody of the division by making a written request for release stating the reasons release is in the best interests of the juvenile and society.~~

~~(5) The length of stay and the final decision to release shall be the exclusive responsibility of the division, except when the juvenile is an extended juvenile jurisdiction offender.~~

~~(b)(1)(A) Subsection (a) of this section does not apply to extended juvenile jurisdiction offenders.~~

~~(B) The circuit court shall have sole release authority when an extended juvenile jurisdiction offender is committed to the division.~~

~~(2)(A) Upon a determination that the juvenile has been rehabilitated, the division may petition the court for release.~~

~~(B) The court shall conduct a hearing and shall consider the following factors in making its determination to release the juvenile from the division:~~

~~(i) The experience and character of the juvenile before and after the juvenile's disposition, including compliance with the court's orders;~~

~~(ii) The nature of the offense or offenses and the manner in which they were committed;~~

~~(iii) The recommendations of the professionals who have worked with the juvenile;~~

~~(iv) The protection of public safety; and~~

~~(v) Opportunities provided to the juvenile for rehabilitation and the juvenile's efforts toward rehabilitation.~~

~~(3) The court shall release the juvenile upon a finding by a preponderance of the evidence that the juvenile's release does not pose a~~

~~substantial threat to public safety.~~

~~(c)(1) Unless otherwise stated, and excluding extended juvenile jurisdiction offenders, an order of probation shall remain in effect for an indeterminate period not exceeding two (2) years.~~

~~(2) A juvenile shall be released from probation upon:~~

~~(A) Expiration of the order; or~~

~~(B) A finding by the court that the purpose of the order has been achieved.~~

~~(3) Prior to the expiration of an order of probation, the court may extend the order for an additional period of one (1) year if it finds the extension is necessary to safeguard the welfare of the juvenile or the interest of the public.~~

~~(d)(1)(A) The court may enter an order for physical, psychiatric, or psychological evaluation or counseling or treatment affecting the family of a juvenile only after finding that the evaluation, counseling, or treatment of family members is necessary for the treatment or rehabilitation of the juvenile.~~

~~(B) Subdivision (d)(1)(A) of this section shall not apply to the parental responsibility training programs in § 9-27-330(a)(10).~~

~~(2) For purposes of this section, if the Department of Human Services will be the payor, excluding the community-based providers, the court shall not specify a particular provider for family services.~~

~~(e)(1) An order of restitution, not to exceed ten thousand dollars ($10,000) per victim, to be paid by the juvenile, his or her parent, both parents, the guardian, or the custodian may be entered only after proof by a preponderance of the evidence that specific damages were caused by the juvenile and that the juvenile's actions were the proximate cause of the damage.~~

~~(2)(A) If the amount of restitution determined by the court exceeds ten thousand dollars ($10,000) for any individual victim, the court shall enter a restitution order for ten thousand dollars ($10,000) in favor of the victim.~~

~~(B) Nothing in this section shall prevent a person or entity from seeking recovery for damages in excess of ten thousand dollars ($10,000) available under other law.~~

~~(f) Custody of a juvenile may be transferred to a relative or other~~

~~individual only after a home study of the placement is conducted by the department or a licensed certified social worker and submitted to the court in writing and the court determines that the placement is in the best interest of the juvenile.~~

~~(g)(1) If the juvenile who has been adjudicated delinquent is also in the custody of the department pursuant to a family in need of services or dependency-neglect petition and the court does not commit the juvenile to the division or order the juvenile to detention, the Civilian Student Training Program, or a facility exclusively for delinquents, then any issues regarding placement of the juvenile shall be addressed only in the family in need of services or dependency-neglect case and shall not be an issue addressed, nor shall any orders be entered in the delinquency case regarding placement of the juvenile.~~

~~(2) Within ten (10) days of the entry of any order in the delinquency case, the prosecuting attorney shall file a copy of the order in the juvenile's dependency-neglect case.~~

~~(h) Custody of a juvenile shall not be transferred to the department if a delinquency petition or case is converted to a family in need of services petition or case.~~

~~(i) No court may commit to the division a juvenile found solely in criminal contempt.~~

~~9-27-332. Disposition -- Family in need of services -- Generally.~~

~~(a) If a family is found to be in need of services, the circuit court may enter an order making any of the following dispositions:~~

~~(1)(A) To order family services to rehabilitate the juvenile and his or her family.~~

~~(B)(i) If the Department of Human Services is the provider for family services, the family services shall be limited to those services available by the department's community-based providers or contractors, excluding the contractors with the Division of Children and Family Services and services of the department for which the family applies and is determined eligible.~~

~~(ii) To prevent removal when the department is the provider for family services, the court shall make written findings outlining how each service is intended to prevent removal;~~

~~(2)(A) If it is in the best interest of the juvenile, transfer custody of juvenile family members to another licensed agency responsible for the care of juveniles or to a relative or other individual.~~

~~(B) If it is in the best interest of the juvenile and because of acts or omissions by the parent, guardian, or custodian, removal is necessary to protect the juvenile's health and safety, transfer custody to the department.~~

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

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

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

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

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

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

~~(3)(A) Order that the parent, both parents, or the guardian of the juvenile attend a court-ordered parental responsibility training program, if available.~~

~~(B) The court may make reasonable orders requiring proof of completion of such a training program within a certain time period and payment of a fee covering the cost of the training program;~~

~~(4) Place the juvenile on residential detention with electronic monitoring in the juvenile's home;~~

~~(5) Order the juvenile, his or her parent, both parents, or guardian to perform court-approved volunteer service in the community designed to contribute to the rehabilitation of the juvenile or the ability of the parent or guardian to provide proper parental care and supervision of the juvenile, not to exceed one hundred sixty (160) hours;~~

~~(6)(A) Place the juvenile on supervision terms, including without limitation requiring the juvenile to attend school or make satisfactory progress toward attaining a high school equivalency diploma approved by the Adult Education Section, requiring the juvenile to observe a curfew, and prohibiting the juvenile from possessing or using any alcohol or illegal drugs.~~

~~(B) The supervision terms shall be in writing.~~

~~(C) The supervision terms shall be given to the juvenile and explained to the juvenile and to his or her parent, guardian, or custodian by the juvenile intake or probation officer in a conference immediately following the disposition hearing;~~

~~(7)(A) Order a fine not to exceed five hundred dollars ($500) to be paid by the juvenile, a parent, both parents, a guardian, or a custodian when the juvenile exceeds the number of excessive unexcused absences provided in the student attendance policy of the district or the Career Education and Workforce Development Board.~~

~~(B) The purpose of the penalty set forth in this section is to impress upon the parents, guardians, or persons in loco parentis the importance of school or adult education attendance, and the penalty is not to be used primarily as a source of revenue.~~

~~(C)(i) In all cases in which a fine is ordered, the court shall determine the parent's, guardian's, or custodian's ability to pay for the fine.~~

~~(ii) In making its determination, the court shall consider the following factors:~~

~~(a) The financial ability of the parent, both parents, the guardian, or the custodian to pay for such services;~~

~~(b) The past efforts of the parent, both parents, the guardian, or the custodian to correct the conditions that resulted in the need for family services; and~~

~~(c) Any other factors that the court deems relevant.~~

~~(D) When practicable and appropriate, the court may utilize mandatory attendance to such programs as well as community service requirements in lieu of a fine;~~

~~(8) Assess a court cost of no more than thirty-five dollars~~

~~($35.00) to be paid by the juvenile, his or her parent, both parents, the guardian, or the custodian; and~~

~~(9) Order a juvenile service fee not to exceed twenty dollars ($20.00) a month to be paid by the juvenile, his or her parent, both parents, the guardian, or the custodian.~~

~~(b) The court may provide that any violation of its orders shall subject the parent, both parents, the juvenile, custodian, or guardian to contempt sanctions.~~

~~9-27-333. Disposition -- Family in need of services -- Limitations -- Definitions.~~

~~(a) At least five (5) working days before ordering the Department of Human Services, excluding community-based providers, to provide or pay for family services, the circuit court shall fax a written notice of intent to the Secretary of the Department of Human Services and to the attorney of the local Office of Chief Counsel of the Department of Human Services.~~

~~(b) At any hearing in which the department is ordered to provide family services, the court shall provide the department with the opportunity to be heard.~~

~~(c) Failure to provide at least five (5) working days' notice to the department renders any part of the order pertaining to the department void.~~

~~(d)(1) For purposes of this section, the court shall not specify a particular provider for placement or family services when the department is the payor or provider.~~

~~(2)(A) The court may order a child to remain in a placement if the court finds the placement is in the best interest of the child after hearing evidence from all parties.~~

~~(B) A court may also order a child to be placed into a licensed or approved placement after a hearing where the court makes a finding that it is in the best interest of the child based on bona fide consideration of evidence and recommendations from all the parties.~~

~~(e)(1) In all cases in which family services are ordered, the court shall determine a parent's, guardian's, or custodian's ability to pay, in whole or in part, for these services.~~

~~(2) This determination and the evidence supporting it shall be made in writing in the order ordering family services.~~

~~(3) If the court determines that the parent, guardian, or custodian is able to pay, in whole or part, for the services, the court shall enter a written order setting forth the amount the parent, guardian, or custodian can pay for the family services ordered and ordering the parent, guardian, or custodian to pay the amount periodically to the provider from whom family services are received.~~

~~(4) For purposes of this subsection:~~

~~(A) "Parent, guardian, and custodian" means the individual or individuals from whom custody was removed; and~~

~~(B) "Periodically" means no more than one (1) time per month.~~

~~(5) In making its determination, the court shall consider the following factors:~~

~~(A) The financial ability of the parent, both parents, the guardian, or the custodian to pay for the services;~~

~~(B) The past efforts of the parent, both parents, the guardian, or the custodian to correct the conditions that resulted in the need for family services; and~~

~~(C) Any other factors the court deems relevant.~~

~~(f) Custody of a juvenile may be transferred to a relative or other individual only after a home study of the placement is conducted by the department or a licensed social worker who is approved to do home studies and submitted to the court in writing and the court determines that the placement is in the best interest of the juvenile.~~

~~(g) Custody of a juvenile shall not be transferred to the department if a delinquency petition or case is converted to a family in need of services petition or case.~~

~~(h) No court may commit a juvenile found solely in criminal contempt to the Division of Youth Services.~~

~~(i) For purposes of this section, the court shall not order the department to expend or forward Social Security benefits for which the department is payee.~~

~~9-27-334. Disposition -- Dependent-neglected -- Generally.~~

~~(a) If a juvenile is found to be dependent-neglected, the circuit court may enter an order making any of the following dispositions:~~

~~(1) Order family services;~~

~~(2)(A) If it is in the best interest of the juvenile, transfer custody of the juvenile to the Department of Human Services, to another licensed agency responsible for the care of juveniles, or to a relative or other individual.~~

~~(B) If the court grants custody of the juvenile to the department, the juvenile shall be placed in a licensed or approved foster home, shelter, or facility, or an exempt child welfare agency as defined at § 9-28-402.~~

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

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

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

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

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

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

~~(3)(A) Order that the parent, both parents, or the guardian of the juvenile attend a court-ordered parental responsibility training program, if available, and participate in a juvenile drug court program.~~

~~(B) The court may make reasonable orders requiring proof of completion of such a training program within a certain time period and payment of a fee covering the cost of the training program;~~

~~(4) Determine the most appropriate goal of the case; and~~

~~(5) Order that the parent, both parents, or the guardian or custodian of the juvenile participate in a family treatment specialty court program under § 9-27-801 et seq., if available.~~

~~(b) Such an order of custody shall supersede an existing court order~~

~~of custody and shall remain in full force and effect until a subsequent order of custody is entered by a court of competent jurisdiction.~~

~~(c) The court may provide that any violation of its orders shall subject any party in violation to contempt sanctions.~~

~~9-27-335. Disposition -- Dependent-neglected -- Limitations.~~

~~(a)(1) At least five (5) working days before ordering the Department of Human Services, excluding community-based providers, to provide or pay for family services in any case in which the department is not a party, the circuit court shall fax a written notice of intent to the Secretary of the Department of Human Services and to the attorney of the local Office of Chief Counsel of the Department of Human Services.~~

~~(2) At any hearing in which the department is ordered to provide family services, the court shall provide the department with the opportunity to be heard.~~

~~(3) Failure to provide at least five (5) working days' notice to the department renders any part of the order pertaining to the department void.~~

~~(b)(1) For purposes of this section, the court shall not specify a particular provider for placement or family services if the department is the payor or provider.~~

~~(2)(A) The court may order a child to be placed or to remain in a placement if the court finds the placement is in the best interest of the child after hearing evidence from all parties.~~

~~(B) A court may also order a child into a licensed or approved placement after a hearing where the court makes a finding that it is in the best interest of the child based on bona fide consideration of evidence and recommendations from all the parties.~~

~~(C) The court shall not order a child to be placed or remain in a placement in a foster home that has been closed or suspended by a child placement agency.~~

~~(D)(i) If the health or welfare of a child is in immediate danger while in a court-ordered placement, the department may immediately remove the child from the court-ordered placement.~~

~~(ii) The department shall notify all parties within twenty-four (24) hours of the change in placement under subdivision~~

~~(b)(2)(D)(i) of this section.~~

~~(iii) A party may request a hearing on the change in placement made under subdivision (b)(2)(D)(ii) of this section, and the hearing shall be held within five (5) business days of receiving the request.~~

~~(c)(1) In all cases in which family services are ordered, the court shall determine the ability of the parent, guardian, or custodian to pay, in whole or in part, for these services.~~

~~(2) The determination of ability to pay and the evidence supporting it shall be made in writing in the order ordering family services.~~

~~(3) If the court determines that the parent, guardian, or custodian is able to pay, in whole or in part, for the services, the court shall enter a written order setting forth the amount the parent, guardian, or custodian is able to pay for the family services ordered and order the parent, guardian, or custodian to pay the amount periodically to the provider from whom family services are received.~~

~~(d)(1) Custody of a juvenile may be transferred to a relative or other individual only after a home study of the placement is conducted by the department or by a licensed social worker who is approved to do home studies and submitted to the court in writing and the court determines that the placement is in the best interest of the juvenile.~~

~~(2) A home study is not required for a parent of a juvenile.~~

~~(e)(1)(A) The court shall enter an order transferring custody of a juvenile in a dependency-neglect case only after determining that reasonable efforts have been made by the department to deliver family services designed to prevent the need for out-of-home placement and that the need for out-of-home placement exists.~~

~~(B) The juvenile's health and safety shall be the paramount concern of the court in determining if the department could have made reasonable efforts to prevent the juvenile's removal.~~

~~(2) If the court finds that reasonable efforts to deliver family services could have been made with the juvenile safely remaining at home but were not made, the court may:~~

~~(A) Dismiss the petition;~~

~~(B) Order family services reasonably calculated to prevent the need for out-of-home placement; or~~

~~(C) Transfer custody of the juvenile despite the lack of~~

~~reasonable efforts by the department to prevent the need for out-of-home placement if the transfer is necessary:~~

~~(i) To protect the juvenile's health and safety; or~~

~~(ii) To prevent the removal of the juvenile from the jurisdiction of the court.~~

~~(f) In a case of medical neglect involving a child's receiving treatment through prayer alone in accordance with a religious method of healing in lieu of medical care, the adjudication order shall be limited to:~~

~~(1) Preventing or remedying serious harm to the child; or~~

~~(2) Preventing the withholding of medically indicated treatment from a child with a life-threatening condition.~~

~~(g) No court may commit a juvenile found solely in criminal contempt to the Division of Youth Services.~~

~~(h) For purposes of this section, the court shall not order the department to expend or forward Social Security benefits for which the department is payee.~~

~~9-27-336. Limitations on detention.~~

~~(a) A juvenile who is alleged to be or who has been adjudicated either dependent-neglected or a member of a family in need of services shall not be placed or detained in a secure detention facility, in a facility utilized for the detention of alleged or adjudicated delinquent juveniles, or in a facility utilized for the detention of adults held for, charged with, or convicted of a crime except:~~

~~(1)(A) A juvenile may be held in a juvenile detention facility when he or she has been away from home for more than twenty-four (24) hours and when the parent, guardian, or other person contacted lives beyond a fifty-mile driving distance or out of state.~~

~~(B)(i) The juvenile may be held in custody in a juvenile detention facility for purposes of identification, processing, or arranging for release or transfer to an alternative facility.~~

~~(ii) The holding shall be limited to the minimum time necessary to complete these actions and shall not occur in any facility utilized for incarceration of adults.~~

~~(C)(i) A juvenile held under this subdivision (a)(1) shall be separated from detained juveniles charged or held for delinquency.~~

~~(ii) A juvenile may not be held under this subdivision (a)(1) for more than six (6) hours if the parent, guardian, or other person contacted lives in the state or twenty-four (24) hours, excluding weekends and holidays, if the parent, guardian, or other person contacted lives out of state; and~~

~~(2)(A) An adjudicated family in need of services juvenile may be held in a juvenile detention facility when the court finds that the juvenile violated a valid court order.~~

~~(B)(i) For the purposes of this subdivision (a)(2), a valid court order shall include any order of a circuit court regarding a juvenile who has been brought before the court and made subject to a court order.~~

~~(ii) The juvenile who is the subject of the order shall receive full due process rights.~~

~~(C)(i) A juvenile held under this subdivision (a)(2) shall be separated from detained juveniles charged or held for delinquency.~~

~~(ii) The holding shall not occur in any facility utilized for incarceration of adults.~~

~~(b) A juvenile shall not be placed or confined in a jail or lock-up used for the detention of adults except under the following circumstances:~~

~~(1) A juvenile who has been formally transferred from the juvenile division of circuit court to the criminal division of circuit court and against whom felony charges have been filed or a juvenile whom the prosecuting attorney has the discretion to charge in circuit court and to prosecute as an adult and against whom the circuit court's jurisdiction has been invoked by the filing of felony charges may be held in an adult jail or lock-up;~~

~~(2)(A) A juvenile alleged to have committed a delinquent act may be held in an adult jail or lock-up for up to six (6) hours for purposes of identification, processing, or arranging for release or transfer to an alternative facility, provided that he or she is separated by sight and sound from adults who are pretrial detainees or convicted persons.~~

~~(B) A holding for those purposes shall be limited to the minimum time necessary and shall not include travel time for transporting the juvenile to the alternative facility; or~~

~~(3)(A) A juvenile alleged to have committed a delinquent act who~~

~~is awaiting an initial appearance before a judge may be held in an adult jail or lock-up for up to twenty-four (24) hours, excluding weekends and holidays, provided the following conditions exist:~~

~~(i) The alleged act would be a misdemeanor or a felony if committed by an adult or is a violation of § 5-73-119;~~

~~(ii) The geographical area having jurisdiction over the juvenile is outside a metropolitan statistical area pursuant to the current designation of the United States Bureau of the Census;~~

~~(iii) No acceptable alternative placement for the juvenile exists; and~~

~~(iv) The juvenile is separated by sight and sound from adults who are pretrial detainees or convicted persons.~~

~~(B)(i) A juvenile awaiting an initial appearance and being held in an adult jail or lock-up pursuant to the twenty-four-hour exception, as provided in subdivision (b)(3)(A) of this section, may be held for an additional period not to exceed twenty-four (24) hours, provided that the following conditions exist:~~

~~(a) The conditions of distance to be traveled or the lack of highway, road, or other ground transportation does not allow for court appearances within twenty-four (24) hours; and~~

~~(b) All the conditions in subdivision (b)(3)(A) of this section exist.~~

~~(ii) Criteria will be adopted by the Governor or his or her designee to establish what distance, highway or road conditions, or ground transportation limitations will provide a basis for holding a juvenile in an adult jail or lock-up under this exception.~~

~~(c) Provided that the facilities are designed and used in accordance with federal and state guidelines and restrictions, nothing in this subchapter is intended to prohibit the use of juvenile detention facilities that are attached to or adjacent to adult jails or lock-ups.~~

~~(d) A detention facility shall not release a serious offender for a less serious offender except by order of the judge who committed the more serious offender.~~

~~9-27-337. Six-month reviews required.~~

~~(a)(1) The court shall review every case of dependency-neglect or~~

~~families in need of services when:~~

~~(A) A juvenile is placed by the court in the custody of the Department of Human Services or in another out-of-home placement until there is a permanent order of custody, guardianship, or other permanent placement for the juvenile; or~~

~~(B) A juvenile is returned to the parent from whom the child was removed, another fit parent, guardian, or custodian and the court has not discontinued orders for family services.~~

~~(2)(A) The first six-month review shall be held no later than six (6) months from the date of the original out-of-home placement of the child and shall be scheduled by the court following the adjudication and disposition hearing.~~

~~(B) It shall be reviewed every six (6) months thereafter until permanency is achieved.~~

~~(3) A six-month review hearing shall not be required for a juvenile who:~~

~~(A) Is over eighteen (18) years of age; and~~

~~(B) Has elected to remain in extended foster care or to return to extended foster care under § 9-27-306(a)(1)(B)(ii).~~

~~(b) The court may require these cases to be reviewed prior to the sixth-month review hearing, and the court shall announce the date, time, and place of the hearing.~~

~~(c) At any time during the pendency of any case of dependency-neglect or families in need of services in which an out-of-home placement has occurred, any party may request the court to review the case, and the party requesting the hearing shall provide reasonable notice to all parties.~~

~~(d) At any time during the course of a case, the department, the attorney ad litem, or the court can request a hearing on whether or not reunification services should be terminated pursuant to § 9-27-327(a)(2).~~

~~(e)(1) In each case in which a juvenile has been placed in an out-of-home placement, the court shall conduct a hearing to review the case sufficiently to determine the future status of the juvenile based upon the best interest of the juvenile.~~

~~(2)(A) The court shall determine and include in its orders the following:~~

~~(i) Whether the case plan, services, and placement~~

~~meet the special needs and best interest of the juvenile, with the juvenile's health, safety, and educational needs specifically addressed;~~

~~(ii) Whether the state has made reasonable efforts to provide family services;~~

~~(iii) Whether the parent or parents or person from whom custody was removed has demonstrated progress toward the goals of the case plan and whether completion of the goals has benefited the parent in remedying the issues that prevent the safe return of the juvenile;~~

~~(iv) Whether the case plan is moving toward an appropriate permanency plan under § 9-27-338 for the juvenile;~~

~~(v) Whether the visitation plan is appropriate for the juvenile, the parent or parents, and any siblings, if separated; and~~

~~(vi)(a) Whether the juvenile should be returned to his or her parent or parents and whether or not the juvenile's health and safety can be protected by his or her parent or parents if returned home, either permanently or for a trial placement.~~

~~(b) At any time the court determines that the health and safety of the child can be adequately protected and it is in the best interest of the child, the court shall return the child to a parent or parents from whom custody was removed.~~

~~(B)(i) The court may order any studies, evaluations, or post-disposition reports, if needed.~~

~~(ii) All studies, evaluations, or post-disposition reports shall be provided in writing to all parties and counsel at least two (2) days before the review hearing.~~

~~(iii) All parties shall be given a fair opportunity to controvert any part of a study, evaluation, or post-disposition report.~~

~~(3)(A) In making its findings, the court shall consider the following:~~

~~(i) The extent of compliance with the case plan, including without limitation a review of the department's care for the health, safety, and education of the juvenile while he or she has been in an out-of-home placement;~~

~~(ii) The extent of progress that has been made toward alleviating or mitigating the causes of the out-of-home placement;~~

~~(iii) Whether the juvenile should be returned to his~~

~~or her parent or parents and whether or not the juvenile's health and safety can be protected by his or her parent or parents if returned home; and~~

~~(iv) An appropriate permanency plan under § 9-27-338 for the juvenile, including concurrent planning.~~

~~(B) Incompletion of the case plan under subdivision (e)(3)(A)(i) of this section is an insufficient reason by itself to deny the juvenile's return to the family home.~~

~~(f) Each six-month review hearing shall be completed, and the written order under subsection (e) of this section shall be filed by the court or by a party or a party's attorney as designated by the court and distributed to the parties within thirty (30) days of the date of the hearing or before the next hearing, whichever is sooner.~~

~~9-27-338. Permanency planning hearing.~~

~~(a)(1) A permanency planning hearing shall be held to finalize a permanency plan for the juvenile:~~

~~(A) No later than twelve (12) months after the date the juvenile enters an out-of-home placement;~~

~~(B) After a juvenile has been in an out-of-home placement for fifteen (15) of the previous twenty-two (22) months, excluding trial placements and time on runaway status; or~~

~~(C) No later than thirty (30) days after a hearing granting no reunification services.~~

~~(2) If a juvenile remains in an out-of-home placement after the initial permanency planning hearing, a permanency planning hearing shall be held annually to reassess the permanency plan selected for the juvenile.~~

~~(b)(1) This section does not prevent the Department of Human Services or the attorney ad litem from filing at any time prior to the permanency planning hearing a:~~

~~(A) Petition to terminate parental rights;~~

~~(B) Petition for guardianship; or~~

~~(C) Petition for permanent custody.~~

~~(2) A permanency planning hearing is not required prior to any of these actions.~~

~~(c) At the permanency planning hearing, based upon the facts of the case, the circuit court shall enter one (1) of the following permanency~~

~~goals, listed in order of preference, in accordance with the best interest, health, and safety of the juvenile:~~

~~(1) Placing custody of the juvenile with a fit parent at the permanency planning hearing;~~

~~(2) Returning the juvenile to the guardian or custodian from whom the juvenile was initially removed at the permanency planning hearing;~~

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

~~(A)(i) 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.~~

~~(ii) Regardless of when the effort was made, the court shall consider all evidence of an effort made by the parent, guardian, or custodian to remedy the conditions that led to the removal of the juvenile from the custody of the parent, guardian, or custodian and give the evidence the appropriate weight and consideration in relation to the safety, health, and well-being of the juvenile.~~

~~(iii) 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;~~

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

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

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

~~(C)(i) 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.~~

~~(ii) The court may authorize a plan to place custody of a juvenile with a parent, guardian, or custodian of the juvenile despite~~

~~finding that placement of the juvenile in the home of the parent, guardian, or custodian of the juvenile may not occur within the three-month period required under subdivision (c)(3)(C)(i) of this section if the plan is in the best interest of the child during extraordinary circumstances.~~

~~(iii) As used in this subdivision (c)(3)(C), "extraordinary circumstances" includes without limitation the following circumstances:~~

~~(a) The Supreme Court orders the suspension of in-person court proceedings; and~~

~~(b) One (1) of the following has occurred:~~

~~(1) The President of the United States has declared a national emergency; or~~

~~(2) The Governor has declared a state of emergency or a statewide public health emergency;~~

~~(4) Authorizing a plan to obtain a guardianship or adoption with a fit and willing relative;~~

~~(5) Authorizing a plan for adoption with the department's filing a petition for termination of parental rights unless:~~

~~(A) The juvenile is being cared for by a relative and the court finds that:~~

~~(i) Either:~~

~~(a) The relative has made a long-term commitment to the child and the relative is willing to pursue guardianship or permanent custody; or~~

~~(b) The juvenile is being cared for by his or her minor parent who is in foster care; and~~

~~(ii) Termination of parental rights is not in the best interest of the juvenile;~~

~~(B) The department has documented in the case plan a compelling reason why filing a petition for termination of parental rights is not in the best interest of the juvenile and the court approves the compelling reason as documented in the case plan; or~~

~~(C)(i) The department has not provided to the family of the juvenile, consistent with the time period in the case plan, the services as the department deemed necessary for the safe return of the juvenile to the juvenile's home if reunification services were required to be made to the~~

~~family.~~

~~(ii) If the department has failed to provide services as outlined in the case plan, the court shall schedule another permanency planning hearing for no later than six (6) months;~~

~~(6) Authorizing a plan to obtain a guardian for the juvenile;~~

~~(7) Authorizing a plan to obtain a permanent custodian, including permanent custody with a fit and willing relative; or~~

~~(8)(A) Authorizing a plan for another planned permanent living arrangement that includes a permanent planned living arrangement and addresses the quality of services, including, but not limited to, independent living services and a plan for the supervision and nurturing the juvenile will receive.~~

~~(B) Another planned permanent living arrangement shall be selected only if:~~

~~(i) The department has documented to the circuit court a compelling reason for determining that it would not be in the best interest of the child to follow one (1) of the permanency plans identified in subdivisions (c)(1)-(7) of this section and this subdivision (c)(8);~~

~~(ii) The child is sixteen (16) years of age or older; and~~

~~(iii) The court makes a judicial determination explaining why, as of the date of the hearing, another planned permanent living arrangement is the best permanency plan for the juvenile and the court finds compelling reasons why it continues to not be in the best interest of the juvenile to:~~

~~(a) Return home;~~

~~(b) Be placed for adoption;~~

~~(c) Be placed with a legal guardian; or~~

~~(d) Be placed with a fit and willing relative.~~

~~(d) At the permanency planning hearing on a juvenile sixteen (16) years of age or older, the court shall ask the juvenile his or her desired permanency outcome, or the attorney ad litem shall enter evidence concerning the child's wishes.~~

~~(e) At every permanency planning hearing the court shall make a finding on whether the department has made reasonable efforts and shall describe the efforts to finalize a permanency plan for the juvenile.~~

~~(f) A written order shall be filed by the court or by a party or party's attorney as designated by the court and distributed to the parties within thirty (30) days of the date of the hearing or prior to the next hearing, whichever is sooner.~~

~~(g) If the court determines that the permanency goal is adoption, the department shall file the petition to terminate parental rights within thirty (30) days from the date of the permanency planning hearing that establishes adoption as the permanency goal.~~

~~(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.~~

~~9-27-339. Probation -- Revocation.~~

~~(a)(1) After an adjudication of delinquency, the court may place a juvenile on probation. The conditions of probation shall be given to the juvenile in writing and shall be explained to him or her and to his or her parent, guardian, or custodian by the probation officer in the initial conference following the disposition hearing.~~

~~(2) The court shall notify the Division of Youth Services in its commitment order of the order of probation including the juvenile's compliance with the division's aftercare plan, if provided in the treatment plan.~~

~~(b) Any violation of a condition of probation may be reported to the prosecuting attorney, who may initiate a petition in the court for revocation of probation. A petition for revocation of probation shall contain specific factual allegations constituting each violation of a condition of probation.~~

~~(c) The petition alleging violation of a condition of probation and seeking revocation of probation shall be served upon the juvenile, his or her attorney, and his or her parent, guardian, or custodian.~~

~~(d) A revocation hearing shall be set within a reasonable time after the filing of the petition, or within fourteen (14) days if the juvenile has been detained as a result of the filing of the petition for revocation.~~

~~(e) If the court finds by a preponderance of the evidence that the juvenile violated the terms and conditions of probation, the court may:~~

~~(1) Extend probation;~~

~~(2) Impose additional conditions of probation; or~~

~~(3) Make any disposition that could have been made at the time probation was imposed under § 9-27-330.~~

~~(f)(1) Nonpayment of restitution, fines, or court costs may constitute a violation of probation, unless the juvenile shows that his or her default was not attributable to a purposeful refusal to obey the sentence of the court or was not due to a failure on his or her part to make a good faith effort to obtain the funds required for payment.~~

~~(2) In determining whether to revoke probation, the court shall consider the juvenile's employment status, earning ability, financial resources, the willfulness of the juvenile's failure to pay, and any other special circumstances that may have a bearing on the juvenile's ability to pay.~~

~~(3) If the court determines that the default in payment of a fine, costs, or restitution is excusable under subdivision (f)(1) of this section, the court may enter an order allowing the juvenile additional time for payment, reducing the amount of each installment, or revoking the fine, costs, or restitution or unpaid portion thereof in whole or in part.~~

~~9-27-340. [Repealed.]~~

~~9-27-341. Termination of parental rights — Definition.~~

~~(a)(1)(A) This section shall be a remedy available only to the Department of Human Services or a court-appointed attorney ad litem.~~

~~(B) This section shall not be available for private litigants or other agencies.~~

~~(2)(A) This section shall be used only in cases in which the~~

~~department is attempting to clear a juvenile for permanent placement by terminating the parental rights of a parent and putative parent based on the definition of "parent" and "putative father" under § 9-27-303.~~

~~(B) This section shall not be used to terminate the rights of a putative parent if a court of competent jurisdiction has previously determined under § 9-27-325 that the rights of the putative parent have not attached.~~

~~(3) The intent of this section is to provide permanency in a juvenile's life in all instances in which the return of a juvenile to the family home is contrary to the juvenile's health, safety, or welfare and it appears from the evidence that a return to the family home cannot be accomplished in a reasonable period of time as viewed from the juvenile's perspective.~~

~~(4) The court shall rely upon the record of the parent's compliance in the entire dependency-neglect case and evidence presented at the termination hearing in making its decision on whether it is in the best interest of the juvenile to terminate parental rights.~~

~~(b)(1)(A) The circuit court may consider a petition to terminate parental rights if the court finds that there is an appropriate permanency placement plan for the juvenile.~~

~~(B) This section does not require that a permanency planning hearing be held as a prerequisite to the filing of a petition to terminate parental rights or as a prerequisite to the court's considering a petition to terminate parental rights.~~

~~(2)(A) The petitioner shall serve the petition to terminate parental rights as required under Rule 5 of the Arkansas Rules of Civil Procedure, except:~~

~~(i) Service shall be made as required under Rule 4 of the Arkansas Rules of Civil Procedure if the:~~

~~(a) Parent was not served under Rule 4 of the Arkansas Rules of Civil Procedure at the initiation of the proceeding;~~

~~(b) Parent is not represented by an attorney; or~~

~~(c) Initiation of the proceeding was more than two (2) years ago; or~~

~~(ii) When the court orders service of the petition to~~

~~terminate parental rights as required under Rule 4 of the Arkansas Rules of Civil Procedure.~~

~~(B) The petitioner shall check with the Putative Father Registry if the name or whereabouts of the putative father is unknown.~~

~~(3) An order forever terminating parental rights shall be based upon a finding by clear and convincing evidence:~~

~~(A) That it is in the best interest of the juvenile, including consideration of the following factors:~~

~~(i) The likelihood that the juvenile will be adopted if the termination petition is granted; and~~

~~(ii) The potential harm, specifically addressing the effect on the health and safety of the child, caused by returning the child to the custody of the parent, parents, or putative parent or parents; and~~

~~(B) Of one (1) or more of the following grounds:~~

~~(i)(a) That a juvenile has been adjudicated by the court to be dependent-neglected and has continued to be out of the custody of the parent for twelve (12) months and, despite a meaningful effort by the department to rehabilitate the parent and correct the conditions that caused removal, those conditions have not been remedied by the parent.~~

~~(b) That a juvenile has been adjudicated by the court to be dependent-neglected and has continued out of the home of the noncustodial parent for twelve (12) months and, despite a meaningful effort by the department to rehabilitate the parent and correct the conditions that prevented the child from safely being placed in the parent's home, the conditions have not been remedied by the parent.~~

~~(c) It is not necessary that the twelve-month period referenced in subdivision (b)(3)(B)(i)(a) of this section immediately precede the filing of the petition for termination of parental rights or that it be for twelve (12) consecutive months;~~

~~(ii)(a) The juvenile has lived outside the home of the parent for a period of twelve (12) months, and the parent has willfully failed to provide significant material support in accordance with the parent's means or to maintain meaningful contact with the juvenile.~~

~~(b) To find willful failure to maintain meaningful contact, it must be shown that the parent was not prevented from visiting or having contact with the juvenile by the juvenile's custodian or~~

~~any other person, taking into consideration the distance of the juvenile's placement from the parent's home.~~

~~(c) Material support consists of either financial contributions or food, shelter, clothing, or other necessities when the contribution has been requested by the juvenile's custodian or ordered by a court of competent jurisdiction.~~

~~(d) It is not necessary that the twelve-month period referenced in subdivision (b)(3)(B)(ii)(a) of this section immediately precede the filing of the petition for termination of parental rights or that it be for twelve (12) consecutive months;~~

~~(iii)(a) The parent is not the biological parent of the juvenile and the welfare of the juvenile can best be served by terminating the parental rights of the parent.~~

~~(b) A termination of parental rights under subdivision (b)(3)(B)(iii)(a) of this section shall not be considered an involuntary termination;~~

~~(iv) A parent has abandoned the juvenile;~~

~~(v)(a) A parent has executed consent to termination of parental rights or adoption of the juvenile, subject to the court's approval.~~

~~(b) If the consent is executed under oath by a person authorized to administer the oath, the parent is not required to execute the consent in the presence of the court unless required by federal law or federal regulations;~~

~~(vi)(a) The court has found the juvenile or a sibling dependent-neglected as a result of neglect or abuse that could endanger the life of the child, sexual abuse, or sexual exploitation, any of which was perpetrated by the juvenile's parent or parents or stepparent or stepparents.~~

~~(b) Such findings by the juvenile division of circuit court shall constitute grounds for immediate termination of the parental rights of one (1) or both of the parents;~~

~~(vii)(a) That other factors or issues arose subsequent to the filing of the original petition for dependency-neglect that demonstrate that placement of the juvenile in the custody of the parent is contrary to the juvenile's health, safety, or welfare and that, despite the~~

~~offer of appropriate family services, the parent has manifested the incapacity or indifference to remedy the subsequent issues or factors or rehabilitate the parent's circumstances that prevent the placement of the juvenile in the custody of the parent.~~

~~(b) The department shall make reasonable accommodations in accordance with the Americans with Disabilities Act of 1990, 42 U.S.C. § 12101 et seq., to parents with disabilities in order to allow them meaningful access to reunification and family preservation services.~~

~~(c) For purposes of this subdivision (b)(3)(B)(vii), the inability or incapacity to remedy or rehabilitate includes, but is not limited to, mental illness, emotional illness, or mental deficiencies.~~

~~(d) Subdivision (b)(3)(B)(vii)(a) of this section does not apply if the factors or issues have not been adjudicated by the court or the parent is not provided with proper notice of the factors or issues;~~

~~(viii) The parent is sentenced in a criminal proceeding for a period of time that would constitute a substantial period of the juvenile's life;~~

~~(ix)(a) The parent is found by a court of competent jurisdiction, including the juvenile division of the circuit court, to:~~

~~(1) Have committed murder or manslaughter of any juvenile or to have aided or abetted, attempted, conspired, or solicited to commit the murder or manslaughter;~~

~~(2) Have committed a felony battery that results in serious bodily injury to any juvenile or to have aided or abetted, attempted, conspired, or solicited to commit felony battery that results in serious bodily injury to any juvenile;~~

~~(3)(A) Have subjected any juvenile to aggravated circumstances.~~

~~(B) "Aggravated circumstances" means:~~

~~(i) A juvenile has been abandoned, chronically abused, subjected to extreme or repeated cruelty,~~

~~sexually abused, or a determination has been or is made by a judge that there is little likelihood that services to the family will result in successful reunification;~~

~~(ii) A juvenile has been removed from the custody of the parent or guardian and placed in foster care or in the custody of another person three (3) or more times in the last fifteen (15) months; or~~

~~(iii) A child or a sibling has been neglected or abused to the extent that the abuse or neglect could endanger the life of the child;~~

~~(4)(A) Have had his or her parental rights involuntarily terminated as to a child.~~

~~(B) It is an affirmative defense to the termination of parental rights based on a prior involuntary termination of parental rights that the parent has remedied the conditions that caused the prior involuntary termination of parental rights; or~~

~~(5) Have abandoned an infant, as defined in § 9-27-303.~~

~~(b) This subchapter does not require reunification of a surviving child with a parent who has been found guilty of any of the offenses listed in subdivision (b)(3)(B)(ix)(a) of this section; or~~

~~(x)(a) A putative parent who fails to establish or maintain meaningful contacts with his or her juvenile after:~~

~~(1) Being named and served as a party in a dependency-neglect proceeding;~~

~~(2) Receiving notice of a dependency-neglect proceeding under § 9-27-311 or § 9-27-325; and~~

~~(3) The court finds that the rights of the putative parent with regard to the juvenile have attached.~~

~~(b) To find willful failure to maintain meaningful contact, it shall be shown that the putative parent was not prevented from visiting or having contact with the juvenile by the custodian of the juvenile or any other person, taking into consideration the distance of the juvenile's placement from the putative parent's home.~~

~~(c) A termination of parental rights under~~

~~subdivision (b)(3)(B)(x)(a) of this section shall not be considered an involuntary termination.~~

~~(d)(1) Subdivision (b)(3)(B)(x)(a) of this section does not apply to a putative parent whose rights have not attached to a juvenile.~~

~~(2) If a court finds that the rights of the putative parent have not attached to the juvenile, the court shall dismiss the putative parent from the petition to terminate parental rights and enter an order finding that no further notice is due to the putative parent.~~

~~(c)(1) An order terminating the relationship between parent and juvenile:~~

~~(A) Divests the parent and the juvenile of all legal rights, powers, and obligations with respect to each other, including the right to withhold consent to adoption, except the right of the juvenile to inherit from the parent, that is terminated only by a final order of adoption; and~~

~~(B)(i) Divests a putative parent and the juvenile of all rights, powers, and obligations with respect to the putative parent and the juvenile if the rights of the putative parent have attached under § 9-27-325(n) before or during the termination proceeding.~~

~~(ii) The divesting of all the rights, powers, and obligations of the putative parent and the juvenile shall be based on the same authority, requirements, limitations, and other provisions that apply to the termination of the rights of a parent, including without limitation the provision requiring the dismissal of a putative parent as a party to a case without further notice to the putative parent.~~

~~(2)(A) Termination of the relationship between a juvenile and one parent shall not affect the relationship between the juvenile and the other parent if those rights are legally established.~~

~~(B) A court may terminate the rights of one parent and not the other parent if the court finds that it is in the best interest of the child.~~

~~(3) An order terminating parental rights under this section:~~

~~(A) May authorize the department to consent to adoption of the juvenile; and~~

~~(B) Dismisses the parent or putative parent subject to the termination of parental rights as a party to the case without further notice to the parent or putative parent required.~~

~~(d)(1) The court shall conduct and complete a termination of parental rights hearing within ninety (90) days from the date the petition for termination of parental rights is filed unless continued for good cause as articulated in the written order of the court.~~

~~(2)(A) The court may continue a termination of parental rights hearing for up to one hundred eighty (180) days from the date the petition for termination of parental rights is filed in extraordinary circumstances.~~

~~(B) As used in this subdivision (d)(2), "extraordinary circumstances" includes without limitation the following circumstances:~~

~~(i) The Supreme Court orders the suspension of in-person court proceedings; and~~

~~(ii) One (1) of the following has occurred:~~

~~(a) The President of the United States has declared a national emergency; or~~

~~(b) The Governor has declared a state of emergency or a statewide public health emergency.~~

~~(e) A written order shall be filed by the court or by a party or party's counsel as designated by the court within thirty (30) days of the date of the termination hearing or before the next hearing, whichever is sooner.~~

~~(f) After the termination of parental rights hearing, the court shall review the case at least every six (6) months, and a permanency planning hearing shall be held each year following the initial permanency hearing until permanency is achieved for that juvenile.~~

~~(g)(1)(A) A parent may withdraw consent to termination of parental rights within ten (10) calendar days after it was signed by filing an affidavit with the circuit clerk in the county designated by the consent as the county in which the termination of parental rights will be filed.~~

~~(B) If the ten-day period ends on a weekend or legal holiday, the person may file the affidavit the next working day.~~

~~(C) No fee shall be charged for the filing of the affidavit.~~

~~(2) The consent to terminate parental rights shall state that~~

~~the person has the right of withdrawal of consent and shall provide the address of the circuit clerk of the county in which the termination of parental rights will be filed.~~

~~(h) Upon the entry of an order terminating parental rights the:~~

~~(1) Department is relieved of all responsibility for providing reunification services to the parent whose parental rights are terminated;~~

~~(2) Appointed parent counsel is relieved of his or her representation of the parent whose parental rights are terminated except as provided under Rules 6-9 and 6-10 of the Rules of the Supreme Court and Court of Appeals of the State of Arkansas;~~

~~(3) Appointed parent counsel shall be reappointed to represent a parent who successfully appeals the termination of his or her parental rights if the parent is indigent; and~~

~~(4) Parent whose parental rights are terminated or a putative parent who after receiving notice is determined by a court to not have rights attached to the juvenile is not entitled to:~~

~~(A) Notice of any court proceeding concerning the juvenile, including a petition for adoption concerning the juvenile; and~~

~~(B) An opportunity to be heard in any court proceeding concerning the juvenile.~~

~~9-27-342. Proceedings concerning juveniles for whom paternity not established.~~

~~(a) Absent orders of a circuit court or another court of competent jurisdiction to the contrary, the biological mother, whether adult or minor, of a juvenile for whom paternity has not been established is deemed to be the natural guardian of that juvenile and is entitled to the care, custody, and control of that juvenile.~~

~~(b) The biological mother, the putative father, the juvenile himself or herself, or the Office of Child Support Enforcement of the Revenue Division of the Department of Finance and Administration may bring an action to establish paternity or support of a juvenile for whom paternity has not been established.~~

~~(c)(1) If the juvenile is not born when the parties appear before the court, the court may hear evidence and issue temporary orders and findings pending the birth of the juvenile.~~

~~(2) In the event the final order is contrary to the temporary one, the court shall render judgment for the amount paid under the temporary order against the petitioner if such was the biological mother.~~

~~(3) If the mother dies before the final order, the action may be revived in the name of the juvenile, and the mother's testimony at the temporary hearing may be introduced in the final hearing.~~

~~(d) Upon an adjudication by the court that the putative father is the father of the juvenile, the court shall follow the same guidelines, procedures, and requirements as established by the laws of this state applicable to child support orders and judgments entered upon divorce. The court may award court costs and attorney's fees.~~

~~(e) If paternity has been established in a court of competent jurisdiction, a father may petition the court in the county where the juvenile resides for custody of the juvenile. The court may award custody to a father who has had paternity established if the court finds by a preponderance of the evidence that:~~

~~(1) He is a fit parent to raise the juvenile;~~

~~(2) He has assumed his responsibilities toward the juvenile by providing care, supervision, protection, and financial support for the juvenile; and~~

~~(3) It is in the best interest of the juvenile to award custody to the father.~~

~~(f) At the request of either party in a paternity action, the trial court shall direct that the putative father, biological mother, and juvenile submit to one (1) or more blood tests or other scientific examinations or tests, including deoxyribonucleic acid typing, to determine whether or not the putative father can be excluded as being the father of the juvenile and to establish the probability of paternity if the test does not exclude the putative father.~~

~~(g) The tests shall be made by a duly qualified physician or physicians, or by another duly qualified person or persons, not to exceed three (3), to be appointed by the court.~~

~~(h)(1) The results of the tests shall be receivable in evidence.~~

~~(2)(A) A written report of the test results by the duly qualified expert performing the test, or by a duly qualified expert under whose supervision and direction the test and analysis have been performed,~~

~~certified by an affidavit duly subscribed and sworn to by the expert before a notary public, may be introduced in evidence in illegitimacy actions without calling the expert as a witness. If either party shall desire to question the expert, the party shall have the expert subpoenaed within a reasonable time prior to trial.~~

~~(B) If the results of the paternity tests establish a ninety-five percent (95%) or more probability of inclusion that the putative father is the biological father of the juvenile and after corroborating testimony of the mother in regard to access during the probable period of conception, this shall constitute a prima facie case of establishment of paternity and the burden of proof shall shift to the putative father to rebut such proof.~~

~~(3) The experts shall be subject to cross-examination by both parties after the court has caused them to disclose their findings.~~

~~(i) Whenever the court orders the blood tests to be taken and one (1) of the parties refuses to submit to the test, that fact shall be disclosed upon the trial unless good cause is shown to the contrary.~~

~~(j) The costs of the test and witness fees shall be taxed by the court as other costs in the case.~~

~~(k) Whenever it shall be relevant to the prosecution or the defense in a paternity action, blood tests that exclude third parties as the father of the juvenile shall be the same as set out in subsections (f) and (g) of this section.~~

~~(l) The refusal of a party to submit to a genetic or other ordered test is admissible at a hearing to determine paternity only as to the credibility of the party.~~

~~(m) If a male witness offers testimony indicating that his act of intercourse with the mother may have resulted in the conception of the juvenile, the court may require the witness to submit to genetic or other tests to determine whether he is the juvenile's father.~~

~~9-27-343. Appeals.~~

~~(a) All appeals from juvenile cases shall be made to the Supreme Court or to the Court of Appeals in the time and manner provided for appeals in the Arkansas Rules of Appellate Procedure.~~

~~(b) In delinquency cases, the petitioner may appeal only under those~~

~~circumstances that would permit the state to appeal in criminal proceedings.~~

~~(c) Pending an appeal from any case involving a juvenile out-of-home placement, the juvenile division of circuit court retains jurisdiction to conduct further hearings.~~

~~9-27-344. Monthly report.~~

~~The circuit court shall submit monthly to the Director of the Administrative Office of the Courts a report in writing upon forms to be furnished by the director showing the number and disposition of juveniles brought before the juvenile division of circuit court together with such other information regarding those cases as may be requested by the director.~~

~~9-27-345. Admissibility of evidence.~~

~~(a) Juvenile adjudications of delinquency for offenses for which the juvenile could have been tried as an adult may be used at the sentencing phase in subsequent adult criminal proceedings against those same individuals.~~

~~(b)(1) No other evidence adduced against a juvenile in any proceeding under this subchapter nor the fact of adjudication or disposition shall be admissible evidence against the juvenile in any civil, criminal, or other proceeding.~~

~~(2) However, the evidence shall be admissible when proper in subsequent proceedings against the same juvenile under this subchapter.~~

~~9-27-346. Support orders.~~

~~(a) If it appears at the adjudication or disposition hearing in any case brought under this subchapter that the parents or any other person named in the petition who is by law required to provide support for the juvenile is able to contribute to the support of the juvenile, the court shall issue an order requiring the person to pay a reasonable sum pursuant to the guidelines for child support and the family support chart for the support, maintenance, or education of the juvenile to any person, agency, or institution to whom custody is awarded.~~

~~(b) The court, upon proper motion, may make such adjustments and modifications of the order as may appear reasonable and proper.~~

~~(c) The court shall also order the persons required by law to support~~

~~a juvenile to disclose their places of employment and the amounts earned by them. Anyone who refuses to disclose such information may be cited for contempt of court.~~

~~9-27-347. Probation reports.~~

~~(a) The probation officer shall make and keep a complete history of each case before disposition and during the course of any probation imposed by the circuit court.~~

~~(b)(1) It is the intention of this section to require an intelligent and thorough report of each juvenile before probation and during probation as to heredity, environment, condition, treatment, development, and results.~~

~~(2) The report shall contain among other information the age, sex, nativity, residence, education, mentality, habits, whether married or single, and employment and income and shall be continued so as to show the condition of the person during the term of his or her probation and the results of probation in the case.~~

~~(3) The report shall never be disclosed except as required by law or directed by the court.~~

~~(c) The probation officer shall furnish to each person released on probation a written statement of the terms and conditions of probation and shall report to the court any violation or breach of the terms and conditions so imposed.~~

~~9-27-348. Publication of proceedings.~~

~~No information by which the name or identity of a juvenile who is the subject of proceedings under this subchapter may be ascertained shall be published by the news media without written order of the circuit court.~~

~~9-27-349. Compliance with federal acts.~~

~~The Division of Youth Services shall have the responsibility for the collection, review, and reporting of statistical information on detained or incarcerated juveniles, for adult jails, adult lock-ups, and juvenile detention facilities to assure compliance with the provisions of Pub. L. No. 93-415, the Juvenile Justice and Delinquency Prevention Act of 1974.~~

~~9-27-350. Compacts to share costs.~~

~~Nothing in this subchapter shall prohibit two (2) or more counties, cities, or school districts of this state from agreeing by compact to share the costs of court personnel or juvenile facilities to serve both or all of the counties so agreeing.~~

~~9-27-351. Escape considered an act of delinquency.~~

~~The escape of a juvenile from the locked portion of a juvenile facility is an act of delinquency.~~

~~9-27-352. [Repealed.]~~

~~9-27-353. Duties and responsibilities of custodian.~~

~~(a) It shall be the duty of any person or agency appointed as the custodian of any juvenile in a proceeding under this subchapter to care for and maintain the juvenile and to see that the juvenile is protected, properly trained and educated, and has the opportunity to learn a trade, occupation, or profession.~~

~~(b)(1) The person or agency appointed as the custodian of a juvenile in a proceeding under this subchapter has the right to obtain medical care for the juvenile, including giving consent to specific medical, dental, or mental health treatments and procedures as required in the opinion of a duly authorized or licensed physician, dentist, surgeon, or psychologist, whether or not such care is rendered on an emergency, inpatient, or outpatient basis.~~

~~(2) If there is an open dependency-neglect proceeding, the custodian shall not make any of the following decisions without receiving express court approval:~~

~~(A) Consent to the removal of bodily organs, unless the procedure is necessary to save the life of the juvenile;~~

~~(B) Consent to withhold life-saving treatments;~~

~~(C) Consent to withhold life-sustaining treatments; or~~

~~(D) The amputation of any body part, unless the procedure is necessary in an emergency to save the life of the juvenile.~~

~~(c) The custodian has the right to enroll the juvenile in school upon the presentation of an order of custody.~~

~~(d) The custodian has the right to obtain medical and school records of any juvenile in his or her custody upon presentation of an order of~~

~~custody.~~

~~(e) Any agency appointed as the custodian of a juvenile has the right to consent to the juvenile's travel on vacation or similar trips.~~

~~(f)(1) It shall be the duty of every person granted custody, guardianship, or adoption of any juvenile in a proceeding under or arising out of a dependency-neglect action under this subchapter to ensure that the juvenile is not returned to the care or supervision of any person from whom the child was removed or any person the court has specifically ordered not to have care, supervision, or custody of the juvenile.~~

~~(2) This section shall not be construed to prohibit these placements if the person who has been granted custody, guardianship, or adoption obtains a court order to that effect from the juvenile division of circuit court that made the award of custody, guardianship, or adoption.~~

~~(3) Failure to abide by subdivision (f)(1) of this section is punishable as a criminal offense under § 5-26-502(a)(3).~~

~~(g) The court shall not split custody, that is, grant legal custody to one (1) person or agency and grant physical custody to another person or agency.~~

~~9-27-354. Progress reports on juveniles.~~

~~(a)(1) The court may order progress reports from a service provider whenever a juvenile is placed out of home and in a setting other than a Department of Human Services foster home.~~

~~(2) The order shall:~~

~~(A) Set forth the schedule for the progress reports; and~~

~~(B) Identify the service provider responsible for submitting the progress reports.~~

~~(3) The service provider shall be provided a copy of the written court order by:~~

~~(A) Certified mail, restricted delivery; or~~

~~(B) Process server.~~

~~(4) Failure to follow the order of the court shall subject the service provider to contempt sanctions of the court.~~

~~(b) A progress report shall include, but not be limited to the:~~

~~(1) Reason for admission;~~

~~(2) Projected length of stay;~~

~~(3) Identified goals and objectives to be addressed during placement;~~

~~(4) Progress of the juvenile in meeting goals and objectives;~~

~~(5) Barriers to progress;~~

~~(6) Significant behavioral disruptions and response of provider; and~~

~~(7) Recommendations upon the juvenile's release.~~

~~(c) The service provider shall immediately report any incidents concerning the juvenile's health or safety to:~~

~~(1) The juvenile's attorney or attorney ad litem; and~~

~~(2) The custodian of the juvenile.~~

~~9-27-355. Placement of juveniles.~~

~~(a) The court shall not specify a particular provider for placement of a foster child.~~

~~(b)(1)(A) When the Department of Human Services takes custody of a juvenile under § 12-18-1001, or when the court determines that a juvenile shall be removed from his or her home under this subchapter, the department shall conduct an immediate assessment to locate:~~

~~(i) A noncustodial parent of the juvenile;~~

~~(ii) Recommended relatives of the juvenile, including each grandparent of the juvenile, and all parents of the juvenile's sibling if the parent has custody of the sibling; and~~

~~(iii) Fictive kin identified by the juvenile as one (1) or more persons who play or have a significant positive role in his or her life.~~

~~(B)(i) If there is a safety issue identified from a Child Maltreatment Central Registry check or criminal background check, the department is not required to provide further assessment or notice to the persons identified under subdivision (b)(1)(A) of this section.~~

~~(ii) If there is not a safety issue identified in a Child Maltreatment Central Registry check or criminal background check regarding all the persons identified under subdivision (b)(1)(A) of this section, the department shall provide in writing to the persons identified the following notice:~~

~~(a) A statement saying that the juvenile has~~

~~been or is being removed from his or her parent;~~

~~(b) An explanation concerning how to participate and be considered for care, placement, and family time with the juvenile;~~

~~(c) Information needed for a child welfare safety check and home study, if the person is interested in placement;~~

~~(d) Information about provisional relative foster care, fictive kin, and other supportive benefits available through the department;~~

~~(e) A statement saying that failure to timely respond may result in the loss of opportunities to be involved in the care, placement, and family time with the juvenile; and~~

~~(f) The name, phone number, email address, and physical address of the caseworker and supervisor assigned to the case.~~

~~(C) If the court has not transferred custody to a noncustodial parent, relative, or other individual, or the department has not placed the juvenile in provisional relative placement or fictive kin placement, the department shall continue its assessment under subdivisions (b)(l)(A) and (B) of this section throughout the case.~~

~~(D) The department shall provide upon request of the court, parties to the proceeding, or counsel for the parties to the proceeding a record of the efforts made to locate the noncustodial parent, relatives, fictive kin, or other persons identified under subdivision (b)(l)(A) of this section and the results of the assessment, including the following information concerning the identified person:~~

~~(i) Name;~~

~~(ii) Last known address and phone number;~~

~~(iii) The appropriateness of placement based on the department's assessment of the person; and~~

~~(iv) Other identifying or relevant information to the extent known by the department.~~

~~(E)(i) A relative or fictive kin identified by the department under subdivision (b)(l)(A) of this section shall be given preferential consideration for placement if the relative or fictive kin meets all relevant protective standards and it is in the best interest of the juvenile to be placed with the relative or fictive kin.~~

~~(ii) In all placements, preferential consideration for a relative or fictive kin shall be given at all stages of the case.~~

~~(iii) If the court denies placement with a relative or fictive kin, the court shall make specific findings of fact in writing regarding the considerations given to the relative or fictive kin and the reasons the placement was denied.~~

~~(iv) The court shall not base its decision to place the juvenile solely upon the consideration of the relationship formed between the juvenile and a foster parent.~~

~~(F)(i) The court may transfer custody to any relative or any other person recommended by the department, the parent, or any party upon review of a home study, including criminal background and child maltreatment reports, and a finding that custody is in the best interest of the child.~~

~~(ii) A home study is not required for a parent of a juvenile.~~

~~(2) Placement or custody of a juvenile in the home of a relative, fictive kin, or other person shall not relieve the department of its responsibility to actively implement the goal of the case.~~

~~(3)(A) The juvenile shall remain in a licensed or approved foster home, shelter, or facility or an exempt child welfare agency as defined under § 9-28-402 until the home is opened as a regular foster home, as a provisional foster home if the person is a relative to one (1) of the children in the sibling group, including step-siblings, or the court grants custody of the juvenile to the relative, fictive kin, or other person after a written approved home study is presented to the court.~~

~~(B) For placement only with a relative or fictive kin:~~

~~(i) The juvenile and the juvenile's siblings or step-siblings may be placed in the home of a relative or fictive kin on a provisional basis for up to six (6) months pending the relative or fictive kin's home being opened as a regular foster home;~~

~~(ii)(a) If the relative or fictive kin opts to have his or her home opened as a provisional foster home, the relative or fictive kin shall not be paid a board payment until the relative or fictive kin meets all of the requirements and his or her home is opened as a regular foster home.~~

~~(b) A relative or fictive kin who has his or~~

~~her home opened as a provisional foster home may receive a board payment from the department for no more than six (6) months unless fully opened as a foster home;~~

~~(iii) Until the relative or fictive kin's home is opened as a regular foster home, the relative or fictive kin may:~~

~~(a) Apply for and receive benefits that the relative or fictive kin may be entitled to due to the placement of the juvenile in the home, such as benefits under the Transitional Employment Assistance Program, § 20-76-401, and the Supplemental Nutrition Assistance Program; and~~

~~(b) Receive child support or any federal benefits paid on behalf of the juvenile in the relative or fictive kin's home; and~~

~~(iv) If the relative or fictive kin's home is not fully licensed as a foster home after six (6) months of the placement of the juvenile and the siblings or step-siblings in the home:~~

~~(a) The department shall remove the juvenile and any of the siblings or step-siblings from the relative or fictive kin's home and close the relative or fictive kin's provisional foster home; or~~

~~(b) The court shall remove custody from the department and grant custody of the juvenile to the relative or fictive kin subject to the limitations outlined in subdivision (b)(4) of this section.~~

~~(4) If the court grants custody of the juvenile and any siblings or step-siblings to the relative, fictive kin, or other person:~~

~~(A)(i) The juvenile and any siblings or step-siblings shall not be placed back in the custody of the department while remaining in the home of the relative, fictive kin, or other person.~~

~~(ii) The juvenile and any siblings or step-siblings shall not be removed from the custody of the relative, fictive kin, or other person, placed in the custody of the department, and then remain or be returned to the home of the relative, fictive kin, or other person while remaining in the custody of the department;~~

~~(B)(i) The relative, fictive kin, or other person shall not receive any financial assistance, including board payments, from the department, except for financial assistance for which the relative, fictive kin, or other person has applied and for which the relative, fictive kin, or~~

~~other person qualifies under the program guidelines, such as the Transitional Employment Assistance Program, the Supplemental Nutrition Assistance Program, Medicaid, and a federal adoption subsidy.~~

~~(ii) A relative or fictive kin who has his or her home opened as a provisional foster home may receive a monthly board payment from the department for no more than six (6) months unless fully opened as a foster home; and~~

~~(C) The department shall not be ordered to pay the equivalent of board payments, adoption subsidies, or guardianship subsidies to the relative, fictive kin, or other person as reasonable efforts to prevent removal of custody from the relative, fictive kin, or other person.~~

~~(5) In an action under this subsection concerning placement of a juvenile, the circuit court may consider the preferences of the juvenile if the juvenile is of a sufficient age and capacity to reason, regardless of the juvenile's chronological age.~~

~~(c)(l)(A) The court may order a juvenile who is in the custody of the department to be placed in a trial home placement with a parent of the juvenile or the person from whom custody of the juvenile was removed for a period of:~~

~~(i) No longer than sixty (60) days; or~~

~~(ii) More than sixty (60) days but no longer than one hundred eighty (l80) days with the consent of the department.~~

~~(B) The department may place a juvenile who is in its custody in a trial home placement with a parent of the juvenile or the person from whom custody of the juvenile was removed for no longer than one hundred eighty (l80) days.~~

~~(C) A trial home placement with a parent who did not have custody of the juvenile at the time of the removal of the juvenile and placement into the custody of the department may occur only after the court or the department determines that:~~

~~(i) The trial home placement is in the best interest of the juvenile;~~

~~(ii) The noncustodial parent does not have a restriction on contact with the juvenile; and~~

~~(iii) There is no safety concern with the trial home placement after reviewing:~~

~~(a) The criminal background of the noncustodial parent;~~

~~(b) The home of the noncustodial parent and each person in the home of the noncustodial parent; and~~

~~(c) Other information in the records of the department, including without limitation records concerning foster care, child maltreatment, protective services, and supportive services.~~

~~(2)(A) At every stage of the case, the court shall consider the least restrictive placement for the juvenile and assess safety concerns that prevent either a trial home placement or the juvenile from being returned to or placed in the custody of the parent of the juvenile.~~

~~(B) The court shall detail the safety concerns in subdivision (c)(2)(A) of this section in its written order.~~

~~(C) Failure to complete a case plan is not a sufficient reason alone to deny the placement of the juvenile in the home of a parent of the juvenile.~~

~~(D) A trial home placement may be made with a parent of the juvenile or the person from whom custody of the juvenile was removed.~~

~~(3) At the end of the trial home placement:~~

~~(A) The court shall place custody of the juvenile with the parent of the juvenile or the person from whom custody of the juvenile was removed; or~~

~~(B) The department shall return the juvenile to a licensed or approved foster home, shelter, or facility or an exempt child welfare agency as defined in § 9-28-402.~~

~~(d) When a juvenile leaves the custody of the department and the court grants custody to the parent or another person, the department is no longer legal custodian of the juvenile, even if the juvenile division of circuit court retains jurisdiction.~~

~~9-27-356. Juvenile sex offender assessment and registration.~~

~~(a) If a juvenile is an adjudicated delinquent for any of the following offenses, the court shall order a sex offender screening and risk assessment:~~

~~(1) Rape, § 5-14-103;~~

~~(2) Sexual assault in the first degree, § 5-14-124;~~

~~(3) Sexual assault in the second degree, § 5-14-125;~~

~~(4) Incest, § 5-26-202; or~~

~~(5) Engaging children in sexually explicit conduct for use in visual or print medium, § 5-27-303.~~

~~(b)(1) The court may order a sex offender screening and risk assessment if a juvenile is adjudicated delinquent for any offense with an underlying sexually motivated component.~~

~~(2) The court may require that a juvenile register as a sex offender upon recommendation of the Sex Offender Assessment Committee and following a hearing as set forth in subsection (e) of this section.~~

~~(c) The juvenile division of circuit court judge may order reassessment of the sex offender screening and risk assessment by the committee at any time while the court has jurisdiction over the juvenile.~~

~~(d) Following a sex offender screening and risk assessment, the prosecutor may file a motion to request that a juvenile register as a sex offender at any time while the court has jurisdiction of the delinquency case if a juvenile is found delinquent for any of the offenses listed in subsection (a) of this section.~~

~~(e)(1) The court shall conduct a hearing within ninety (90) days of the registration motion.~~

~~(2)(A) The juvenile defendant shall be represented by counsel, and the court shall consider the following factors in making its decision to require the juvenile to register as a delinquent sex offender:~~

~~(i) The seriousness of the offense;~~

~~(ii) The protection of society;~~

~~(iii) The level of planning and participation in the alleged offense;~~

~~(iv) The previous sex offender history of the juvenile, including whether the juvenile has been adjudicated delinquent for prior sex offenses;~~

~~(v) Whether there are facilities or programs available to the court that are likely to rehabilitate the juvenile prior to the expiration of the court's jurisdiction;~~

~~(vi) The sex offender assessment and any other relevant written reports and other materials relating to the juvenile's mental, physical, educational, and social history; and~~

~~(vii) Any other factors deemed relevant by the court.~~

~~(B) However, under no circumstances shall the exercise by the juvenile of the right against self-incrimination, the right to an adjudication hearing or appeal, the refusal to admit to an offense for which he or she was adjudicated delinquent, or the refusal to admit to other offenses in the assessment process be considered in the decision whether to require registration.~~

~~(f)(1) The court shall make written findings on all the factors in subsection (e) of this section.~~

~~(2) Upon a finding by clear and convincing evidence that a juvenile should or should not be required to register as a sex offender, the court shall enter its order.~~

~~(g) When the juvenile division of circuit court judge orders a juvenile to register as a sex offender, the judge shall order either the Division of Youth Services or a juvenile probation officer to complete the registration process by:~~

~~(1) Completing the sex offender registration form;~~

~~(2) Providing a copy of the sex offender registration order, fact sheet, registration form, and the Juvenile Sex Offender Rights and Responsibilities Form to the juvenile and the juvenile's parent, guardian, or custodian and explaining this information to the juvenile and the juvenile's parent, guardian, or custodian;~~

~~(3) Mailing a copy of the registration court order, fact sheets, and registration form to the Arkansas Crime Information Center, Sex Offender Registry Manager, 322 Main St #615, Little Rock, AR 72201;~~

~~(4) Providing local law enforcement agencies where the juvenile resides a copy of the sex offender registration form; and~~

~~(5) Ensuring that copies of all documents are forwarded to the court for placement in the court file.~~

~~(h) The juvenile may petition the court to have his or her name removed from the sex offender register at any time while the court has jurisdiction over the juvenile or when the juvenile turns twenty-one (21) years of age, whichever is later.~~

~~(i) The juvenile division of circuit court judge shall order the juvenile's name removed from the sex offender register upon proof by a preponderance of the evidence that the juvenile does not pose a threat to the~~

~~safety of others.~~

~~(j) If the court does not order the juvenile's name removed from the sex offender register, the juvenile shall remain on the sex offender register for ten (10) years from the last date on which the juvenile was adjudicated a delinquent or found guilty as an adult for a sex offense or until the juvenile turns twenty-one (21) years of age, whichever is longer.~~

~~(k) Once a juvenile is ordered to register as a sex offender, he or she shall be subject to the registration requirements set forth in §§ 12-12-904, 12-12-906, 12-12-908, 12-12-909, and 12-12-912.~~

~~9-27-357. Deoxyribonucleic acid samples.~~

~~(a) A person who is adjudicated delinquent for the following offenses shall have a deoxyribonucleic acid sample drawn:~~

~~(1) Rape, § 5-14-103;~~

~~(2) Sexual assault in the first degree, § 5-14-124;~~

~~(3) Sexual assault in the second degree, § 5-14-125;~~

~~(4) Incest, § 5-26-202;~~

~~(5) Capital murder, § 5-10-101;~~

~~(6) Murder in the first degree, § 5-10-102;~~

~~(7) Murder in the second degree, § 5-10-103;~~

~~(8) Kidnapping, § 5-11-102;~~

~~(9) Aggravated robbery, § 5-12-103;~~

~~(10) Terroristic act, § 5-13-310; and~~

~~(11) Aggravated assault upon a law enforcement officer or an employee of a correctional facility, § 5-13-211, if a Class Y felony.~~

~~(b) The court shall order a fine of two hundred fifty dollars ($250) unless the court finds that the fine would cause an undue hardship.~~

~~(c)(1) Only a juvenile adjudicated delinquent for one (1) of the offenses listed in subsection (a) of this section shall have a deoxyribonucleic acid sample drawn upon intake at a juvenile detention facility or intake at a Division of Youth Services facility.~~

~~(2) If the juvenile is not placed in a facility, the juvenile probation officer to whom the juvenile is assigned shall ensure that the deoxyribonucleic acid sample is drawn.~~

~~(d) All deoxyribonucleic acid samples taken under this section shall be taken in accordance with rules promulgated by the State Crime Laboratory.~~

~~9-27-358. [Repealed.]~~

~~9-27-359. Fifteenth-month review hearing.~~

~~(a) A hearing shall be held to determine whether the Department of Human Services shall file a petition to terminate parental rights if:~~

~~(1) A juvenile has been in an out-of-home placement for fifteen (15) continuous months, excluding trial placements and time on runaway status; and~~

~~(2) The goal at the permanency planning hearing was either reunification or Another Planned Permanent Living Arrangement (APPLA).~~

~~(b) The circuit court shall authorize the department to file a petition to terminate parental rights unless:~~

~~(1)(A)(i) The child is being cared for by a relative or relatives;~~

~~(ii) Termination of parental rights is not in the best interest of the child;~~

~~(iii) The relative has made a long-term commitment to the child; and~~

~~(iv) The relative is willing to pursue adoption, guardianship, or permanent custody of the juvenile; or~~

~~(B)(i) The child is being cared for by his or her parent who is in foster care; and~~

~~(ii) Termination of parental rights is not in the best interest of the child;~~

~~(2)(A) The department has documented in the case plan a compelling reason why filing a petition is not in the best interest of the child; and~~

~~(B) The court approves the compelling reason as documented in the case plan; or~~

~~(3) The department has not provided to the family of the juvenile, consistent with the time period in the case plan, the services the department deemed necessary for the safe return of the child to the child's home if reunification services were required to be made to the family.~~

~~(c) If the court determines the permanency goal to be adoption, the department shall file a petition to terminate parental rights no later than~~

~~the fifteenth month of the child's entry into foster care.~~

~~(d) If the court finds that the juvenile should remain in an out-of-home placement, either long-term or otherwise, the juvenile's case shall be reviewed every six (6) months, with an annual permanency planning hearing.~~

~~(e) A written order shall be filed by the court or by a party or party's attorney as designated by the court and distributed to the parties within thirty (30) days of the date of the hearing or prior to the next hearing, whichever is sooner.~~

~~9-27-360. Review of termination of parental rights.~~

~~(a) After an order of termination of parental rights, the circuit court shall review the case following the termination hearing at least every six (6) months until permanency is achieved, and a permanency planning hearing shall be held each year following the initial permanency hearing until permanency is achieved for that juvenile.~~

~~(b) The court shall determine and shall include in its orders whether:~~

~~(1) The case plan, services, and current placement meet the juvenile's special needs and best interest, with the juvenile's health, safety, and educational needs specifically addressed;~~

~~(2) The Department of Human Services has made reasonable efforts to finalize a permanency plan for the juvenile; and~~

~~(3) The case plan is moving toward an appropriate permanent placement for the juvenile.~~

~~(c) In making its findings, the court shall consider the extent of the compliance of the department and the juvenile with the case plan and court orders to finalize the permanency plan.~~

~~(d) A written order shall be filed by the court or by a party or a party's attorney as designated by the court and distributed to the parties within thirty (30) days of the date of the hearing or prior to the next hearing, whichever is sooner.~~

~~9-27-361. Court reports.~~

~~(a)(1) Seven (7) business days before a scheduled dependency-neglect review hearing, including the fifteenth-month review hearing and any post-termination of parental rights hearing, the Department of Human Services and a court-appointed special advocate, if appointed, shall:~~

~~(A) Distribute a review report to all the parties or their attorneys and the court-appointed special advocate, if appointed; or~~

~~(B) Upload into a shared case management database an electronic copy of the court report.~~

~~(2)(A) The court report prepared by the department shall include a summary of the compliance of the parties with the court orders and case plan, including the description of the services and assistance the department has provided and recommendations to the court.~~

~~(B) In cases in which a child has been returned home, the department's review report shall include a description of any services needed by and requirements of the parent or parents, including, but not limited to, a safety plan to ensure the health and safety of the juvenile in the home.~~

~~(C)(i) In cases in which a juvenile has been transferred to the custody of the department, the department's court report shall outline the efforts made by the department to identify and notify adult grandparents and other adult relatives that the juvenile is in the custody of the department.~~

~~(ii) The department's court report shall list all adult grandparents and other adult relatives notified by the department and the response of each adult grandparent or other adult relative to the notice, including:~~

~~(a) The adult grandparent or other adult relative's interest in participating in the care and placement of the juvenile;~~

~~(b) Whether the adult grandparent or other adult relative is interested in becoming a provisional foster parent or foster parent of the juvenile;~~

~~(c) Whether the adult grandparent or other adult relative is interested in kinship guardianship, if funding is available; and~~

~~(d) Whether the adult grandparent or other adult relative is interested in family time.~~

~~(3) The report prepared by the court-appointed special advocate shall include, but is not limited to:~~

~~(A) Any independent factual information that he or she feels is relevant to the case;~~

~~(B) A summary of the compliance of the parties with the court orders;~~

~~(C) Any information on adult relatives, including their contact information and the volunteer's recommendation about relative placement and family time; and~~

~~(D) Recommendations to the court.~~

~~(4)(A) At a review hearing, the court shall determine on the record whether the previously filed reports shall be admitted into evidence based on any evidentiary objections made by the parties.~~

~~(B) The court shall not consider as evidence any report or part of a report that was not admitted into evidence on the record.~~

~~(b)(1) Seven (7) business days before a scheduled dependency-neglect permanency planning hearing, the department and the court-appointed special advocate, if appointed, shall:~~

~~(A) Distribute a permanency planning court report to all of the parties or their attorneys and the court-appointed special advocate, if appointed; or~~

~~(B) Upload into a shared case management database an electronic copy of the court report.~~

~~(2) The permanency planning court report prepared by the department shall include, but not be limited to, the following:~~

~~(A) A summary of the compliance of the parties with the court orders and case plan, including the description of the services and assistance the department has provided;~~

~~(B) A list of all the placements in which the juvenile has been;~~

~~(C) A recommendation and discussion regarding the permanency plan, including:~~

~~(i) The appropriateness of the plan;~~

~~(ii) A timeline; and~~

~~(iii) The steps and services necessary to achieve the plan, including the persons responsible; and~~

~~(D) The location of any siblings, and if separated, a statement for the reasons for separation and any efforts to reunite or maintain contact if appropriate and in the best interest of the siblings.~~

~~(3) The report prepared by the court-appointed special advocate~~

~~shall include, but is not limited to:~~

~~(A) Any independent factual information that he or she feels is relevant to the case;~~

~~(B) A summary of the compliance of the parties with the court orders;~~

~~(C) Any information on adult relatives, including their contact information and the volunteer's recommendation about relative placement and family time; and~~

~~(D) The recommendations to the court.~~

~~(4)(A) At the permanency planning hearing, the court shall determine on the record whether the previously filed reports shall be admitted into evidence based on any evidentiary objections made by the parties.~~

~~(B) The court shall not consider as evidence any report or part of a report that was not admitted into evidence on the record.~~

~~(c)(1) The court shall determine on the record whether a report or an addendum report shall be admitted into evidence based on any evidentiary objections made by the parties.~~

~~(2) The court shall not consider as evidence any report, part of a report, or an addendum report that was not admitted into evidence on the record.~~

~~9-27-362. Emancipation of juveniles.~~

~~(a) A petition for emancipation may be filed in a circuit court by any party to a dependency-neglect, dependency, family in need of services, or delinquency case.~~

~~(b) The petition shall be served along with a notice of hearing to the juvenile's parent, legal guardian, or legal custodian.~~

~~(c) The circuit court may emancipate a juvenile in a dependency-neglect, dependency, family in need of services, or delinquency case.~~

~~(d)(1) The court may emancipate the juvenile after a hearing on the petition if the petitioner shows by a preponderance of the evidence that:~~

~~(A) The juvenile is at least seventeen (17) years of age;~~

~~(B) The juvenile is willing to live separate and apart from his or her parent, legal guardian, or legal custodian;~~

~~(C) The juvenile has an appropriate place to live;~~

~~(D) The juvenile has been managing or has the ability to manage his or her own financial affairs;~~

~~(E) The juvenile has a legal source of income, such as employment or a trust fund;~~

~~(F) The juvenile has healthcare coverage or a realistic plan on how to meet his or her health needs;~~

~~(G) The juvenile agrees to comply with the compulsory school attendance laws; and~~

~~(H) Emancipation is in the best interest of the juvenile.~~

~~(2) The court shall consider the wishes of the parent, legal guardian, or legal custodian in making its decision.~~

~~(3) If the juvenile has an attorney ad litem, the court shall consider the recommendation of the attorney ad litem.~~

~~(c) An order of emancipation has the following effects:~~

~~(1) The juvenile has the right to obtain and consent to all medical care, including counseling;~~

~~(2) The juvenile has the right to enter into contracts;~~

~~(3) The juvenile has the right to enroll himself or herself in school, college, or other educational programs;~~

~~(4) The juvenile has the right to obtain a driver's license without consent of a parent or other adult so long as the juvenile complies with the remaining requirements of the driver's license law;~~

~~(5) The juvenile's parent, legal guardian, or legal custodian is no longer legally responsible for the juvenile;~~

~~(6) The juvenile may still be charged with a delinquency and prosecuted in juvenile court;~~

~~(7) The juvenile may not marry without parental permission pursuant to § 9-11-102;~~

~~(8) The juvenile is not relieved from compulsory school attendance;~~

~~(9) The Department of Human Services is not relieved from the responsibility of providing independent living services and funding for which the juvenile is eligible upon request by the juvenile;~~

~~(10) Child support orders are not terminated but may cease upon entry of an order from the court that issued the order of child support;~~

~~(11) Until the juvenile reaches the age of majority, the juvenile~~

~~remains eligible for federal programs and services as a juvenile;~~

~~(12) The juvenile is not permitted to obtain items prohibited for sale to or possession by a minor, such as tobacco or alcohol;~~

~~(13) The juvenile remains subject to state and federal laws enacted for the protection of persons under eighteen (18) years of age such as the prohibition against a juvenile's obtaining a tattoo; and~~

~~(14) No statute of limitations is affected.~~

~~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; and~~

~~(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 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:~~

~~(A) A description of the programs and services that 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;~~

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

~~(i) Is completing secondary education or a program leading to an equivalent credential;~~

~~(ii) Is enrolled in an institution that provides postsecondary or vocational education;~~

~~(iii) Is participating in a program or activity designed to promote or remove barriers to employment;~~

~~(iv) Is employed for at least eighty (80) hours per month;~~

~~(v) Has a viable plan to meet the requirements of subdivisions (b)(2)(B)(i)-(iv) of this section; or~~

~~(vi) Is incapable of doing one (1) or more of the activities listed in subdivisions (b)(2)(B)(i)-(v) of this section due to a medical condition, which incapability is supported by regularly updated information in the case plan of the juvenile; 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.~~

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

~~(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 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;~~

~~(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; and~~

~~(6) Driver's license or a state-issued official identification card.~~

~~(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.~~

~~(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.~~

~~(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.~~

~~(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.~~

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

~~9-27-364. Division of Youth Services aftercare.~~

~~(a)(1) After an adjudication of delinquency and upon commitment to the Division of Youth Services, the court may order compliance with a division aftercare plan upon a juvenile's release from the division, if recommended as part of the treatment plan submitted to the court.~~

~~(2) The division or its designee shall provide the terms and conditions of the aftercare plan in writing to the juvenile before the juvenile's release from the division.~~

~~(3) The division or its designee shall provide the aftercare terms and conditions to the juvenile's attorney and the juvenile's legal parent, guardian, or custodian by the division or its designee, the prosecutor, and the committing court before the juvenile's release from the division.~~

~~(4) The division or its designee shall explain the terms of the aftercare plan to the juvenile and his or her legal parent, guardian, or custodian before the juvenile's release from the division.~~

~~(b)(1) Any violation of an aftercare term may be reported to the prosecuting attorney, who may initiate a petition in the committing court for violation of the aftercare plan.~~

~~(2) The Department of Human Services may also initiate a petition for a violation with the committing court.~~

~~(c) The petition shall contain specific factual allegations constituting each violation of the aftercare plan and shall be served upon the juvenile, his or her attorney, his or her parent, guardian, or custodian, and the prosecuting attorney if filed by the department.~~

~~(d) A hearing shall be set within a reasonable time after the filing of the petition or within fourteen (14) days if the juvenile has been detained as a result of the filing of the petition for the aftercare violation.~~

~~(e) If the court finds by a preponderance of the evidence that the juvenile violated the terms of the aftercare plan, the court may:~~

~~(1) Extend the terms of the aftercare plan, if requested by the division;~~

~~(2) Impose additional conditions to the aftercare plan, if requested by the division; or~~

~~(3) Make any disposition that could have been made at the time commitment was ordered under § 9-27-330.~~

~~9-27-365. No reunification hearing.~~

~~(a)(1)(A) Any party can file a motion for no reunification services at any time.~~

~~(B) The motion shall be provided to all parties in writing at least twenty (20) days before a scheduled hearing.~~

~~(C) The court may conduct a hearing immediately following or concurrent with an adjudication determination or at a separate hearing if proper notice has been provided.~~

~~(2) The motion shall identify sufficient facts and grounds in sufficient detail to put the defendant on notice as to the basis of the motion for no reunification services.~~

~~(3)(A) A response is not required.~~

~~(B) If a party responds, the time for response shall not be later than ten (10) days after receipt of the motion.~~

~~(b)(1) The court shall conduct and complete a no reunification hearing within fifty (50) days of the date of written notice to the defendants and shall enter an order determining whether or not reunification services shall be provided.~~

~~(2) Upon good cause shown, the hearing may be continued for an~~

~~additional twenty (20) days.~~

~~(c) An order terminating reunification services on a party and ending the duty of the Department of Human Services to provide services to a party shall be based on a finding of clear and convincing evidence that:~~

~~(1) The termination of reunification services is in the child's best interest; and~~

~~(2) One (1) or more of the following grounds exist:~~

~~(A) A circuit court has determined that the parent, guardian, custodian, or noncustodial parent has subjected the child to aggravated circumstances that include:~~

~~(i) A child's being abandoned;~~

~~(ii) A child's being chronically abused;~~

~~(iii) A child's being sexually exploited;~~

~~(iv) A child's being subjected to extreme or repeated cruelty or sexual abuse;~~

~~(v) A determination by a circuit judge that there is little likelihood that services to the family will result in successful reunification;~~

~~(vi) A child has been removed from the custody of the parent or guardian and placed in foster care or the custody of another person three (3) or more times in the past fifteen (15) months; or~~

~~(vii) A child's or a sibling's being neglected or abused such that the abuse or neglect could endanger the life of the child; or~~

~~(B) A circuit court has determined that the parent has:~~

~~(i) Committed murder of a child;~~

~~(ii) Committed manslaughter of a child;~~

~~(iii) Aided or abetted, attempted, conspired, or solicited to commit murder or manslaughter;~~

~~(iv) Committed a felony battery that results in serious bodily injury to any child;~~

~~(v) Had parental rights involuntarily terminated as to a sibling of the child; or~~

~~(vi) Abandoned an infant as defined in § 9-27-303(1).~~

~~(d) Upon a determination that no reunification services shall be provided, the court shall hold a permanency planning hearing within thirty~~

~~(30) days unless permanency for the juvenile has been achieved through guardianship, custody, or a petition for termination of parental rights has been filed within thirty (30) days.~~

~~(c) A written order setting forth the court's findings of fact and law shall be filed with the court, by the court, or by a party or party's attorneys as designated by the court within thirty (30) days or before the next hearing, whichever is sooner.~~

~~9-27-366. Confessions.~~

~~In determining whether a juvenile's confession was voluntarily, knowingly, and intelligently made, the court shall consider all circumstances surrounding the confession, including without limitation the following:~~

~~(1) The juvenile's physical, mental, and emotional maturity;~~

~~(2) Whether the juvenile understood the consequences of the confession;~~

~~(3) In cases in which the custodial parent, guardian, or custodian agreed to the interrogation that led to the confession, whether the custodial parent, guardian, or custodian understood the consequences of the confession or has an interest in the matter that is adverse to the juvenile;~~

~~(4) Whether the juvenile and his or her custodial parent, guardian, or custodian were informed of the alleged delinquent act;~~

~~(5) Whether the confession was the result of any coercion, force, or inducement;~~

~~(6) Whether the juvenile and his or her custodial parent, guardian, or custodian had waived the right to counsel or been provided counsel; and~~

~~(7) Whether any of the following occurred:~~

~~(A) The oral, written, or sign language confession was electronically recorded in its entirety;~~

~~(B) The entire interrogation was electronically recorded;~~

~~(C) The audio or video recordings of the interrogation, if available, were used; and~~

~~(D) All of the voices on the recording are identified and the names of all persons present during the interrogation are identified.~~

~~9-27-367. Court costs, fees, and fines.~~

~~(a) The juvenile division of the circuit court may order the following court costs, fees, and fines to be paid by adjudicated defendants to the circuit court juvenile division fund as provided for in § 16-13-326:~~

~~(1) The court may assess an adjudicated delinquent court costs not to exceed thirty-five dollars ($35.00) as provided under § 9-27-330(a)(6);~~

~~(2) The court may assess an adjudicated family in need of services court costs not to exceed thirty-five dollars ($35.00) as provided under § 9-27-332(a)(8);~~

~~(3) The court may order a probation fee for juveniles adjudicated delinquent not to exceed twenty dollars ($20.00) per month as provided under § 9-27-330(a)(5);~~

~~(4) The court may order a juvenile service fee for an adjudicated family in need of services not to exceed twenty dollars ($20.00) per month as provided under § 9-27-332(a)(9);~~

~~(5) The court may order a fine for adjudicated delinquents of not more than five hundred dollars ($500) as provided under § 9-27-330(a)(8);~~

~~(6) The court may order a fine for an adjudicated family in need of services of not more than five hundred dollars ($500) as provided under § 9-27-332(a)(7); and~~

~~(7) A juvenile intake or probation officer may charge a diversion fee limited to no more than twenty dollars ($20.00) per month as provided under § 9-27-323.~~

~~(b) The court shall direct that the juvenile division court costs and fees be collected, maintained, and accounted for in the same manner as juvenile probation and juvenile services fees as provided for in § 16-13-326.~~

~~9-27-368. Risk and needs assessments.~~

~~(a) The Administrative Office of the Courts shall work with the circuit courts to implement a validated risk and needs assessment that shall be provided to the juvenile divisions of the circuit courts to be used at delinquency disposition hearings and to aid in juvenile treatment plans.~~

~~(b) A juvenile division circuit court judge shall have the discretion to designate either a trained juvenile intake or probation officer to conduct the validated risk and needs assessment in the court of the circuit court judge.~~

~~(c)(1) The juvenile intake or probation officer conducting the risk and needs assessment shall interview the juvenile and the juvenile's parent, guardian, or custodian.~~

~~(2) Information gathered by the juvenile intake or probation officer during the intake process implemented to complete the risk and needs assessment shall be confidential and shall not be used against the juvenile in the delinquency proceeding.~~

~~(3) The juvenile intake or probation officer conducting the risk and needs assessment shall not discuss any offense for which the juvenile is currently charged during the intake assessment.~~

~~(d) A risk and needs assessment prepared for a delinquency disposition hearing shall be provided to the necessary parties seven (7) days in advance and presented to the court at the disposition hearing.~~

~~(e)(1) The court may order an updated risk and needs assessment that should be updated when there are significant changes in the juvenile's treatment plan.~~

~~(2) Any revisions or updates to the risk and needs assessment shall be provided to the necessary parties seven (7) days in advance of a court hearing in the delinquency proceeding.~~

~~(f) Juvenile risk and needs assessments may be provided to the Division of Youth Services personnel, service providers, and other necessary persons designated by the court to provide appropriate treatment and case plan services.~~

~~9-27-369. Resumption of services.~~

~~(a) The Department of Human Services or an attorney ad litem may file a motion to resume services for a parent whose parental rights were previously terminated under this subchapter if:~~

~~(1) The child:~~

~~(A) Is currently in the custody of the department;~~

~~(B) Is not in an adoptive placement, a pre-adoptive placement, or under another permanent placement and there is some evidence that the juvenile is not likely to achieve permanency within a reasonable period of time as viewed from the child's perspective; or~~

~~(C) Was previously adopted, appointed a permanent guardian, or placed in the permanent custody of another individual and the~~

~~adoption, guardianship, or custodial placement was disrupted or otherwise dissolved; and~~

~~(2)(A) The order terminating the parental rights of the parent who is the subject of a motion filed under this section was entered at least three (3) years before the date on which the motion to resume services was filed.~~

~~(B) The three-year waiting period may be waived if it is in the best interest of the child.~~

~~(b)(1) A motion filed under this section shall identify the parent for whom services would resume.~~

~~(2) A parent shall not be named as a party to a motion filed under this section.~~

~~(3) The petitioner shall serve the parent who is the subject of a motion filed under this section with the motion.~~

~~(4) A parent who is the subject of a motion filed under this section shall have the right to be heard at a hearing on the motion.~~

~~(c) When determining whether to grant or deny a motion filed under this section, the court shall consider the:~~

~~(1) Efforts made by the department to achieve adoption or other permanent placement for the child, including without limitation any barriers preventing permanency from being achieved;~~

~~(2) Current status of the parent who is the subject of the motion, including without limitation the extent to which the parent has remedied any conditions that led to the termination of his or her parental rights;~~

~~(3) Willingness of the parent who is the subject of the motion to participate with the services offered; and~~

~~(4) Child's wishes regarding a resumption of contact, visitation, or placement with the parent who is the subject of the motion.~~

~~(d)(1) A court may grant a motion filed under this section if it finds by a preponderance of the evidence that it is in the best interest of the child to resume services and establish appropriate contact or family time between the child and the parent or placement of the child with the parent.~~

~~(2) If the court grants a motion filed under this section, the court:~~

~~(A)(i) May order family services for the purposes of~~

~~assisting reunification between the child and a fit parent who is the subject of the motion.~~

~~(ii) The court may order the parent to pay for some or all of the costs associated with court-ordered family services;~~

~~(B)(i) May order studies, evaluations, home studies, or post-disposition reports.~~

~~(ii) A written home study on the parent who is the subject of the motion shall be submitted to the court before the court may order unsupervised visitation or placement of the juvenile with the parent.~~

~~(iii) If a study, evaluation, or home study is performed before a hearing on a motion filed under subsection (a) of this section, the results of the study, evaluation, or home study shall be served on the parent, attorney ad litem, court-appointed special advocate, and any other party to the motion at least two (2) business days before the hearing; and~~

~~(C) Shall schedule a review hearing every ninety (90) days until the court:~~

~~(i) Finds that it is not in the best interest of the child to have contact, family time, or placement with the parent;~~

~~(ii) Enters an order reinstating the rights of the parent under § 9-27-370; or~~

~~(iii) No longer has jurisdiction over the case.~~

~~(3) A staffing shall be held and a case plan developed within thirty (30) days of the date on which the order granting a motion for resumption of services under this section is entered.~~

~~(e) A court may deny a motion filed under this section if the court finds by a preponderance of the evidence that the parent who is the subject of the motion engaged in conduct that interfered with the child's ability to achieve permanency.~~

~~(f) The written order of the court shall be filed by the court, a party, or the attorney of a party as designated by the court and distributed to the parties within thirty (30) days of the date of the hearing on the motion to resume services or before the next hearing, whichever is sooner.~~

~~9-27-370. Reinstatement of parental rights.~~

~~(a) The Department of Human Services or an attorney ad litem may file~~

~~a petition to reinstate the parental rights of a parent whose parental rights have been terminated under this subchapter if the:~~

~~(1) Court has granted a motion to resume services under § 9-27-369;~~

~~(2) Services have continued for at least one hundred eighty (180) days following the date on which the court entered the order granting a motion to resume services under § 9-27-369; and~~

~~(3) Parent for whom reinstatement of parental rights is sought has substantially complied with the orders of the court and with the case plan developed under § 9-27-369.~~

~~(b) A petition to reinstate parental rights shall be filed in the circuit court that had jurisdiction over the petition to terminate the parental rights of the parent who is the subject of the petition to reinstate parental rights.~~

~~(c) A petition filed under this section shall be served on the:~~

~~(1) Attorney ad litem;~~

~~(2) Department;~~

~~(3) Parent who is the subject of the petition;~~

~~(4) Court Appointed Special Advocate Program Director, if applicable; and~~

~~(5) Child's tribe, if applicable.~~

~~(d) At least seven (7) business days before a hearing on a petition filed under this section, the department shall provide the parent, parent's counsel, attorney ad litem, court-appointed special advocate, and any other party to the petition with a written report that includes information on:~~

~~(1) The efforts made by the department to achieve adoption or another permanent placement for the child, including without limitation any barriers to the adoption or permanent placement of the child;~~

~~(2) The extent to which the parent who is the subject of the petition has complied with the case plan and orders of the court as of the date on which services were ordered to be resumed under § 9-27-369;~~

~~(3) The impact of the resumed services on the parent and on the health, safety, and well-being of the child; and~~

~~(4) Any recommendations of the department.~~

~~(e) Parental rights may be reinstated under this section if the court finds by clear and convincing evidence that:~~

~~(1) Reinstatement of parental rights is in the best interest of the child; and~~

~~(2) There has been a material change in circumstances as to the parent who is the subject of the petition since the date on which the order terminating the parental rights of the parent was entered.~~

~~(f) The court shall consider the following factors when determining whether a reinstatement of parental rights is in the best interest of the child:~~

~~(1) The likelihood of the child achieving permanency through adoption or another permanent placement;~~

~~(2) The age, maturity, and preference of the child concerning the reinstatement of parental rights;~~

~~(3) The parent's fitness and whether the parent has remedied the conditions that existed at the time of the termination of his or her parental rights; and~~

~~(4) The effect that the reinstatement of parental rights would have on the health, safety, and well-being of the child.~~

~~(g) A court may deny a petition filed under this section if the court finds by a preponderance of the evidence that the parent engaged in conduct that interfered with the child's ability to achieve permanency.~~

~~(h) An order reinstating the parental rights of the parent who is the subject of a petition filed under this section restores all rights, powers, privileges, immunities, duties, and obligations of the parent as to the child, including without limitation custody, control, and support of the child.~~

~~(i) If the child is placed with a parent whose parental rights are reinstated under this section, the court shall not close the case until the child has resided with the parent for no less than six (6) months.~~

~~(j) A written order shall be filed by the court, a party, or the attorney of a party as designated by the court within thirty (30) days of the date of the hearing on the motion to reinstate parental rights or before the next hearing, whichever is sooner.~~

~~(k) An order reinstating parental rights under this section does not:~~

~~(1) Vacate or affect the validity of a previous order terminating the parental rights of the parent who is the subject of the petition; and~~

~~(2) Restore or impact the rights of a parent who is not the subject of a petition filed under this section.~~

~~(l) This section is retroactive and applies to a child who is under the jurisdiction of a court at the time of a hearing on a petition to terminate parental rights, regardless of the date on which parental rights were terminated by court order.~~

~~9-27-371. Punitive isolation or solitary confinement of juveniles — Definitions.~~

~~(a) As used in this section:~~

~~(1) "Punitive isolation" means the placement of a juvenile in a location that is separate from the general population as a punishment; and~~

~~(2) "Solitary confinement" means the isolation of a juvenile in a cell separate from the general population as a punishment.~~

~~(b) Subject to subsection (c) of this section, a juvenile who has been placed or detained in a juvenile detention facility shall not be placed in punitive isolation or solitary confinement as a disciplinary measure for more than twenty-four (24) hours unless the:~~

~~(1) Placement of the juvenile in punitive isolation or solitary confinement is due to:~~

~~(A) A physical or sexual assault committed by the juvenile while in the juvenile detention facility;~~

~~(B) Conduct of the juvenile that poses an imminent threat of harm to the safety or well-being of the juvenile, the staff, or other juveniles in the juvenile detention facility; or~~

~~(C) The juvenile's escaping or attempting to escape from the juvenile detention facility; and~~

~~(2)(A) Director of the juvenile detention facility provides written authorization to place the juvenile in punitive isolation or solitary confinement for more than twenty-four (24) hours.~~

~~(B) The director of the juvenile detention facility shall provide the written authorization described in subdivision (b)(2)(A) of this section for every twenty-four-hour period during which the juvenile remains in punitive isolation or solitary confinement after the initial twenty-four (24) hours.~~

~~(c)(1) A juvenile who has been placed or detained in a juvenile~~

~~detention facility shall not be placed in solitary confinement if the juvenile:~~

~~(A) Is pregnant;~~

~~(B) Has delivered a child prior to or within thirty (30) days of being detained;~~

~~(C) Is breastfeeding;~~

~~(D) Is suffering from postpartum depression or another medically verifiable postpartum condition; or~~

~~(E) Is caring for a child in a juvenile detention facility.~~

~~(2) This subsection does not apply if:~~

~~(A) The juvenile has engaged in an act of violence while incarcerated or detained that either resulted in or was likely to result in serious physical injury or death to another person; or~~

~~(B) There is reasonable cause to believe that the use of solitary confinement is necessary to reduce a substantial risk of imminent serious physical injury or death to another person, as evidenced by the juvenile's recent conduct while incarcerated or detained.~~

SECTION 3. Arkansas Code § 3-3-203(f), concerning purchase or possession of intoxicating liquor, wine, or beer by a person under eighteen (18) years of age, is amended to read as follows:

(f) A person under eighteen (18) years of age who violates this section is subject to the ~~Arkansas Juvenile Code of 1989, § 9-27-301 et seq.~~ Arkansas Juvenile Code, § 9-35-101 et seq.

SECTION 4. Arkansas Code § 5-26-502(a)(3) and (4), concerning unlawful transfer of care or supervision of a juvenile by a person who was awarded custody or granted adoption of the juvenile in a dependency-neglect case, are amended to read as follows:

(3)(A) Has been awarded custody or granted an adoption or guardianship of a juvenile pursuant to or arising out of a dependency-neglect action ~~pursuant to~~ under the ~~Arkansas Juvenile Code of 1989, § 9-27-301 et seq.~~ Arkansas Juvenile Code, § 9-35-101 et seq., and subsequently places the juvenile in the care or supervision of any person:

(i) From whom the juvenile was removed; or

(ii) The court has specifically ordered not to have care, supervision, or custody of the juvenile.

(B) Subdivision (a)(3)(A) of this section shall not be construed to prohibit a placement described in subdivision (a)(3)(A) of this section if the person who has been granted custody, adoption, or guardianship obtains a court order to that effect from the juvenile division of circuit court that made the award of custody, adoption, or guardianship; or

(4) Accepts or acquiesces in taking physical custody for any length of time of a juvenile who was removed from the person or if the court has specifically ordered that the person not have care, supervision, or custody of the juvenile pursuant to or arising out of a dependency-neglect action ~~pursuant to~~ under the ~~Arkansas Juvenile Code of 1989, § 9-27-301 et seq.~~ Arkansas Juvenile Code, § 9-35-101 et seq.

SECTION 5. Arkansas Code § 5-26-502(e)(1), concerning requirements for providing notice when the Arkansas Juvenile Code of 1989, § 9-27-301 et seq., is implicated in an alleged interference with custody offense, is amended to read as follows:

(e)(1) A petitioner shall comply with the requirements of ~~§ 9-27-312~~ §§ 9-35-207, 9-35-307, and 9-35-408 ~~with regard to the giving of a~~ for providing notice ~~and~~ of the filing of a petition and the setting of a hearing on a petition.

SECTION 6. Arkansas Code § 5-26-503(e)(1), concerning requirements for providing notice when the Arkansas Juvenile Code of 1989, § 9-27-301 et seq., is implicated in an alleged interference with custody offense, is amended to read as follows:

(e)(1) The department shall comply with the requirements of ~~§ 9-27-312~~ §§ 9-35-207, 9-35-307, and 9-35-408 ~~with regard to the giving of a~~ for providing notice ~~and~~ of the filing of a petition and the setting of a hearing on a petition filed under subsection (d) of this section.

SECTION 7. Arkansas Code § 5-27-220(a), concerning contributing to the delinquency of a minor or causing a minor to be considered a juvenile in need of supervision under the Arkansas Juvenile Code of 1989, § 9-27-301 et seq., is amended to read as follows:

(a) A person is guilty of a Class A misdemeanor if the person willfully causes, aids, or encourages any minor to do or perform any act which, if done or performed, would make the minor a delinquent juvenile or juvenile in need of supervision within the meaning of this section and the ~~Arkansas Juvenile Code of 1989, § 9-27-301 et seq.~~ Arkansas Juvenile Code, § 9-35-101 et seq.

SECTION 8. Arkansas Code § 5-64-710(c)(2), concerning dispositions available when a minor whose driving privileges may be revoked is a juvenile adjudicated delinquent under the Arkansas Juvenile Code of 1989, § 9-27-301 et seq., is amended to read as follows:

(2) A juvenile adjudicated delinquent is subject to a juvenile disposition ~~provided in~~ under ~~§ 9-27-330~~ § 9-35-423.

SECTION 9. Arkansas Code § 5-64-710(e), concerning denial of driving privileges to a minor when the minor is adjudicated delinquent under the Arkansas Juvenile Code of 1989, § 9-27-301 et seq. for a drug offense or driving or boating while intoxicated, is amended to read as follows:

(e) If a juvenile is found delinquent for any offense described in subsection (a) or subsection (b) of this section, the circuit court may order any juvenile disposition available under ~~§ 9-27-330~~ § 9-35-423.

SECTION 10. Arkansas Code § 5-65-402(a)(1)(C), concerning when an arresting officer may issue a juvenile a citation to appear for a juvenile intake with a juvenile intake officer for purchase or possession of intoxicating beer, liquor, or wine or for attempting to purchase intoxicating beer, liquor, or wine with a fraudulent or altered personal identification document, is amended to read as follows:

(C)(i) If a juvenile, as defined in the ~~Arkansas Juvenile Code of 1989, § 9-27-301 et seq.~~ Arkansas Juvenile Code, § 9-35-101 et seq., is arrested for violating § 3-3-203(a) or § 5-27-503(a)(3), the arresting officer shall issue the juvenile a citation to appear for a juvenile intake with a juvenile intake officer.

(ii) The arresting officer shall forward a copy of the citation and the license, permit, or other evidence of the driving privilege to the juvenile office before the scheduled juvenile intake.

(iii) Juveniles subject to the jurisdiction of the circuit court under the ~~Arkansas Juvenile Code of 1989, § 9-27-301 et seq.~~ Arkansas Juvenile Code, § 9-35-101 et seq., shall not be subject to this section, except as provided in this subdivision (a)(1).

SECTION 11. Arkansas Code § 5-65-402(h), concerning when the surrender of a person's license, permit, or other evidence of driving privilege to an arresting law enforcement officer does not apply to a juvenile, is amended to read as follows:

(h) Except as provided in subsection (a) of this section, this section shall not apply to juveniles subject to the ~~Arkansas Juvenile Code of 1989, § 9-27-301 et seq.~~ Arkansas Juvenile Code, § 9-35-101 et seq.

SECTION 12. Arkansas Code § 6-10-134(f), concerning when records of the arrest of, detention of, investigation of, or proceedings involving a minor are subject to disclosure, is amended to read as follows:

(f) Records of the arrest of, the detention of, investigation of, or proceedings involving a minor are confidential and are not subject to disclosure under the Freedom of Information Act of 1967, § 25-19-101 et seq., unless:

(1) Authorized by a written order of the juvenile division of circuit court;

(2) The arrest or the proceedings result in the minor being formally charged in the criminal division of circuit court for a felony; or

(3) As allowed under this section or ~~§ 9-27-320~~ § 9-35-414.

SECTION 13. Arkansas Code § 6-18-222(a)(6)(A)(i), concerning when a family in need of services petition may be filed or a diversion agreement entered regarding a student with unexcused absences, is amended to read as follows:

(6)(A)(i) Upon notification by the school district or the adult education program to the prosecuting authority, the prosecuting authority shall file in circuit court a family in need of services petition ~~pursuant to~~ under ~~§ 9-27-310~~ § 9-35-205 or enter into a diversion agreement with the student ~~pursuant to~~ under ~~§ 9-27-323~~ § 9-35-209.

SECTION 14. Arkansas Code § 6-20-104(a)(2), concerning when a juvenile detention facility shall provide educational and other rehabilitative services to juveniles who are adjudicated delinquent, is amended to read as follows:

(2) Under ~~§ 9-27-330(a)(11)~~ § 9-35-423(a)(11), such juvenile detention facility ~~must~~ shall provide educational and other rehabilitative services to ~~adjudicated delinquents~~ juveniles who are adjudicated delinquent and who may be ordered by the court to remain in the juvenile detention facility for an indeterminate period not to exceed ninety (90) days.

SECTION 15. Arkansas Code § 9-9-202(2), concerning the definition of "court" under the Revised Uniform Adoption Act, § 9-9-201 et seq., is amended to read as follows:

(2) "Court" means all probate divisions of circuit courts in this state, or the juvenile divisions of circuit courts when exercising jurisdiction over adoption cases pursuant to ~~§§ 9-27-301 — 9-27-339, 9-27-340 [repealed], and 9-27-341 — 9-27-345~~ the Arkansas Juvenile Code, § 9-35-101 et seq., and, when the context requires, means the court of any other state empowered to grant petitions for adoption;

SECTION 16. Arkansas Code § 9-9-205(a)(3)(A), concerning jurisdiction of an adoption when the juvenile is the subject matter of an open case under the Arkansas Juvenile Code of 1989, § 9-27-301 et seq., is amended to read as follows:

(3)(A) If the juvenile is the subject matter of an open case filed under the ~~Arkansas Juvenile Code of 1989, § 9-27-301 et seq.~~ Arkansas Juvenile Code, § 9-35-101 et seq., the adoption petition shall be filed in that case.

SECTION 17. Arkansas Code § 9-9-207(a), concerning when consent is not required for adoption of a minor, is amended to read as follows:

(a) Consent to adoption is not required of:

(1) a parent who has deserted a child without affording means of identification or who has abandoned a child;

(2) a parent of a child in the custody of another, if the parent for a period of at least one (1) year has failed significantly without

justifiable cause (i) to communicate with the child or (ii) to provide for the care and support of the child as required by law or judicial decree;

(3) the father of a minor if the father's consent is not required by § 9-9-206(a)(2);

(4) a parent who has relinquished his or her right to consent under § 9-9-220;

(5) a parent whose parental rights have been terminated by order of court under § 9-9-220 or ~~§ 9-27-341~~ § 9-35-325;

(6) a parent judicially declared incompetent or mentally defective if the court dispenses with the parent's consent;

(7) any parent of the individual to be adopted, if the individual is an adult;

(8) any legal guardian or lawful custodian of the individual to be adopted, other than a parent, who has failed to respond in writing to a request for consent for a period of sixty (60) days or who, after examination of his or her written reasons for withholding consent, is found by the court to be withholding his or her consent unreasonably;

(9) the spouse of the individual to be adopted, if the failure of the spouse to consent to the adoption is excused by the court by reason of prolonged unexplained absence, unavailability, incapacity, or circumstances constituting an unreasonable withholding of consent;

(10) a putative father of a minor who signed an acknowledgement of paternity but who failed to establish a significant custodial, personal, or financial relationship with the juvenile prior to the time the petition for adoption is filed; or

(11) a putative father of a minor who is listed on the Putative Father Registry but who failed to establish a significant custodial, personal, or financial relationship with the juvenile prior to the time the petition for adoption is filed.

SECTION 18. Arkansas Code § 9-9-212(f), concerning notification of adoption proceedings for a minor when one (1) parent of a child is deceased and the parent-child relationship was not eliminated at the time of the parent's death, is amended to read as follows:

(f) When one (1) parent of a child or children is deceased, and the parent-child relationship has not been eliminated at the time of death, and

adoption proceedings are instituted subsequent to such decease, the parents of the deceased parent shall be notified under the procedures prescribed in this subchapter of such adoption proceedings, except when the surviving parent-child relationship has been terminated pursuant to ~~§ 9-27-341~~ § 9-35-325.

SECTION 19. Arkansas Code § 9-9-217(a)(1)(B), concerning when a member of the General Assembly may attend an adoption hearing held under the Arkansas Juvenile Code of 1989, § 9-27-301 et seq., is amended to read as follows:

(B)(i) A member of the General Assembly may attend an adoption hearing related to a juvenile case that is held under the ~~Arkansas Juvenile Code of 1989, § 9-27-301 et seq.~~ Arkansas Juvenile Code, § 9-35-101 et seq., unless the court excludes the member of the General Assembly based on the:

(a) Best interest of the child; or

(b) Court's authority under the Arkansas Rules of Civil Procedure or the Arkansas Rules of Evidence.

SECTION 20. Arkansas Code § 9-9-217(a)(1)(C)(i)(a), concerning when a Child Welfare Ombudsman may attend an adoption hearing held under the Arkansas Juvenile Code of 1989, § 9-27-301 et seq., is amended to read as follows:

(C)(i)(a) A Child Welfare Ombudsman may attend an adoption hearing related to a juvenile case under the ~~Arkansas Juvenile Code of 1989, § 9-27-301 et seq.~~ Arkansas Juvenile Code, § 9-35-101 et seq.

SECTION 21. Arkansas Code § 9-9-217(a)(2)(B)(i), concerning the confidentiality of adoption hearings and records when an adoption is heard or filed under the Arkansas Juvenile Code of 1989, § 9-27-301 et seq., is amended to read as follows:

(B)(i) When an adoption is filed or heard pursuant to the ~~Arkansas Juvenile Code of 1989, § 9-27-301 et seq.~~ Arkansas Juvenile Code, § 9-35-101 et seq., any portion of the court file relating to the adoption shall be maintained separately from the file of other pending juvenile matters concerning the juvenile who is the subject of the adoption or the

family of the juvenile.

SECTION 22. Arkansas Code § 9-9-407(d), concerning when a family is eligible for an adoption subsidy for a child in foster care, is amended to read as follows:

(d) State-funded subsidies may be available, as determined by the department, for an adult who:

(1) Is in foster care at eighteen (18) years of age;

(2) Participates in an extended foster care program under ~~§ 9-27-306 or § 9-28-114~~ § 9-35-302; and

(3) Is not Title IV-E eligible.

SECTION 23. Arkansas Code § 9-10-102(h)(1), concerning jurisdiction over a paternity hearing when an interested person is a parent or putative father as defined under the Arkansas Juvenile Code of 1989, § 9-27-301 et seq., is amended to read as follows:

(h)(1) If the child or children at issue are subjects of an open dependency-neglect action filed under the ~~Arkansas Juvenile Code of 1989, § 9-27-301 et seq.~~ Arkansas Juvenile Code, § 9-35-101 et seq., the determination or disestablishment of paternity shall be addressed in that suit with a determination to be made as to whether the interested person is a parent or a putative father as defined in ~~§ 9-27-303~~ § 9-35-102.

SECTION 24. Arkansas Code § 9-13-103(i), concerning when provisions of law related to grandparent visitation are not applicable to a certain child, is amended to read as follows:

(i) This section does not apply to dependency-neglect proceedings conducted under the ~~Arkansas Juvenile Code of 1989, § 9-27-301 et seq.~~ Arkansas Juvenile Code, § 9-35-101 et seq.

SECTION 25. Arkansas Code § 9-27-401(b)(5)(A)(i), concerning appointed counsel for a parent in a dependency-neglect proceeding, is amended to read as follows:

(5)(A)(i) In the transition to a state-funded system of dependency-neglect representation, it is the intent of the General Assembly to provide an appropriate and adequate level of representation to all

children in dependency-neglect proceedings as required under federal and state law ~~pursuant to~~ under ~~§ 9-27-316~~ § 9-35-208.

SECTION 26. Arkansas Code § 9-27-505(g)(2), concerning when alternative dispositions apply to a juvenile who is adjudicated delinquent when the offense would not have subjected him or her to extended juvenile jurisdiction adjudication, is amended to read as follows:

(2) If the juvenile is adjudicated delinquent for an offense that would not have subjected him or her to extended juvenile jurisdiction, the court shall enter any of the dispositions available under ~~§ 9-27-330~~ § 9-35-423.

SECTION 27. Arkansas Code § 9-27-506 is amended to read as follows:

9-27-506. Extended juvenile jurisdiction disposition hearing.

If a juvenile is found delinquent as an extended juvenile jurisdiction offender, the circuit court shall enter the following dispositions:

(1) Order any of the juvenile dispositions authorized by ~~§ 9-27-330~~ § 9-35-423; and

(2) Suspend the imposition of an adult sentence pending court review.

SECTION 28. Arkansas Code § 9-27-507(b), concerning when a circuit court may amend a juvenile disposition or impose an adult sentence in an extended juvenile jurisdiction review hearing, is amended to read as follows:

(b) If the court finds by a preponderance of the evidence that the juvenile has violated a juvenile disposition order, has been found delinquent or guilty of committing a new offense, or is not amenable to rehabilitation in the juvenile system, the court may:

(1) Amend or add any juvenile disposition authorized by ~~§ 9-27-330~~ § 9-35-423; or

(2)(A)(i) Exercise its discretion to impose the full range of adult sentencing available in the criminal division of circuit court, including probation, suspended imposition of sentence, and imprisonment.

(ii) However, a sentence of imprisonment shall not exceed forty (40) years except for juveniles adjudicated for capital murder, § 5-10-101, and murder in the first degree, § 5-10-102, who may be sentenced

for any term, up to and including life.

(B) Statutory provisions prohibiting or limiting probation or suspended imposition of sentence, parole, or post-release transfer for offenses when committed by an adult shall not apply to juveniles sentenced as extended juvenile jurisdiction offenders.

(C) A juvenile shall receive credit for time served in a juvenile detention facility or any juvenile facility.

(D)(i) A court may not order an absolute release of an extended juvenile jurisdiction offender who has been adjudicated delinquent for capital murder, § 5-10-101, or murder in the first degree, § 5-10-102.

(ii) If release is ordered, the court shall impose a period of probation for not less than three (3) years.

SECTION 29. Arkansas Code § 9-27-602(d)(2), concerning when a court determines that a parent, guardian, or custodian of a juvenile can pay for court-ordered mental health services, is amended to read as follows:

(2) If the court determines an ability to pay, the court shall enter such an order for payment ~~pursuant to~~ under ~~§ 9-27-333(e)~~ § 9-35-213(e).

SECTION 30. Arkansas Code § 9-27-702 is amended to read as follows:

9-27-702. Definitions.

As used in this subchapter, "parent" means the same as under ~~§ 9-27-303~~ § 9-35-102, and "parent" also includes a guardian as defined under ~~§ 9-27-303~~ § 9-35-102 and a custodian as defined under ~~§ 9-27-303~~ § 9-35-102.

SECTION 31. Arkansas Code § 9-27-803(e)(1) and (2), concerning services that may be ordered by a family treatment specialty court supplemental to services provided by the Department of Human Services, are amended to read as follows:

(e)(1) Services ordered by a family treatment specialty court program shall be supplemental to the services provided by the Department of Human Services, including without limitation:

(A) Cash assistance and family services authorized under ~~§ 9-27-303~~ § 9-35-102; and

(B) Other dispositions authorized under ~~§ 9-27-334~~ § 9-35-

320.

(2) A family treatment specialty court ~~must~~ shall comply with ~~§ 9-27-335~~ § 9-35-321 before ordering services.

SECTION 32. Arkansas Code § 9-27-805(b), concerning eligibility for participation in a family treatment specialty court when the person is a parent, guardian, custodian, or other caretaker of a juvenile found to be dependent or dependent-neglected, is amended to read as follows:

(b) A person is eligible for participation in a family treatment specialty court program if:

(1) The person is a parent, guardian, custodian, or other caretaker of a juvenile found by the court to be dependent or dependent-neglected; and

(2) The person agrees to comply with the policies and procedures developed by the family treatment specialty court program, as well as the ~~Arkansas Juvenile Code of 1989, § 9-27-301 et seq.~~ Arkansas Juvenile Code, § 9-35-101 et seq.

SECTION 33. Arkansas Code § 9-28-111 is amended to read as follows:

9-28-111. Case plans — Definition.

(a) The Department of Human Services shall be responsible for developing case plans in all dependency-neglect cases and in family-in-need-of-services cases when custody is transferred to the department under ~~§ 9-27-328~~ § 9-35-318. The case plan shall be:

(1)(A) Developed in consultation with the juvenile's parent, guardian, or custodian and, if appropriate, the juvenile, the juvenile's foster parents, the court-appointed special advocate, the juvenile's attorney ad litem, and all parties' attorneys.

(B) If the parents are unwilling or unable to participate in the development of the case plan, the department shall document the parents' unwillingness or inability to participate and provide a copy of the written documentation to the parent, if available. The department shall then prepare a case plan conforming as nearly as possible with the requirements set forth in this section.

(C) A parent's incarceration, by itself, does not make a parent unavailable to participate in the development of a case plan.

(D)(i) The parent, guardian, or custodian and juvenile may choose additional members to be part of the case planning team.

(ii) The department may reject a selected individual for good cause;

(2)(A) Developed and filed with the court no later than thirty (30) days after the date the petition was filed or the juvenile was first placed out of home, whichever is sooner.

(B) If the department does not have sufficient information before the adjudication hearing to complete all of the case plan, the department shall complete those parts for which information is available.

(C) All parts of the case plan shall be completed and filed with the court thirty (30) days after the adjudication hearing;

(3) Signed by and distributed to all parties and distributed to the juvenile's attorney ad litem, court-appointed special advocate, and foster parents, if available; and

(4)(A) Subject to modification based on changing circumstances.

(B) All parties to the case plan shall be notified of any substantive change to the case plan.

(C) A substantive change to a case plan includes without limitation a change in the placement of the juvenile, the family time rights of any party, or the goal of the case plan.

(b) When a juvenile is receiving services in the home of the parent, guardian, or custodian, the case plan shall include the requirements listed in subsection (a) of this section and:

(1) A description of the problems being addressed;

(2) A description of the services to be provided to the family and juvenile specifically addressing the identified problems and time frames for providing services;

(3) A description of any reasonable accommodations made to parents in accordance with the Americans with Disabilities Act of 1990, 42 U.S.C. § 12101 et seq., to assure to all the parents meaningful access to reunification and family preservation services;

(4) The name of an individual who the petitioner, parent, guardian, or custodian knows is claiming to be or who is named as the father or possible father of the juvenile and whose paternity of the juvenile has not been judicially determined; and

(5) A description of how the health and safety of the juvenile will be protected.

(c) When a juvenile is receiving services in an out-of-home placement, the case plan must include the requirements in subsections (a) and (b) of this section and:

(1)(A) A description of the permanency goal.

(B) If adoption is not the goal at the permanency planning and fifteenth-month hearing, the department shall document in the case plan a compelling reason why filing a petition to terminate parental rights is not in the best interest of the juvenile;

(2) The specific reasons for the placement of the juvenile outside the home, including a description of the problems or conditions in the home of the parent, guardian, or custodian that required removal of the juvenile and the remediation of which will determine the return of the juvenile to the home;

(3) A description of the type of out-of-home placement selected for the juvenile, including a discussion of the appropriateness of the placement;

(4) A plan for addressing the needs of the juvenile while in the placement, with emphasis on the health, safety, and well-being of the juvenile, including a discussion of the services provided over the previous six (6) months;

(5)(A) The specific actions to be taken by the parent, guardian, or custodian of the juvenile to eliminate or correct the identified problems or conditions and the time period during which the specific actions are to be taken.

(B) The plan may include any person or agency who agrees to be responsible for the provision of social and other family services to the juvenile or the parent, guardian, or custodian of the juvenile;

(6) The family time rights and obligations of the parent, guardian, or custodian and the state agency during the time period the juvenile is in the out-of-home placement;

(7) The social and other family services to be provided to the parent, guardian, or custodian of the juvenile, and foster parent, if any, during the time period the juvenile is in placement and a timetable for providing the services, the purposes of which are to promote a continuous and

stable living environment for the juvenile, promote family autonomy, strengthen family life when possible, and promote the reunification of the juvenile with the parent, guardian, or custodian;

(8) To the extent available and accessible, the health and education records of the juvenile, under 42 U.S.C. § 675(1);

(9) A description of the financial support obligation to the juvenile, including health insurance of the parent, parents, or guardian of the juvenile;

(10)(A) A description of the location of siblings;

(B) Documentation of the efforts made to place siblings removed from their home in the same placement, unless the department documents that a joint placement would be contrary to the safety or well-being of any of the siblings; and

(C) Documentation of the efforts made to provide for frequent family time or other ongoing interaction between the siblings in the case of siblings removed from their home who are not placed together, unless the department documents that frequent family time or other ongoing interaction would be contrary to the safety or well-being of any of the siblings;

(11) When appropriate for a juvenile sixteen (16) years of age and over, the case plan shall include a written description of the programs and services that will help the juvenile prepare for the transition from foster care to independent living;

(12) A written notice to the parent or parents that failure of the parent or parents to substantially comply with the case plan may result in the termination of parental rights and that a material failure to substantially comply may result in the filing of a petition for termination of parental rights sooner than the compliance periods stated in the case plan;

(13)(A) A plan for ensuring the placement of the child in foster care that takes into account the appropriateness of the current educational setting and the proximity of the school in which the child is enrolled at the time of placement, as required under § 9-27-103 [repealed]; and

(B)(i) An assurance that the department has coordinated with appropriate local educational agencies to ensure that the child remains at the school where the child is enrolled at the time of placement; or

(ii) If remaining at the school is not in the best interest of the child, assurances by the department and the local educational agencies to provide immediate and appropriate enrollment in a new school, with all of the educational records of the child provided to the new school; and

(C)(i) An assurance that each child who has attained the minimum age for compulsory school attendance is a full-time elementary or secondary school student or has completed secondary school.

(ii) For purposes of this section, "elementary or secondary school student" means, with respect to a child, that the child is:

(a) Enrolled, or in the process of enrolling, in a public elementary or secondary school;

(b) Home schooled under § 6-15-501 et seq.;

(c) Enrolled in a private elementary or secondary school; or

(d) Incapable of attending school on a full-time basis due to the medical condition of the child, and the medical condition incapability is supported by regularly updated information in the case plan;

(14) The department, in conjunction with other representatives of the juvenile, shall provide the juvenile with assistance and support in developing a transition plan that is personalized at the direction of the juvenile and includes specific options on housing, health insurance, educational opportunities, local opportunities for mentors and continuing support services, and workforce supports and employment services~~,~~ and is as detailed as the juvenile may elect as required under ~~§ 9-27-363~~ § 9-35-334; and

(15) When a juvenile is fourteen (14) years of age or older, the juvenile shall be provided a:

(A) Separate document that describes:

(i) The rights of the juvenile concerning education, health, visitation, and court participation;

(ii) The right to obtain a copy of a credit report each year the juvenile remains in the custody of the department at no cost to the juvenile; and

(iii) The right of the juvenile to receive assistance

in interpreting and resolving inaccuracies in the credit report; and

(B) A signed acknowledgement by the juvenile that:

(i) The juvenile has been provided with a copy of the document required under subdivision (c)(15)(A) of this section; and

(ii) The department explained the rights to the juvenile in a developmentally appropriate and age-appropriate way.

(d) The case plan is subject to court review and approval.

(e) The participation of a parent, guardian, or custodian in the development of a case plan or the acceptance of a case plan shall not constitute an admission of dependency-neglect.

SECTION 34. Arkansas Code § 9-28-120(c)(1), concerning public disclosure of information on child maltreatment and child deaths when the child was in an out-of-home placement as defined under § 9-27-303(40), is amended to read as follows:

(c)(1) Upon request, the department shall release the following information when a child dies if that child was in an out-of-home placement as defined under ~~§ 9-27-303(40)~~ § 9-35-102(41):

(A) Age, race, and gender of the child;

(B) Date of the child's death;

(C) Preliminary cause of death;

(D) County and type of placement of the child at the time of the incident; and

(E) Action by the department.

SECTION 35. Arkansas Code § 9-28-203(b), concerning services provided by the Division of Youth Services, is amended to read as follows:

(b) In addition to other duties enumerated in this subchapter, the Division of Youth Services shall provide services as follows:

(1) The Civilian Student Training Program shall provide services to youths that shall consist of, but not be limited to, school reintegration, counseling, tutoring, job placement counseling, corrective behavior skill counseling, and training;

(2)(A) Case management services shall include, but not be limited to:

(i) Making placement recommendations to court

authorities; and

(ii) Arrangement, coordination, and monitoring of services for a juvenile.

(B) These services may be acquired by agreement with community providers, other agencies, or individuals as necessary;

(3)(A) Client-specific services shall consist of, but not be limited to:

(i) Independent living, tracker, or proctor services;

(ii) Family or individual therapy; and

(iii) Individualized treatment or supportive care services.

(B) These services may be acquired by agreement with comprehensive community-based providers capable of delivering the required continuum of services;

(4)(A) Reduction-in-commitment services shall include services to address public safety, supervision, and rehabilitative needs of youths who may otherwise be detained, incarcerated, or committed to the Division of Youth Services.

(B) Reduction-in-commitment services may include without limitation:

(i) Electronic monitoring;

(ii) Family or individual therapy;

(iii) Day treatment services;

(iv) Residential or outpatient mental health counseling, sex offender counseling, or substance abuse counseling;

(v) Parenting classes for youths or custodians;

(vi) Respite care; and

(vii) Emergency shelter services.

(C) These services may be acquired by agreement with comprehensive community-based providers capable of delivering the required continuum of services.

(D) [Repealed.];

(5)(A) Serious offender programs for youths charged with violent offenses shall consist of appropriate residential treatment programs at any of the youth services centers or facilities.

(B) Serious offender programs or community-based programs may be acquired by agreements with entities or agencies deemed appropriate and capable of providing such services;

(6) Less restrictive community-based programs selected by the Director of the Division of Youth Services for youths not deemed at risk of performing violent offenses;

(7)(A) Observation and assessment services shall consist of, but not be limited to, those activities necessary to ensure appropriate recommendations for intervention, services, and placement of low-risk and medium-risk juveniles.

(B) Observation and assessment services may be acquired by agreements with community providers or other agencies or individuals deemed to have the appropriate level of expertise to perform observation and assessment or diagnosis and evaluation.

(C)(i) The Division of Youth Services shall use validated risk assessments for all juveniles committed to the Division of Youth Services.

(ii) The Division of Youth Services shall provide individualized treatment and placement decisions, with measureable goals and regular reassessments, based on the results of an initial assessment and the risk level assigned to the juvenile by the validated risk assessment used in the court's commitment decision under ~~§ 9-27-330(a)(1)(B)~~ § 9-35-423(a)(1)(B);

(8)(A) Residential observation and assessment services shall consist of, but not be limited to, those activities necessary to ensure appropriate recommendations for intervention, services, and placement of high-risk juveniles.

(B) Residential observation and assessment services may be performed by or at appropriate state-operated facilities or by agreement with appropriate agencies or individuals deemed to have the appropriate level of expertise to perform residential observation and assessment or diagnosis and evaluation.

(C)(i) The Division of Youth Services shall use validated risk assessments for all juveniles committed to the Division of Youth Services.

(ii) The Division of Youth Services shall provide

individualized treatment and placement decisions, with measurable goals and regular reassessments, based on the results of an initial assessment and the risk level assigned to the juvenile by the validated risk assessment used in the court's commitment decision under ~~9-27-330(a)(1)(B)~~ § 9-35-423(a)(1)(B);

(9)(A)(i) Community-based alternative basic services shall consist of, but not be limited to, prevention, intervention, casework, treatment, counseling, observation and assessment, case management, and residential services.

(ii) Community-based alternative basic services shall be provided through a treatment model that is evidence-based, developmentally appropriate, family-centered, strength-based, and trauma-informed.

(iii) Primary goals for community-based alternative basic services shall be the prevention of youths from entering the juvenile justice system and the provision of professional, community-based, least-cost services to youths.

(B) These services may be acquired by agreements with comprehensive community-based providers capable of delivering the required continuum of services;

(10)(A) Expanded services may consist of, but not be limited to:

(i) Expansion of existing programs;

(ii) Specific programs for alcohol, drug, or sex offenders;

(iii) Special therapeutic treatment programs or client-specific services in which a consistent population has been defined as in need of multidiscipline care and services;

(iv) Expansion of proven, effective, early intervention and prevention program activities; and

(v) Restoration of previously proven effective interventions that prevent incarceration.

(B) Utilization of funds appropriated for expanded services shall be as directed by the director; and

(11) The Division of Youth Services shall provide monitoring and technical assistance to review the quality and consistency of reforms to the juvenile justice system.

SECTION 36. Arkansas Code § 9-28-208(b)(1), concerning entry of an

order of detention and commitment to a youth services center, is amended to read as follows:

(b)(1) Upon entry of an order of detention and commitment to a youth services center ~~pursuant to~~ under ~~§ 9-27-330~~ § 9-35-423 or § 9-27-509, a court shall transmit to the Division of Youth Services:

(A) A copy of the commitment order;

(B) A copy of the validated risk assessment instrument; and

(C) Records or information pertaining to the juvenile compiled by the intake officer or juvenile probation officer that shall include:

(i) Information on the juvenile's background, history, behavioral tendencies, and family status;

(ii) The reasons for the juvenile's commitment;

(iii) The name of the school in which the juvenile is currently or was last enrolled;

(iv) The juvenile's offense history;

(v) The juvenile's placement history;

(vi) A copy of all psychological or psychiatric evaluations or examinations performed on the juvenile admitted into evidence or ordered by the court while under the jurisdiction of the court or the supervision of the court staff;

(vii) A comprehensive list of all current medications taken by the juvenile; and

(viii) A comprehensive list of all medical treatment currently being provided to the juvenile.

SECTION 37. Arkansas Code § 9-28-402(6), concerning the definition of "child" under the Child Welfare Agency Licensing Act, § 9-28-401 et seq., is amended to read as follows:

(6) "Child" means a person who is:

(A) From birth to eighteen (18) years of age; or

(B) Adjudicated dependent-neglected, dependent, or a member of a family in need of services before eighteen (18) years of age and for whom the juvenile division of a circuit court retains jurisdiction under the ~~Arkansas Juvenile Code of 1989, § 9-27-301 et seq.~~ Arkansas Juvenile

Code, § 9-35-101 et seq.;

SECTION 38. Arkansas Code § 9-28-407(h)(1), concerning materials compiled or received by a licensee or state agency in placing a child under the Child Welfare Agency Licensing Act, § 9-28-401 et seq., is amended to read as follows:

(h)(1) Reports, correspondence, memoranda, case histories, or other materials, including protected health information, compiled or received by a licensee or a state agency engaged in placing a child, including both foster care and protective services records, shall be confidential and shall not be released or otherwise made available except to the extent permitted by federal law and only:

(A) To the Director of the Child Welfare Agency Review Board as required by rule;

(B) For adoptive placements as provided by the Revised Uniform Adoption Act, § 9-9-201 et seq.;

(C) To multidisciplinary teams under § 12-18-106(a);

(D)(i) To the child's parent, guardian, or custodian.

(ii) However, the licensee or state agency may redact information from the record such as the name or address of foster parents or providers when it is in the best interest of the child.

(iii) The licensee or state agency may redact counseling records, psychological or psychiatric evaluations, examinations, or records, drug screens or drug evaluations, or similar information concerning a parent if the other parent is requesting a copy of a record;

(E) To the child;

(F)(i) To healthcare providers to assist in the care and treatment of the child at the discretion of the licensee or state agency and if deemed to be in the best interest of the child.

(ii) "Healthcare providers" includes doctors, nurses, emergency medical technicians, counselors, therapists, mental health professionals, and dentists;

(G) To school personnel and daycare centers caring for the child at the discretion of the licensee or state agency and if deemed to be in the best interest of the child;

(H)(i) To foster parents, the foster care record for

children in foster care currently placed in their home.

(ii) However, information about the parents or guardians and any siblings not in the foster home shall not be redisclosed by a foster parent and shall only be used to assist the foster parent in the care of the child;

(I)(i) To the board.

(ii) However, at any board meeting no information that identifies by name or address any protective services recipient or foster care child shall be orally disclosed or released in written form to the general public;

(J) To the Division of Child Care and Early Childhood Education;

(K) For any audit or similar activity conducted in connection with the administration of any such plan or program by any governmental agency that is authorized by law to conduct the audit or activity;

(L) Upon presentation of an order of appointment, to a court-appointed special advocate;

(M) To the attorney ad litem for the child;

(N) For law enforcement or the prosecuting attorney upon request;

(O) To circuit courts, as provided for in the ~~Arkansas Juvenile Code of 1989, § 9-27-301 et seq.~~ Arkansas Juvenile Code, § 9-35-101 et seq.;

(P) In a criminal or civil proceeding conducted in connection with the administration of any such plan or program;

(Q) For purposes directly connected with the administration of any of the state plans as outlined at 42 U.S.C. § 671(a)(8), as in effect January 1, 2001;

(R) For the administration of any other federal or federally assisted program that provides assistance, in cash or in kind, or services, directly to individuals on the basis of need;

(S)(i) To individual federal and state representatives and senators in their official capacity and their staff members with no redisclosure of information.

(ii) No disclosure shall be made to any committee or

legislative body of any information that identifies by name or address any recipient of services;

(T) To a grand jury or court upon a finding that information in the record is necessary for the determination of an issue before the court or grand jury;

(U) To a person, provider, or government entity identified by the licensee or the state agency as having services needed by the child or his or her family;

(V) To volunteers authorized by the licensee or the state agency to provide support or services to the child or his or her family at the discretion of the licensee or the state agency and only to the extent information is needed to provide the support or services;

(W)(i) To a person, agency, or organization engaged in a bona fide research or evaluation project that is determined by the Division of Children and Family Services to have value for the evaluation or development of policies and programs within the Division of Children and Family Services.

(ii) Any confidential information provided by the department for a research or evaluation project under this subdivision (h)(1)(W) shall not be redisclosed or published;

(X) To a child fatality review panel as authorized by the department;

(Y) To the Child Welfare Ombudsman; or

(Z)(i) To a currently or previously licensed foster parent.

(ii) A foster parent shall only receive records:

(a) Concerning a child who was previously placed in the home of the foster parent and that are relevant to the period of time in which the child was placed in the home of the foster parent; and

(b) For which the foster parent has a legitimate need as determined by the licensee or department.

(2) Foster home and adoptive home records are confidential and shall not be released except:

(A) To the foster parents or adoptive parents;

(B) For purposes of review or audit, by the appropriate federal or state agency;

(C) Upon allegations of child maltreatment in the foster home or adoptive home, to the investigating agency;

(D) To the board;

(E) To the Division of Children and Family Services and the Division of Elementary and Secondary Education, including child welfare agency licensing specialists;

(F) To law enforcement or the prosecuting attorney upon request;

(G) To a grand jury or court upon a finding that information in the record is necessary for the determination of an issue before the court or grand jury;

(H)(i) To individual federal and state representatives and senators in their official capacity and their staff members with no redisclosure of information.

(ii) No disclosure shall be made to any committee or legislative body of any information that identifies by name or address any recipient of services;

(I) To the attorney ad litem and court-appointed special advocate, the home studies on the potential adoptive families selected by the department to adopt the juvenile or as ordered by the court; or

(J)(i) To a person, agency, or organization engaged in a bona fide research or evaluation project that is determined by the Division of Children and Family Services to have value for the evaluation or development of policies and programs within the Division of Children and Family Services.

(ii) Any confidential information provided by the department for a research or evaluation project under this subdivision (h)(2)(J) shall not be redisclosed or published.

(3)(A) Any person or agency to whom disclosure is made shall not disclose to any other person reports or other information obtained pursuant to this subsection.

(B) Any person disclosing information in violation of this subsection shall be guilty of a Class C misdemeanor.

(C) Nothing in this subchapter shall be construed to prevent subsequent disclosure by the child or his or her parent or guardian.

(D) Any data, records, reports, or documents released under this section to a law enforcement agency, the prosecuting attorney, or

a court by the department are confidential and shall be sealed and not redisclosed without a protective order to ensure that items of evidence for which there is a reasonable expectation of privacy are not distributed to persons or institutions without a legitimate interest in the evidence.

SECTION 39. Arkansas Code § 9-32-203(g)(1), concerning when the Department of Human Services shall report a child death, is amended to read as follows:

(g)(1) The department shall report when a child dies if that child was in an out-of-home placement as defined under ~~§ 9-27-303~~ § 9-35-102.

SECTION 40. Arkansas Code § 9-32-204(f)(1), concerning when the Department of Human Services shall report a child death, is amended to read as follows:

(f)(1) The department shall report when a child dies if that child was in an out-of-home placement as defined under ~~§ 9-27-303~~ § 9-35-102.

SECTION 41. Arkansas Code § 9-34-202(b)(3)(A), concerning delivery of a child who is thirty (30) days of age or younger to a medical provider, law enforcement agency, fire department, or in a newborn safety device and when the identity of that child or surrendering parent is released, is amended to read as follows:

(3)(A) If the identity of a parent or child is released or made known to the Department of Human Services in violation of subdivision (b)(2) of this section, the case shall proceed as a dependency-neglect action as defined under ~~§ 9-27-303~~ § 9-35-102, but with the same protections from liability as if an anonymous surrender was made under this section.

SECTION 42. Arkansas Code § 9-34-202(b)(3)(B)(i), concerning when a parent shall not be held criminally liable when surrendering a child who is thirty (30) days of age or younger to a medical provider, law enforcement agency, fire department, or in a newborn safety device, is amended to read as follows:

(B)(i) If the child is relinquished at a location defined in § 9-34-201, the parent shall not be held criminally liable for the relinquishment or have a true finding of maltreatment or abandonment entered

against the parent if the parent's identity is known and the Department of Human Services proceeds under ~~§ 9-27-341~~ § 9-35-325.

SECTION 43. Arkansas Code § 9-34-203(b), concerning care of a child and a child's permanency plan when the child is thirty (30) days of age or younger to a medical provider, law enforcement agency, fire department, or in a newborn safety device, is amended to read as follows:

(b)(1) The law enforcement officer, employee of the fire department, or employee of the hospital shall immediately notify the Division of Children and Family Services, which shall initiate a dependency-neglect petition under the ~~Arkansas Juvenile Code of 1989, § 9-27-301 et seq.~~ Arkansas Juvenile Code, § 9-35-101 et seq., and shall proceed under ~~§ 9-27-341~~ § 9-35-325.

(2)(A) Within fourteen (14) days of filing a dependency-neglect petition, the Department of Human Services shall publish a notification by warning order in a newspaper having general circulation in the county where the proceeding was filed one (1) time a week for four (4) weeks.

(B) The notification shall contain:

(i) The caption of the pleadings in the dependency-neglect case;

(ii) The location where the child was delivered;

(iii) The date the child was delivered; and

(iv) Notice that a dependency-neglect proceeding has been filed, and that any parent claiming rights to the child must file a responsive pleading or motion and appear before the court hearing the case to defend the parent's claim within thirty (30) days from the date of last publication.

(C) If the identity of a parent or child is released or made known to the Department of Human Services in violation of § 9-34-202(b)(2), the case shall proceed as a dependency-neglect action as defined under ~~§ 9-27-303~~ § 9-35-102, but with the same protections from liability as if an anonymous surrender was made under this section.

(D) If no responsive pleadings are filed by the parent within thirty (30) days from the date of last publication and there are prospective adoptive parents seeking to adopt the child, the Department of Human Services may proceed with the filing of an adoption petition without

further notice.

SECTION 44. Arkansas Code Title 9 is amended to add an additional chapter to read as follows:

Chapter 35 — Arkansas Juvenile Code

Subchapter 1 — General Provisions

9-35-101. Title.

This chapter shall be known and may be cited as the "Arkansas Juvenile Code".

9-35-102. Definitions.

As used in this chapter:

(1) "Abandoned infant" means a juvenile less than nine (9) months of age whose parent, guardian, or custodian left the child alone or in the possession of another person without identifying information or with an expression of intent by words, actions, or omissions not to return for the infant;

(2)(A) "Abandonment" means:

(i) The failure of the parent to provide reasonable support for a juvenile and to maintain regular contact with a juvenile through statement or contact when the failure is accompanied by an intention on the part of the parent to permit the condition to continue for an indefinite period in the future;

(ii) The failure of a parent to support or maintain regular contact with a child without just cause; or

(iii) An articulated intent to forego parental responsibility.

(B) "Abandonment" does not include a situation in which a child has disrupted his or her adoption and the adoptive parent has exhausted the available resources;

(3)(A) "Abuse" means any of the following acts or omissions by a parent, guardian, custodian, foster parent, person eighteen (18) years of age or older living in the home with a child, whether related or unrelated to the

child, or any person who is entrusted with the juvenile's care by a parent, guardian, custodian, or foster parent, including, but not limited to, an agent or employee of a public or private residential home, childcare facility, public or private school, or any person legally responsible for the juvenile's welfare:

(i) Extreme or repeated cruelty to a juvenile;

(ii) Engaging in conduct creating a realistic and serious threat of death, permanent or temporary disfigurement, or impairment of any bodily organ;

(iii) Injury to a juvenile's intellectual, emotional, or psychological development as evidenced by observable and substantial impairment of the juvenile's ability to function within the juvenile's normal range of performance and behavior;

(iv) Any injury that is at variance with the history given;

(v) Any nonaccidental physical injury;

(vi) Any of the following intentional or knowing acts, with physical injury and without justifiable cause:

(a) Throwing, kicking, burning, biting, or cutting a child;

(b) Striking a child with a closed fist;

(c) Shaking a child; or

(d) Striking a child on the face;

(vii) Any of the following intentional or knowing acts, with or without physical injury:

(a) Striking a child six (6) years of age or younger on the face or head;

(b) Shaking a child three (3) years of age or younger;

(c) Interfering with a child's breathing;

(d) Urinating or defecating on a child;

(e) Pinching, biting, or striking a child in the genital area;

(f) Tying a child to a fixed or heavy object or binding or tying a child's limbs together;

(g) Giving a child or permitting a child to

consume or inhale a poisonous or noxious substance not prescribed by a physician that has the capacity to interfere with normal physiological functions;

(h) Giving a child or permitting a child to consume or inhale a substance not prescribed by a physician that has the capacity to alter the mood of the child, including, but not limited to, the following:

(1) Marijuana;

(2) Alcohol, excluding alcohol given to a child during a recognized and established religious ceremony or service;

(3) Narcotics; or

(4) Over-the-counter drugs if a person purposely administers an overdose to a child or purposely gives an inappropriate over-the-counter drug to a child and the child is detrimentally impacted by the overdose or over-the-counter drug;

(i) Exposing a child to chemicals that have the capacity to interfere with normal physiological functions, including, but not limited to, chemicals used or generated during the manufacturing of methamphetamine; or

(j) Subjecting a child to Munchausen syndrome by proxy, also known as "factitious illness by proxy", when reported and confirmed by medical personnel or a medical facility; or

(viii) Recruiting, harboring, transporting, or obtaining a child for labor or services, through force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.

(B)(i) The list in subdivision (3)(A) of this section is illustrative of unreasonable action and is not intended to be exclusive.

(ii) No unreasonable action shall be construed to permit a finding of abuse without having established the elements of abuse.

(C)(i) "Abuse" shall not include:

(a) Physical discipline of a child when it is reasonable and moderate and is inflicted by a parent or guardian for purposes of restraining or correcting the child; or

(b) Instances when a child suffers transient pain or minor temporary marks as the result of a reasonable restraint if:

(1) The person exercising the restraint is an employee of a residential childcare facility licensed or exempted from licensure under the Child Welfare Agency Licensing Act, § 9-28-401 et seq.;

(2) The person exercising the restraint is acting in his or her official capacity while on duty at a residential childcare facility or the residential childcare facility is exempt from licensure under the Child Welfare Agency Licensing Act, § 9-28-401 et seq.;

(3) The agency has policies and procedures regarding restraints;

(4) Other alternatives do not exist to control the child except for a restraint;

(5) The child is in danger of hurting himself or herself or others;

(6) The person exercising the restraint has been trained in properly restraining children, de-escalation, and conflict resolution techniques; and

(7) The restraint is:

(A) For a reasonable period of time; and

(B) In conformity with training and agency policy and procedures.

(ii) Reasonable and moderate physical discipline inflicted by a parent or guardian shall not include any act that is likely to cause and that does cause injury more serious than transient pain or minor temporary marks.

(iii) The age, size, and condition of the child and the location of the injury and the frequency or recurrence of injuries shall be considered when determining whether the physical discipline is reasonable or moderate;

(4) "Adjudication hearing" means a hearing to determine whether the allegations in a petition are substantiated by the proof;

(5) "Adult sentence" means punishment authorized by the Arkansas Criminal Code, § 5-1-101 et seq., subject to the limitations in § 9-27-507, for the act or acts for which the juvenile was adjudicated delinquent as an extended juvenile jurisdiction offender;

(6) "Aggravated circumstances" means:

(A) A child has been abandoned, chronically abused, subjected to extreme or repeated cruelty, sexually abused, sexually exploited, or a determination has been or is made by a judge that there is little likelihood that services to the family will result in successful reunification;

(B) A child has been removed from the custody of the parent or guardian and placed in foster care or in the custody of another person three (3) or more times in the last fifteen (15) months; or

(C) A child or a sibling has been neglected or abused such that the abuse or neglect could endanger the life of the child;

(7) "Attorney ad litem" means an attorney appointed to represent the best interest of a juvenile;

(8) "Caretaker" means a parent, guardian, custodian, foster parent, significant other of the child's parent, or any person fourteen (14) years of age or older who is entrusted with a child's care by a parent, guardian, custodian, or foster parent, including, but not limited to, an agent or employee of a public or private residential home, childcare facility, public or private school, or any person responsible for a child's welfare;

(9) "Case plan" means a document setting forth the plan for services for a juvenile and his or her family, as described in § 9-27-402;

(10)(A) "Cash assistance" means short-term financial assistance.

(B) "Cash assistance" does not include:

(i) Long-term financial assistance or financial assistance that is the equivalent of the board payment, adoption subsidy, or guardianship subsidy; or

(ii) Financial assistance for car insurance;

(11) "Commitment" means an order of the court that places a juvenile in the physical custody of the Division of Youth Services for placement in a youth services facility;

(12) "Court" means the juvenile division of circuit court;

(13) "Court-appointed special advocate" means a volunteer appointed by the court to advocate for the best interest of juveniles in dependency-neglect proceedings;

(14)(A) "Custodian" means a person other than a parent or legal guardian who stands in loco parentis to the juvenile or a person, agency, or

institution to whom a court of competent jurisdiction has given custody of a juvenile by court order.

(B) For the purposes of who has a right to counsel under § 9-35-311, "custodian" includes a person to whom a court of competent jurisdiction has given custody, including a legal guardian;

(15) "Delinquent juvenile" means:

(A) A juvenile ten (10) years of age or older who:

(i) Has committed an act other than a traffic offense or game and fish violation that, if the act had been committed by an adult, would subject the adult to prosecution for a felony, misdemeanor, or violation under the applicable criminal laws of this state;

(ii) Has violated § 5-73-119; or

(iii) Has violated § 5-71-217(d)(2), cyberbullying of a school employee; or

(B) Any juvenile charged with capital murder, § 5-10-101, or murder in the first degree, § 5-10-102, subject to extended juvenile jurisdiction;

(16) "Dependent juvenile" means:

(A)(i) A child whose parent or guardian is incarcerated and the parent or guardian has no appropriate relative or friend willing or able to provide care for the child.

(ii) If the reason for the incarceration is related to the health, safety, or welfare of the child, the child is not a dependent juvenile but may be dependent-neglected;

(B) A child whose parent or guardian is incapacitated, whether temporarily or permanently, so that the parent or guardian cannot provide care for the juvenile and the parent or guardian has no appropriate relative or friend willing or able to provide care for the child;

(C) A child whose custodial parent dies and no appropriate relative or friend is willing or able to provide care for the child;

(D) A child who is an infant relinquished to the custody of the Department of Human Services for the sole purpose of adoption;

(E) A safe haven baby, § 9-34-201 et seq.;

(F) A child who has disrupted his or her adoption, and the adoptive parents have exhausted resources available to them; or

(G)(i) A child who has been a victim of human trafficking.

(ii) If the parent knew or should have known the child was a victim of human trafficking, the child is not a dependent juvenile but may be dependent-neglected;

(17)(A) "Dependent-neglected juvenile" means any juvenile who is at substantial risk of serious harm as a result of the following acts or omissions to the juvenile, a sibling, or another juvenile:

(i) Abandonment;

(ii) Abuse;

(iii) Sexual abuse;

(iv) Sexual exploitation;

(v) Neglect;

(vi) Parental unfitness; or

(vii) Being present in a dwelling or structure during the manufacturing of methamphetamine with the knowledge of his or her parent, guardian, or custodian.

(B) "Dependent-neglected juvenile" includes dependent juveniles;

(18) "Detention" means the temporary care of a juvenile in a physically restricting facility other than a jail or lock-up used for the detention of adults prior to an adjudication hearing for delinquency or pending commitment pursuant to an adjudication of delinquency;

(19) "Detention hearing" means a hearing held to determine whether a juvenile accused or adjudicated of committing a delinquent act or acts should be released or held prior to adjudication or disposition;

(20) "Deviant sexual activity" means any act of sexual gratification involving:

(A) Penetration, however slight, of the anus or mouth of one (1) person by the penis of another person; or

(B) Penetration, however slight, of the labia majora or anus of one (1) person by any body member or foreign instrument manipulated by another person;

(21) "Disposition hearing" means a hearing held following an adjudication hearing to determine what action will be taken in delinquency, family in need of services, or dependency-neglect cases;

(22) "Extended juvenile jurisdiction offender" means a juvenile designated to be subject to juvenile disposition and an adult sentence

imposed by the court;

(23) "Family in need of services" means any family whose juvenile evidences behavior that includes, but is not limited to, the following:

(A) Being habitually and without justification absent from school while subject to compulsory school attendance;

(B) Being habitually disobedient to the reasonable and lawful commands of his or her parent, guardian, or custodian; or

(C) Having absented himself or herself from the juvenile's home without sufficient cause, permission, or justification;

(24)(A) "Family services" means relevant services provided to a juvenile or his or her family, including, but not limited to:

(i) Child care;

(ii) Homemaker services;

(iii) Crisis counseling;

(iv) Cash assistance;

(v) Transportation;

(vi) Family therapy;

(vii) Physical, psychiatric, or psychological evaluation;

(viii) Counseling;

(ix) Treatment; or

(x) Post-adoptive services.

(B) Family services are provided in order to:

(i) Prevent a juvenile from being removed from a parent, guardian, or custodian;

(ii) Reunite the juvenile with the parent, guardian, or custodian from whom the juvenile has been removed;

(iii) Implement a permanent plan of adoption or guardianship for a juvenile in a dependency-neglect case; or

(iv) Rehabilitate a juvenile in a delinquency or family in need of services case;

(25) "Fast track" means that reunification services will not be provided or will be terminated before twelve (12) months of services;

(26)(A) "Fictive kin" means a person selected by the Division of Children and Family Services who:

(i) Is not related to a child by blood or marriage; and

(ii) Has a strong, positive, and emotional tie or role in the:

(a) Child's life; or

(b) Child's parent's life if the child is an infant.

(B) The Director of the Division of Children and Family Services or his or her designee shall approve a fictive kin for an infant;

(27)(A) "Forcible compulsion" means physical force, intimidation, or a threat, express or implied, of death, physical injury to, rape, sexual abuse, or kidnapping of any person.

(B) If the act was committed against the will of the juvenile, then forcible compulsion has been used.

(C) The age, developmental stage, and stature of the victim and the relationship of the victim to the assailant, as well as the threat of deprivation of affection, rights, and privileges from the victim by the assailant shall be considered in weighing the sufficiency of the evidence to prove compulsion;

(28)(A) "Grooming" means to knowingly disseminate to a child thirteen (13) years of age or younger with or without consideration a visual or print medium depicting sexually explicit content with the purpose to entice, induce, or groom the child to engage in the following with a person:

(i) Sexual intercourse;

(ii) Sexually explicit conduct; or

(iii) Deviant sexual activity.

(B) As used in subdivision (28)(A) of this section, "disseminate" means to allow to view, expose, furnish, present, sell, or otherwise distribute, including on an electronic device or virtual platform, and is not limited to an act that takes place in the physical presence of a child.

(C) It is an affirmative defense to an allegation of grooming that the actor is not more than three (3) years older than the victim;

(29) "Guardian" means any person, agency, or institution, as defined by § 28-65-101 et seq., whom a court of competent jurisdiction has so

appointed;

(30)(A) "Home study" means a written report that is obtained after an investigation of a home by the department or other appropriate persons or agencies and that shall conform to rules established by the department.

(B)(i) An in-state home study, excluding the results of a criminal records check, shall be completed and presented to the requesting court within thirty (30) working days of the receipt of the request for the home study.

(ii) The results of the criminal records check shall be provided to the court as soon as they are received.

(iii) The circuit clerk of the county court shall:

(a) Keep a record of the national fingerprint-based criminal background checks performed by the Federal Bureau of Investigation for the court;

(b) Permit only the court and the employees of the clerk's office with an official reason to view the information in the national fingerprint-based criminal background check;

(c) Not permit anyone to obtain a copy of the national fingerprint-based criminal background check; and

(d) Permit a person specifically ordered by the court to view the information in the national fingerprint-based criminal background check.

(iv)(a) The department shall share the information obtained from the criminal records check and the national fingerprint-based criminal background checks only with employees of the department who have an official business reason to see the information.

(b) Unless specifically ordered to do so by the court, the department shall not share the information obtained from the criminal records check and the national fingerprint-based criminal background checks with persons not employed by the department.

(C)(i) The department may obtain a criminal background check on any person in the household sixteen (16) years of age and older, including a fingerprint-based check of national crime information databases.

(ii) Upon request, local law enforcement shall provide the department with criminal background information on any person in

the household sixteen (16) years of age and older;

(31) "Imminent harm" means an act of harm that is a danger:

(A) To the physical, mental, or emotional health of a juvenile;

(B) That is constrained by time; and

(C) That may only be prevented by immediate intervention by a court;

(32) "Indecent exposure" means the exposure by a person of the person's sexual organs for the purpose of arousing or gratifying the sexual desire of the person or any other person, under circumstances in which the person knows the conduct is likely to cause affront or alarm;

(33) "Independence" means a permanency planning hearing disposition known as "Another Planned Permanent Living Arrangement (APPLA)" for the juvenile who will not be reunited with his or her family and because another permanent plan is not in the juvenile's best interest;

(34) "Juvenile" means an individual who is:

(A) From birth to eighteen (18) years of age, whether married or single; or

(B) Adjudicated delinquent, a juvenile member of a family in need of services, or dependent or dependent-neglected by the juvenile division of circuit court prior to eighteen (18) years of age and for whom the juvenile division of circuit court retains jurisdiction;

(35) "Juvenile detention facility" means any facility for the temporary care of juveniles alleged to be delinquent or adjudicated delinquent and awaiting disposition, who require secure custody in a physically restricting facility designed and operated with all entrances and exits under the exclusive control of the facility's staff, so that a juvenile may not leave the facility unsupervised or without permission;

(36) "Law enforcement officer" means any public servant vested by law with a duty to maintain public order or to make arrests for offenses;

(37) "Miranda rights" means the requirement set out in Miranda v. Arizona, 384 U.S. 436 (1966), for law enforcement officers to clearly inform an accused, including a juvenile taken into custody for a delinquent act or a criminal offense, that the juvenile has the right to remain silent, that anything the juvenile says will be used against him or her in court, that the juvenile has the right to consult with a lawyer and to have the

lawyer with him or her during interrogation, and that, if the juvenile is indigent, a lawyer will be appointed to represent him or her;

(38)(A) "Neglect" means those acts or omissions of a parent, guardian, custodian, foster parent, or any person who is entrusted with the juvenile's care by a parent, custodian, guardian, or foster parent, including, but not limited to, an agent or employee of a public or private residential home, childcare facility, public or private school, or any person legally responsible under state law for the juvenile's welfare, that constitute:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(ii) For the purposes of this subdivision (38)(B), "illegal substance" means a drug that is prohibited to be used or possessed without a prescription under the Arkansas Criminal Code, § 5-1-101 et seq.

(iii) A test of the child's bodily fluids or bodily substances may be used as evidence to establish neglect under subdivision (38)(B)(i)(a) of this section.

(iv) A test of the mother's bodily fluids or bodily substances or the child's bodily fluids or bodily substances may be used as evidence to establish neglect under subdivision (38)(B)(i)(b) of this section;

(39)(A) "Notice of hearing" means a notice that describes the nature of the hearing, the time, date, and place of hearing, the right to be present, heard, and represented by counsel, and instructions on how to apply to the court for appointment of counsel, if indigent, or a uniform notice as developed and prescribed by the Supreme Court.

(B) The notice of hearing shall be served in the manner

provided for service under the Arkansas Rules of Civil Procedure;

(40) "Order to appear" means an order issued by the court directing a person who may be subject to the court's jurisdiction to appear before the court at a date and time as set forth in the order;

(41)(A) "Out-of-home placement" means:

(i) Placement in a home or facility other than placement in a youth services center, a detention facility, or the home of a parent or guardian of the juvenile; or

(ii) Placement in the home of an individual other than a parent or guardian, not including any placement when the court has ordered that the placement be made permanent and ordered that no further reunification services or six-month reviews are required.

(B) "Out-of-home placement" shall not include placement in a youth services center or detention facility as a result of a finding of delinquency;

(42) "Parent" means:

(A) A biological mother;

(B) An adoptive parent; or

(C) A man:

(i) To whom the biological mother was married at the time of conception or birth;

(ii) Who has signed an acknowledgment of paternity pursuant to § 9-10-120;

(iii) Who has been found by a court of competent jurisdiction to be the biological father of the juvenile or to have otherwise established paternity; or

(iv) Who is listed as the parent on the birth certificate of the child;

(43) "Paternity hearing" means a legal proceeding to determine the biological father of a juvenile;

(44) "Permanent custody" means custody that is transferred to a person as a permanency disposition in a juvenile case and the case is closed;

(45) "Pornography" means:

(A) Pictures, movies, and videos lacking serious literary, artistic, political, or scientific value that when taken as a whole and applying contemporary community standards would appear to the average person

to appeal to the prurient interest;

(B) Material that depicts sexual conduct in a patently offensive manner lacking serious literary, artistic, political, or scientific value; or

(C) Obscene or licentious material;

(46)(A) "Predisposition report" means a report concerning the juvenile, the family of the juvenile, all possible disposition alternatives, the location of the school in which the juvenile is or was last enrolled, whether the juvenile has been tested for or has been found to have any disability, the name of the juvenile's attorney and, if appointed by the court, the date of the appointment, any participation by the juvenile or his or her family in counseling services previously or currently being provided in conjunction with adjudication of the juvenile, and any other matters relevant to the efforts to provide treatment to the juvenile or the need for treatment of the juvenile or the family.

(B) The predisposition report shall include a home study of any out-of-home placement that may be part of the disposition;

(47) "Prosecuting attorney" means an attorney who is elected as district prosecuting attorney, the duly appointed deputy prosecuting attorney, or any city prosecuting attorney;

(48) "Protection plan" means a written plan developed by the department in conjunction with the family and support network to protect the juvenile from harm and which allows the juvenile to remain safely in the home;

(49) "Putative father" means any man not deemed or adjudicated under the laws of the jurisdiction of the United States to be the biological father of a juvenile who claims to be or is alleged to be the biological father of the juvenile;

(50)(A)(i) "Reasonable efforts" means efforts to preserve the family before the placement of a child in foster care to prevent the need for removing the child from his or her home and efforts to reunify a family made after a child is placed out of his or her home to make it possible for him or her to safely return home.

(ii) Reasonable efforts shall also be made to obtain permanency for a child who has been in an out-of-home placement for more than twelve (12) months or for fifteen (15) of the previous twenty-two (22)

months.

(iii) In determining whether or not to remove a child from a home or return a child back to a home, the child's health and safety shall be the paramount concern.

(iv) The department or other appropriate agency shall exercise reasonable diligence and care to utilize all available services related to meeting the needs of the juvenile and the family.

(v)(a) "Reasonable efforts" includes efforts to involve an incarcerated parent.

(b) The department shall:

(1) Involve an incarcerated parent in case planning;

(2) Monitor compliance with services offered by the Division of Correction to the extent permitted by federal law; and

(3) Offer visitation in accordance with the policies of the Division of Correction if visitation is appropriate and in the best interest of the child.

(B) The juvenile division of circuit court may deem that reasonable efforts have been made when the court has found that the first contact by the department occurred during an emergency in which the child could not safely remain at home, even with reasonable services being provided.

(C) Reasonable efforts to reunite a child with his or her parent or parents shall not be required in all cases. Specifically, reunification shall not be required if a court of competent jurisdiction, including the juvenile division of circuit court, has determined by clear and convincing evidence that the parent has:

(i) Subjected the child to aggravated circumstances;

(ii) Committed murder of any child;

(iii) Committed manslaughter of any child;

(iv) Aided or abetted, attempted, conspired, or solicited to commit the murder or the manslaughter;

(v) Committed a felony battery that results in serious bodily injury to any child;

(vi) Had the parental rights involuntarily

terminated as to a sibling of the child;

(vii) Abandoned an infant such that the juvenile is an abandoned infant as defined in subdivision (1) of this section; or

(viii) Registered with a sex offender registry under the Adam Walsh Child Protection and Safety Act of 2006, Pub. L. No. 109-248.

(D) Reasonable efforts to place a child for adoption or with a legal guardian or permanent custodian may be made concurrently with reasonable efforts to reunite a child with his or her family;

(51) "Residence" means:

(A) The place where the juvenile is domiciled; or

(B) The permanent place of abode where the juvenile spends an aggregate of more than six (6) months of the year;

(52)(A) "Restitution" means actual economic loss sustained by an individual or entity as a proximate result of the delinquent acts of a juvenile.

(B) Such economic loss shall include, but not be limited to, medical expenses, funeral expenses, expenses incurred for counseling services, lost wages, and expenses for repair or replacement of property;

(53) "Safety plan" means a plan ordered by the court to be developed for an adjudicated delinquent sex offender under § 9-35-434 who is at moderate or high risk of reoffending for the purposes of § 9-35-204, § 9-35-304, and § 9-35-405;

(54) "Sexual abuse" means:

(A) By a person fourteen (14) years of age or older to a person younger than eighteen (18) years of age:

(i) Sexual intercourse, deviant sexual activity, or sexual contact by forcible compulsion;

(ii) Attempted sexual intercourse, attempted deviant sexual activity, or attempted sexual contact by forcible compulsion;

(iii) Indecent exposure; or

(iv) Forcing the watching of pornography or live sexual activity;

(B) By a person eighteen (18) years of age or older to a person who is younger than fifteen (15) years of age and is not his or her spouse:

(i) Sexual intercourse, deviant sexual activity, or

sexual contact;

(ii) Attempted sexual intercourse, attempted deviant sexual activity, or attempted sexual contact; or

(iii) Solicitation of sexual intercourse, solicitation of deviant sexual activity, or solicitation of sexual contact;

(C) By a person twenty (20) years of age or older to a person who is younger than sixteen (16) years of age who is not his or her spouse:

(i) Sexual intercourse, deviant sexual activity, or sexual contact;

(ii) Attempted sexual intercourse, attempted deviant sexual activity, or attempted sexual contact; or

(iii) Solicitation of sexual intercourse, solicitation of deviant sexual activity, or solicitation of sexual contact;

(D) By a caretaker to a person younger than eighteen (18) years of age:

(i) Sexual intercourse, deviant sexual activity, or sexual contact;

(ii) Attempted sexual intercourse, attempted deviant sexual activity, or attempted sexual contact;

(iii) Forcing or encouraging the watching of pornography;

(iv) Forcing, permitting, or encouraging the watching of live sexual activity;

(v) Forcing listening to a phone sex line;

(vi) An act of voyeurism; or

(vii) Solicitation of sexual intercourse, deviant sexual activity, or sexual contact;

(E) By a person younger than fourteen (14) years of age to a person younger than eighteen (18) years of age:

(i) Sexual intercourse, deviant sexual activity, or sexual contact by forcible compulsion; or

(ii) Attempted sexual intercourse, attempted deviant sexual activity, or attempted sexual contact by forcible compulsion;

(F) By a person eighteen (18) years of age or older to a person who is younger than eighteen (18) years of age, the recruiting,

harboring, transporting, obtaining, patronizing, or soliciting of a child for the purpose of a commercial sex act; and

(G) Grooming, by a:

(i) Person eighteen (18) years of age or older to a person not his or her spouse who is younger than fourteen (14) years of age; or

(ii) Caretaker to a person younger than fourteen (14) years of age;

(55)(A) "Sexual contact" means any act of sexual gratification involving:

(i) Touching, directly or through clothing, of the sex organs, buttocks, or anus of a juvenile or the breast of a female juvenile;

(ii) Encouraging the juvenile to touch the offender in a sexual manner; or

(iii) Requesting the offender to touch the juvenile in a sexual manner.

(B) Evidence of sexual gratification may be inferred from the attendant circumstances surrounding the investigation of the specific complaint of child maltreatment.

(C) This subdivision (55) shall not permit normal, affectionate hugging to be construed as sexual contact;

(56) "Sexual exploitation" includes:

(A) Allowing, permitting, or encouraging participation or depiction of the juvenile in:

(i) Prostitution;

(ii) Obscene photographing; or

(iii) Obscene filming; and

(B) Obscenely depicting, obscenely posing, or obscenely posturing a juvenile for any use or purpose;

(57) "Shelter care" means the temporary care of a juvenile in physically unrestricting facilities under an order for placement pending or under an adjudication of dependency-neglect or family in need of services;

(58) "Significant other" means a person:

(A) With whom the parent shares a household; or

(B) Who has a relationship with the parent that results in

the person acting in loco parentis with respect to the parent's child or children, regardless of living arrangements;

(59) "Temporary custody" means custody that is transferred to a person during the pendency of the juvenile court case when services are being provided to achieve the goal of the case plan;

(60) "Trial placement" means that custody of the juvenile remains with the department, but the juvenile is returned to the home of a parent or the person from whom custody was removed for a period not to exceed sixty (60) days;

(61) "UCCJEA" means the Uniform Child-Custody Jurisdiction and Enforcement Act, § 9-19-101 et seq.;

(62) "UIFSA" means the Uniform Interstate Family Support Act, § 9-17-101 et seq.;

(63) "Victim" means any person or entity entitled to restitution as defined in subdivision (52) of this section as the result of a delinquent act committed by a juvenile adjudicated delinquent;

(64) "Victim of human trafficking" means a child who has been subjected to trafficking of persons as defined in § 5-18-103;

(65)(A) "Voyeurism" means looking for the purpose of sexual arousal or gratification into a private location or place in which a juvenile may reasonably be expected to be nude or partially nude.

(B) "Voyeurism" does not apply to delinquency actions;

(66) "Youth services center" means a youth services facility operated by the state or a contract provider; and

(67) "Youth services facility" means a facility operated by the state or its designee for the care of juveniles who have been adjudicated delinquent or convicted of a crime and who require secure custody in either a physically restrictive facility or a staff-secured facility operated so that a juvenile may not leave the facility unsupervised or without supervision.

9-35-103. Provisions supplemental.

Unless this chapter provides otherwise, nothing in this chapter shall be construed to be:

(1) In conflict with, repeal, or prevent proceedings under any act or statute of this state that may otherwise define any specific act of any person as a crime or misdemeanor, which act might also constitute

contributing to the delinquency or dependency of a juvenile, or to prevent or to interfere with proceedings under any such act; or

(2) Inconsistent with or to repeal:

(A) Any act providing for the support by a parent of his or her minor child, the taking of indecent liberties with children, or selling liquor, tobacco, or firearms, to children, or permitting children in prohibited spaces; or

(B) This chapter or prevent proceedings under this chapter.

9-35-104. Applicability.

Any juvenile within this state may be subjected to the care, custody, control, and jurisdiction of the circuit court.

9-35-105. Monthly report.

The circuit court shall submit monthly to the Director of the Administrative Office of the Courts a report in writing upon forms to be furnished by the director showing the number and disposition of juveniles brought before the juvenile division of circuit court together with such other information regarding those cases as may be requested by the director.

9-35-106. Support orders.

(a) If it appears at the adjudication or disposition hearing in any case brought under this chapter that the parents or any other person named in the petition who is by law required to provide support for the juvenile is able to contribute to the support of the juvenile, the court shall issue an order requiring the person to pay a reasonable sum pursuant to the guidelines for child support and the family support chart for the support, maintenance, or education of the juvenile to any person, agency, or institution to whom custody is awarded.

(b) The court, upon proper motion, may make such adjustments and modifications of the order as may appear reasonable and proper.

(c) The court shall also order the persons required by law to support a juvenile to disclose their places of employment and the amounts earned by them. Anyone who refuses to disclose such information may be cited for contempt of court.

9-35-107. Publication of proceedings.

No information by which the name or identity of a juvenile who is the subject of proceedings under this chapter may be ascertained shall be published by the news media without written order of the circuit court.

9-35-108. Compact to share costs.

Nothing in this chapter shall prohibit two (2) or more counties, cities, or school districts of this state from agreeing by compact to share the costs of court personnel or juvenile facilities to serve both or all of the counties so agreeing.

9-35-109. Emancipation of juveniles.

(a) A petition for emancipation may be filed in a circuit court by any party to a dependency-neglect, dependency, family in need of services, or delinquency case.

(b) The petition shall be served along with a notice of hearing to the juvenile's parent, legal guardian, or legal custodian.

(c) The circuit court may emancipate a juvenile in a dependency-neglect, dependency, family in need of services, or delinquency case.

(d)(1) The court may emancipate the juvenile after a hearing on the petition if the petitioner shows by a preponderance of the evidence that:

(A) The juvenile is at least seventeen (17) years of age;

(B) The juvenile is willing to live separate and apart from his or her parent, legal guardian, or legal custodian;

(C) The juvenile has an appropriate place to live;

(D) The juvenile has been managing or has the ability to manage his or her own financial affairs;

(E) The juvenile has a legal source of income, such as employment or a trust fund;

(F) The juvenile has healthcare coverage or a realistic plan on how to meet his or her health needs;

(G) The juvenile agrees to comply with the compulsory school attendance laws; and

(H) Emancipation is in the best interest of the juvenile.

(2) The court shall consider the wishes of the parent, legal

guardian, or legal custodian in making its decision.

(3) If the juvenile has an attorney ad litem, the court shall consider the recommendation of the attorney ad litem.

(e) An order of emancipation has the following effects:

(1) The juvenile has the right to obtain and consent to all medical care, including counseling;

(2) The juvenile has the right to enter into contracts;

(3) The juvenile has the right to enroll himself or herself in school, college, or other educational programs;

(4) The juvenile has the right to obtain a driver's license without consent of a parent or other adult so long as the juvenile complies with the remaining requirements of the driver's license law;

(5) The juvenile's parent, legal guardian, or legal custodian is no longer legally responsible for the juvenile;

(6) The juvenile may still be charged with a delinquency and prosecuted in juvenile court;

(7) The juvenile may not marry without parental or guardian consent pursuant to § 9-11-102;

(8) The juvenile is not relieved from compulsory school attendance;

(9) The Department of Human Services is not relieved from the responsibility of providing independent living services and funding for which the juvenile is eligible upon request by the juvenile;

(10) Child support orders are not terminated but may cease upon entry of an order from the court that issued the order of child support;

(11) Until the juvenile reaches the age of majority, the juvenile remains eligible for federal programs and services as a juvenile;

(12) The juvenile is not permitted to obtain items prohibited for sale to or possession by a minor, such as tobacco or alcohol;

(13) The juvenile remains subject to state and federal laws enacted for the protection of persons under eighteen (18) years of age such as the prohibition against a juvenile's obtaining a tattoo; and

(14) No statute of limitations is affected.

Subchapter 2 — Family in Need of Services

9-35-201. Purpose — Construction.

This subchapter shall be liberally construed to ensure that:

(1) The provisions of this subchapter are executed and enforced; and

(2) Each party is assured:

(A) A fair hearing; and

(B) That his or her constitutional and other legal rights are recognized and enforced.

9-35-202. Jurisdiction.

(a) The circuit court shall have exclusive jurisdiction of and be the sole court for the following proceedings governed by this subchapter, including without limitation:

(1) Proceedings in which a family is alleged to be in need of services as defined by this subchapter, including without limitation a juvenile from birth to eighteen (18) years of age, except for the following:

(A) A juvenile whose family has been adjudicated as a family in need of services and who is in foster care before he or she reaches eighteen (18) years of age may request that the court continue jurisdiction until the juvenile reaches twenty-one (21) years of age if the requirements in § 9-35-302 are met;

(B) The court shall retain jurisdiction only if the juvenile meets or has a viable plan to meet the requirements in § 9-35-302; or

(C) The court shall discontinue jurisdiction upon request of the juvenile or when the juvenile completes or is discontinued from the requirements to receive independent living services; and

(2) Proceedings in family in need of services matter to set aside an order of permanent custody upon the disruption of the placement.

(b)(1) A juvenile shall not under any circumstances remain under the court's jurisdiction after the juvenile reaches twenty-one (21) years of age.

(2) The court shall retain jurisdiction to issue an order of adoption, interlocutory or final, if a juvenile is placed outside of the State of Arkansas.

(c) The assignment of cases to the juvenile division of circuit court shall be as described by the Supreme Court in Administrative Order Number 14,

originally issued on April 6, 2001.

(d)(1) The circuit court shall have concurrent jurisdiction with the district court over a juvenile curfew violation.

(2) The prosecutor may file a family in need of services petition in circuit court or a citation in district court for a juvenile curfew violation.

(e) The circuit court shall have jurisdiction to hear proceedings commenced in any court of this state or court of comparable jurisdiction of another state that are transferred to it under the Uniform Child-Custody Jurisdiction and Enforcement Act, § 9-19-101 et seq.

9-35-203. Venue.

(a)(1) Except as provided in subdivisions (a)(2)-(4) of this section, a proceeding under this subchapter shall be commenced in the circuit court of the county in which the juvenile resides.

(2) A proceeding under the Uniform Child-Custody Jurisdiction and Enforcement Act, § 9-19-101 et seq., shall be commenced in the court provided by the Uniform Child-Custody Jurisdiction and Enforcement Act, § 9-19-101 et seq.

(3) An adoption or guardianship may be filed in the juvenile division of a circuit court that has previously asserted continuing jurisdiction of the juvenile.

(4) An adult or family member who files a family in need of services petition shall file a motion to transfer if the adult or family member:

(A) Receives information indicating that the juvenile involved in the family in need of services case has relocated to a county in another judicial district; and

(B) Knows the address of the juvenile in the county to which the juvenile has relocated.

(b)(1) Before transferring a case to another venue, the court shall contact the judge in the other venue to confirm that the judge in the other venue will accept the transfer.

(2)(A) Upon confirmation that the judge will accept the transfer of venue, the transferring judge shall enter the transfer order.

(B) The transfer order shall:

(i) Indicate that the judge has accepted the transfer;

(ii) State the location of the court in the new venue;

(iii) Set the time and date of the next hearing;

(iv) Be provided to all parties and attorneys to the case; and

(v) Be transmitted immediately to the judge accepting the transfer.

(3) The transferring court shall also ensure that all court records are copied and sent to the judge in the new venue.

9-35-204. Confidentiality of records — Definition.

(a)(1) Except as provided in subdivision (a)(2) of this section, all records may be closed and confidential within the discretion of the circuit court.

(2) Adoption records, including any part of a dependency-neglect record that includes adoption records, shall be closed and confidential as provided in the Revised Uniform Adoption Act, § 9-9-201 et seq.

(b)(1) The court:

(A) May expunge other juvenile records at any time; and

(B) Shall expunge all the records of a juvenile upon his or her twenty-first birthday in a family in need of services case.

(2) As used in this section, "expunge" means to destroy.

(c) This section does not apply to nor restrict the use or publication of statistics, data, or other materials that summarize or refer to any records, reports, statements, notes, or other information in the aggregate and that do not refer to or disclose the identity of any juvenile defendant in any proceeding when only used for the purpose of research and study.

(d) Records of proceedings under this subchapter and the records of an investigation that is conducted when the alleged offender is an adult and relates to an offense that occurred when the alleged offender was a juvenile shall:

(1) Be confidential; and

(2) Not be subject to disclosure under the Freedom of Information Act of 1967, § 25-19-101 et seq., unless authorized by a written

order of the juvenile division of circuit court.

(e) Information regarding a proceeding under this subchapter shall be confidential unless the exchange of information is:

(1) For the purpose of obtaining services for the juvenile, to ensure school safety, or to ensure public safety;

(2) Reasonably necessary to achieve one (1) or more purposes; and

(3) Under a written order by the circuit court.

(f)(1) The information regarding a proceeding under this subchapter may be given only to the following persons:

(A) A school counselor;

(B) A juvenile court probation officer or caseworker;

(C) A law enforcement officer;

(D) A spiritual representative designated by the juvenile or his or her parents or legal guardian;

(E) A Department of Human Services caseworker;

(F) A community-based provider designated by the court, the school, or the parent or legal guardian of the juvenile;

(G) A Department of Health representative;

(H) The juvenile's attorney ad litem or other court-appointed special advocate; or

(I)(i) A school superintendent or the designee of the superintendent of the school district to which the juvenile transfers, in which the juvenile is enrolled, or from which the juvenile receives services.

(ii) A school superintendent or the designee of the superintendent of the school district in which the juvenile is enrolled or from which the juvenile receives services shall immediately notify the following persons of information he or she obtains under subdivision (f)(1)(I)(i) of this section:

(a) The principal of the school;

(b) The resource officer of the school; and

(c) Any other school official with a legitimate educational interest in the juvenile.

(2) The persons listed in subdivision (f)(1) of this section may meet to:

(A) Exchange information;

(B) Discuss options for assistance to the juvenile;

(C) Develop and implement a plan of action to assist the juvenile; and

(D) Ensure school safety and public safety.

(3) The juvenile and his or her parent or legal guardian:

(A) Shall be notified within a reasonable time before a meeting; and

(B) May attend any meeting of the persons referred to in subdivision (f)(1) of this section when three (3) or more individuals meet to discuss assistance for the juvenile or protection of the public due to the juvenile's behavior.

(4) Medical records, psychiatric records, psychological records, and related information shall remain confidential unless the juvenile's parent or legal guardian waives confidentiality in writing specifically describing the records to be disclosed between the persons listed in subdivision (f)(1) of this section and the purpose for the disclosure.

(5) Persons listed in subdivision (f)(1) of this section who exchange any information referred to in this section may be held civilly liable for disclosure of the information if the person does not comply with limitations set forth in this section.

(g)(1) When a court orders that a juvenile have a safety plan that restricts or requires supervised contact with another juvenile or juveniles as it relates to student or school safety, the court shall direct that a copy of the safety plan and a copy of the court order regarding the safety plan concerning student or school safety be provided to the school superintendent and principal of the school district:

(A) To which the juvenile transfers;

(B) In which the juvenile is enrolled; or

(C) From which the juvenile receives services.

(2) When a court order amends or removes any safety plan outlined in subdivision (g)(1) of this section, the court shall direct that a copy of the safety plan and a copy of the court order regarding the safety plan, as it relates to student or school safety, be provided to the school superintendent and principal of the school district:

(A) To which the juvenile transfers;

(B) In which the juvenile is enrolled; or

(C) From which the juvenile receives services.

(3)(A) The superintendent or principal of the school district in which the juvenile is enrolled or from which the juvenile receives services shall provide verbal notification only to school officials who are necessary to implement the safety plan as ordered by the court to ensure student safety.

(B) The verbal notification under subdivision (g)(3)(A) of this section may be provided only to assistant principals, counselors, resource officers, and the school employees who are primarily responsible for the supervision of the juvenile or responsible for the learning environment of the juvenile in the school district in which the juvenile is enrolled or from which the juvenile receives services, and to bus drivers, if applicable.

(4) School officials that receive a court order and safety plan or information concerning the court order and safety plan shall:

(A) Keep the information confidential and sign a statement not to disclose the information concerning the court order and safety plan that shall be kept by the superintendent or principal along with the court order and safety plan;

(B) Keep the information confidential and not disclose the information to any person not listed in subdivision (f)(1) of this section;

(C) Include the information in the juvenile's permanent educational records; and

(D)(i) Treat the information and documentation contained in the court order as education records under the Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g, as it existed on January 1, 2025.

(ii) A school official shall not release, disclose, or make available the information and documentation contained in the court order for inspection to any party except as permitted under the Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g.

(iii) However, the local education agency shall not under any circumstance release, disclose, or make available for inspection to the public, any college, university, institution of higher education, vocational or trade school, or any past, present, or future employer of the student the court order or safety plan portion of a student record.

(5) When a student attains an age that he or she is no longer under the jurisdiction of the juvenile division of circuit court, the safety

plan and the order regarding the safety plan shall be removed from the juvenile's permanent records at the local education agency and destroyed.

9-35-205. Commencement of proceedings.

(a) A proceeding shall be commenced by filing a petition with the circuit clerk of the circuit court or by transfer by another court.

(b) A petition for:

(1) A family in need of services may be filed by:

(A) Any adult; or

(B) Any member ten (10) years of age or older of the immediate family alleged to be in need of services; and

(2) Paternity establishment may be filed by:

(A) The biological mother;

(B) A putative father;

(C) A juvenile; or

(D) The Office of Child Support Enforcement.

(c) Concurrent with filing, a copy of any petition that requests that the Department of Human Services take custody or provide family services shall be mailed by the petitioner to the:

(1) Secretary of the Department of Human Services; and

(2) Attorney of the local Office of Chief Counsel of the Department of Human Services.

(d) A fee, including without limitation a fee for filing, copying, or faxing, including without limitation a fee for a petition for adoption and a fee for a petition for guardianship, summons, or subpoena, shall not be charged or collected by the circuit clerk or sheriff's office in a case brought in the circuit court under this subchapter by a governmental entity or nonprofit corporation, including without limitation:

(1) The prosecuting attorney;

(2) An attorney ad litem appointed in a dependency-neglect case; or

(3) The Department of Human Services.

(e) If the circuit clerk's office has a fax machine, the circuit clerk, in a case commenced in the circuit court under this subchapter by a governmental entity or nonprofit corporation, including without limitation the prosecuting attorney, an attorney ad litem appointed in a dependency-

neglect case, or the Department of Human Services, shall accept a facsimile transmission of any papers filed under this subchapter as described in Rule 5 of the Arkansas Rules of Civil Procedure.

9-35-206. Required contents of petition.

(a) A petition brought under this subchapter shall set forth the following:

(1)(A) The name, address, gender, Social Security number, and date of birth of each juvenile subject of the petition.

(B) A single petition shall be filed that includes all siblings who are subjects of the petition;

(2) The name and address of each of the parents or the surviving parent of the juvenile or juveniles;

(3) The name and address of the person, agency, or institution having custody of the juvenile or juveniles;

(4) The name and address of any other person, agency, or institution having a claim to custody or guardianship of the juvenile or juveniles; and

(5) In a paternity hearing, the name and address of both the putative father and the presumed legal father, if any.

(b) If the name or address of anyone listed under subsection (a) of this section is unknown or cannot be ascertained by the petitioner with reasonable diligence, this fact shall be alleged in the petition and the petition shall not be dismissed for insufficiency, but the court shall direct appropriate measures to find and give notice to the persons.

(c)(1) All persons named under subdivisions (a)(1)-(3) of this section shall be made defendants and served as required by this subchapter.

(2) However, in a paternity action, the petitioner shall name as defendants only the mother, the putative father, or the presumed legal father, if any.

(d)(1) A petition shall set forth the following in plain and concise words:

(A) The facts that, if proven, would bring the family or juvenile within the court's jurisdiction;

(B) The section of this subchapter upon which jurisdiction for the petition is based; and

(C) The relief requested by the petitioner.

(2)(A) The petition shall be supported by an affidavit of facts.

(B) A supporting affidavit of facts shall not be required for a paternity petition.

(C) The supporting affidavit of facts shall include known information regarding the fitness of the noncustodial parent to be considered for custody, placement, or family time with the juvenile.

9-35-207. Notification to defendants.

The following persons shall be served with a copy of the petition and either a notice of hearing or an order to appear in the manner provided by the Arkansas Rules of Civil Procedure:

(1) A juvenile defendant ten (10) years of age or older;

(2) Any person having care and control of the juveniles listed in the case; and

(3) All adult defendants.

9-35-208. Right to counsel.

(a) In a family in need of services cases, a juvenile and his or her parent, guardian, or custodian shall be advised by the law enforcement official taking a juvenile into custody, by the intake officer at the initial intake interview, and by the court at the juvenile's first appearance before the circuit court that the juvenile has the right to be represented at all stages of the proceedings by counsel.

(b) If counsel is not retained for the juvenile or it does not appear that counsel will be retained, counsel shall be appointed to represent the juvenile at all appearances before the court unless the right to counsel is waived as set forth in § 9-35-411.

(c) In a proceeding in which the judge determines that there is a reasonable likelihood that the proceeding may result in the juvenile's commitment to an institution in which the freedom of the juvenile would be curtailed and counsel has not been retained for the juvenile, the court shall appoint counsel for the juvenile.

(d) Appointment of counsel shall be made at a time sufficiently in advance of the court appearance to allow adequate preparation by appointed counsel and adequate consultation between the appointed counsel and the

client.

9-35-209. Diversion — Conditions — Agreement — Completion — Definition.

(a) If the prosecuting attorney, after consultation with the intake officer, determines that a diversion of a family in need of services case is in the best interest of the juvenile and the community, the officer with the consent of the petitioner, juvenile, and his or her parent, guardian, or custodian may attempt to make a satisfactory diversion of a case.

(b) In addition to the requirements under subsection (a) of this section, a diversion of a case is subject to the following conditions:

(1) The juvenile has admitted his or her involvement in a family in need of services act for a family in need of services diversion;

(2) The intake officer advises the juvenile and his or her parent, guardian, or custodian that they have the right to refuse a diversion of the case and demand the filing of a petition and a formal adjudication;

(3) Any diversion agreement is entered into voluntarily and intelligently by the juvenile with the advice of his or her attorney or by the juvenile with the consent of a parent, guardian, or custodian if the juvenile is not represented by counsel;

(4) The diversion agreement provides for the supervision of a juvenile or the referral of the juvenile to a public or private agency for services not to exceed six (6) months;

(5) All other terms of a diversion agreement do not exceed nine (9) months; and

(6) The juvenile and his or her parent, guardian, or custodian shall have the right to terminate the diversion agreement at any time and to request the filing of a petition and a formal adjudication.

(c)(1) The terms of the diversion agreement shall:

(A) Be in writing in simple, ordinary, and understandable language;

(B) State that the agreement was entered into voluntarily by the juvenile;

(C) Name the attorney or other person who advised the juvenile upon the juvenile's entering into the agreement; and

(D) Be signed by all parties to the agreement and by the

prosecuting attorney if it is a family in need of services case pursuant to § 6-18-222.

(2) A copy of the diversion agreement shall be given to the juvenile, the counsel for the juvenile, the parent, guardian, or custodian, and the intake officer, who shall retain the copy in the case file.

(d) A diversion agreement shall be:

(1) Implemented by all juvenile courts based on validated assessment tools; and

(2) Used to provide for:

(A) Nonjudicial probation under the supervision of the intake officer or probation officer for a period during which the juvenile may be required to comply with specified conditions concerning his or her conduct and activities;

(B) Participation in a court-approved program of education, counseling, or treatment;

(C) Participation in a court-approved teen court;

(D) Participation in a juvenile drug court program;

(E) Enrollment in the Regional Educational Career Alternative School System for Adjudicated Youth; and

(F)(i) Payment of restitution to the victim.

(ii) Payments of restitution under subdivision (d)(2)(F)(i) of this section shall be paid under § 16-13-326.

(e)(1) If a diversion of a complaint has been made, a petition based upon the events out of which the original complaint arose may be filed only during the period for which the agreement was entered into.

(2) If a petition is filed within this period, the juvenile's compliance with all proper and reasonable terms of the agreement shall be grounds for dismissal of the petition by the court.

(f) The diversion agreement may be terminated and the petitioner in a family in need of services case may file a petition if at any time during the agreement period:

(1) The juvenile or his or her parent, guardian, or custodian declines to further participate in the diversion process;

(2) The juvenile fails, without reasonable excuse, to attend a scheduled conference;

(3) The juvenile appears unable or unwilling to benefit from the

diversion process; or

(4) The intake officer becomes apprised of new or additional information that indicates that further efforts at diversion would not be in the best interests of the juvenile or society.

(g) Upon the satisfactory completion of the diversion period:

(1) The juvenile shall be dismissed without further proceedings;

(2) The intake officer shall furnish written notice of the dismissal to the juvenile and his or her parent, guardian, or custodian; and

(3) The complaint and the agreement, and all references to the complaint and the agreement, may be expunged by the court from the juvenile's file.

(h)(1) A juvenile intake or probation officer may charge a diversion fee only after review of an affidavit of financial means and a determination of the juvenile's or the juvenile's parent's, guardian's, or custodian's ability to pay the fee.

(2) The diversion fee shall not exceed twenty dollars ($20.00) per month to the juvenile division of circuit court.

(3) The court may direct that the fees be collected by the juvenile officer, sheriff, or court clerk for the county in which the fees are charged.

(4) The officer designated by the court to collect diversion fees shall maintain receipts and account for all incoming fees and shall deposit the fees at least weekly into the county treasury of the county where the fees are collected and in which diversion services are provided.

(5) The diversion fees shall be deposited into the account with the juvenile service fees under § 16-13-326.

(i)(1) In judicial districts having more than one (1) county, the judge may designate the treasurer of one (1) of the counties in the district as the depository of all juvenile fees collected in the district.

(2) The treasurer so designated by the court shall maintain a separate account of the juvenile fees collected and expended in each county in the district.

(3) Money remaining at the end of the fiscal year shall not revert to any other fund but shall carry over to the next fiscal year.

(4) The funds derived from the collection of diversion fees shall be used by agreement of the judge or judges of the circuit court designated

to hear juvenile cases in their district plan pursuant to Supreme Court Administrative Order No. 14, originally issued on April 6, 2001, and the quorum court of the county to provide services and supplies to juveniles at the discretion of the juvenile division of circuit court.

(j)(1) The Department of Human Services shall develop a statewide referral protocol for helping to coordinate the delivery of services to sexually exploited children.

(2) As used in this section, "sexually exploited child" means a person less than eighteen (18) years of age who has been subject to sexual exploitation because the person:

(A) Is a victim of trafficking of persons under § 5-18-103;

(B) Is a victim of child sex trafficking under 18 U.S.C. § 1591, as it existed on January 1, 2013; or

(C) Engages in an act of prostitution under § 5-70-102 or sexual solicitation under § 5-70-103.

9-35-210. Hearings — Generally.

(a) The defendant need not file a written responsive pleading in order to be heard by the court.

(b)(1) At the time set for hearing, the court may:

(A) Proceed to hear the case only if the juvenile is present or excused for good cause by the court; or

(B) Continue the case upon determination that the presence of an adult defendant is necessary.

(2) Upon determining that a necessary party is not present before the court, the court may issue an order:

(A) For contempt if the juvenile was served with an order to appear; or

(B) To appear, with a time and place set by the court for hearing, if the juvenile was served with a notice of hearing.

(c)(1) Hearings under this subchapter shall be in a court of record.

(2) A record of all proceedings shall be kept in the same manner as other proceedings of circuit court and in accordance with rules promulgated by the Supreme Court.

(d)(1) Unless otherwise indicated, the Arkansas Rules of Evidence shall apply to hearings under this subchapter.

(2)(A) The court may order that the father, mother, and child submit to scientific testing for drug or alcohol abuse upon motion of any party.

(B) A written report of the test results prepared by the person conducting the test, or by a person under whose supervision or direction the test and analysis have been performed, certified by an affidavit subscribed and sworn to by him or her before a notary public, may be introduced in evidence without calling the person as a witness unless a motion challenging the test procedures or results has been filed within thirty (30) days before the hearing and bond is posted in an amount sufficient to cover the costs of the person's appearance to testify.

(C)(i) If contested, documentation of the chain of custody of a sample taken from a test subject shall be verified by affidavit of one (1) person's witnessing the procedure or extraction, packaging, and mailing of the sample and by one (1) person's signing for the sample at the place where the sample is subject to the testing procedure.

(ii) Submission of the affidavits along with the submission of the test results shall be competent evidence to establish the chain of custody of that specimen.

(D) Whenever a court orders scientific testing for drug or alcohol abuse and one (1) of the parties refuses to submit to the testing, that refusal shall be disclosed at trial and may be considered civil contempt of court.

(e) Except as otherwise provided in this subchapter, the Arkansas Rules of Civil Procedure shall apply to all proceedings.

(f) All parties shall have the right to compel attendance of witnesses in accordance with the Arkansas Rules of Civil Procedure and the Arkansas Rules of Criminal Procedure.

(g)(1) The petitioner in a proceeding shall bear the burden of presenting the case at a hearing.

(2) The burden of proof that shall apply in a proceeding brought under this subchapter is proof by a preponderance of the evidence.

(h)(1)(A) Except as provided by this section, all hearings involving an allegation or report of child maltreatment shall be closed.

(B)(i) A member of the General Assembly may attend any hearing held under this subchapter, including without limitation a closed

hearing, unless the court excludes the member of the General Assembly based on the:

(a) Best interest of the child; or

(b) Court's authority under the Arkansas Rules of Civil Procedure or the Arkansas Rules of Evidence.

(ii) Except as otherwise provided by law, a member of the General Assembly who attends a hearing in accordance with subdivision (h)(1)(B)(i) of this section shall not disclose information obtained during his or her attendance at the hearing.

(C)(i)(a) A Child Welfare Ombudsman may attend a hearing held under this subchapter, including without limitation a closed hearing.

(b) However, a court may exclude the Child Welfare Ombudsman from a hearing if:

(1) It is in the best interest of the child; or

(2) The reason for the exclusion is based on the authority of the court under the Arkansas Rules of Civil Procedure or the Arkansas Rules of Evidence.

(ii) Unless otherwise allowed by law, the Child Welfare Ombudsman shall not disclose information that he or she obtains through his or her attendance at a hearing held under this subchapter.

(D) All other hearings may be closed within the discretion of the court.

(i)(1) A court shall set a hearing to address the entry of a written order if:

(A) The written order is not provided to the court for entry within the time specified under this subchapter; and

(B) A party files a motion for a hearing to address the entry of the written order.

(2)(A) The court shall conduct a hearing to address the entry of the written order within thirty (30) days from the date on which the motion for a hearing to address the entry of the written order is filed.

(B) A hearing to address the entry of a written order may be the next scheduled hearing in the proceeding if the hearing to address the entry of the written order is being held within thirty (30) days from the date on which the motion for a hearing to address the entry of the written

order is filed.

(C) The court is not required to conduct a hearing to address the entry of a written order if the written order is submitted to the court.

(3) The court shall reassign the preparation of the written order as needed.

9-35-211. Adjudication hearing.

(a) An adjudication hearing shall be held to determine whether the allegations in a petition are substantiated by the proof.

(b)(1) On a motion of the court or any party, the court may continue the adjudication hearing up to sixty (60) days after the removal for good cause shown.

(2) The court may continue an adjudication hearing beyond the sixty-day limitation provided in subdivision (b)(1) of this section in extraordinary circumstances.

(3) As used in subdivision (b)(2) of this section, "extraordinary circumstances" includes without limitation the following circumstances:

(A) The Supreme Court orders the suspension of in-person court proceedings; and

(B) One (1) of the following has occurred:

(i) The President of the United States has declared a national emergency; or

(ii) The Governor has declared a state of emergency or a statewide public health emergency.

9-35-212. Disposition — Family in need of services — Generally.

(a) If a family is found to be in need of services, the circuit court may enter an order making any of the following dispositions:

(1)(A) To order family services to rehabilitate the juvenile and his or her family.

(B)(i) If the Department of Human Services is the provider for family services, the family services shall be limited to those services available by the department's community-based providers or contractors, excluding the contractors with the Division of Children and Family Services

and services of the department for which the family applies and is determined eligible.

(ii) To prevent removal when the department is the provider for family services, the court shall make written findings outlining how each service is intended to prevent removal;

(2)(A) If it is in the best interest of the juvenile, transfer custody of juvenile family members to another licensed agency responsible for the care of juveniles or to a relative or other individual.

(B) If it is in the best interest of the juvenile and because of acts or omissions by the parent, guardian, or custodian, removal is necessary to protect the juvenile's health and safety, transfer custody to the department.

(C) A juvenile in the custody of the department is "awaiting foster care placement", as that term is used in the definition of "homeless children and youths" in the McKinney-Vento Homeless Assistance Act, 42 U.S.C. § 11434a(2), as it existed on January 1, 2025, if the juvenile:

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

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

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

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

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

(3)(A) Order that the parent, both parents, or the guardian of the juvenile attend a court-ordered parental responsibility training program, if available.

(B) The court may make reasonable orders requiring proof of completion of such a training program within a certain time period and payment of a fee covering the cost of the training program;

(4) Place the juvenile on residential detention with electronic monitoring in the juvenile's home;

(5) Order the juvenile, his or her parent, both parents, or guardian to perform court-approved volunteer service in the community designed to contribute to the rehabilitation of the juvenile or the ability of the parent or guardian to provide proper parental care and supervision of the juvenile, not to exceed one hundred sixty (160) hours;

(6)(A) Place the juvenile on supervision terms, including without limitation requiring the juvenile to attend school or make satisfactory progress toward attaining a high school equivalency diploma approved by the Adult Education Section, requiring the juvenile to observe a curfew, and prohibiting the juvenile from possessing or using any alcohol or illegal drugs.

(B) The supervision terms shall be:

(i) In writing; and

(ii) Given to the juvenile and explained to the juvenile and to his or her parent, guardian, or custodian by the juvenile intake or probation officer in a conference immediately following the disposition hearing;

(7)(A) Order a fine not to exceed five hundred dollars ($500) to be paid by the juvenile, a parent, both parents, a guardian, or a custodian when the juvenile exceeds the number of excessive unexcused absences provided in the student attendance policy of the district or the Career Education and Workforce Development Board.

(B) The purpose of the penalty set forth in this section is to impress upon the parents, guardians, or persons in loco parentis the importance of school or adult education attendance, and the penalty is not to be used primarily as a source of revenue.

(C)(i) In all cases in which a fine is ordered, the court shall determine the parent's, guardian's, or custodian's ability to pay for the fine.

(ii) In making its determination, the court shall consider the following factors:

(a) The financial ability of the parent, both parents, the guardian, or the custodian to pay for such services;

(b) The past efforts of the parent, both parents, the guardian, or the custodian to correct the conditions that resulted in the need for family services; and

(c) Any other factors that the court deems relevant.

(D) When practicable and appropriate, the court may utilize mandatory attendance to such programs as well as community service requirements in lieu of a fine;

(8) Assess a court cost of no more than thirty-five dollars ($35.00) to be paid by the juvenile, his or her parent, both parents, the guardian, or the custodian; and

(9) Order a juvenile service fee not to exceed twenty dollars ($20.00) per month to be paid by the juvenile, his or her parent, both parents, the guardian, or the custodian.

(b) The court may provide that any violation of its orders shall subject the parent, both parents, the juvenile, custodian, or guardian to contempt sanctions.

9-35-213. Disposition — Family in need of services — Limitations — Definitions.

(a) At least five (5) working days before ordering the Department of Human Services, excluding community-based providers, to provide or pay for family services, the circuit court shall fax a written notice of intent to the Secretary of the Department of Human Services and to the attorney of the local Office of Chief Counsel of the Department of Human Services.

(b) At any hearing in which the department is ordered to provide family services, the court shall provide the department with the opportunity to be heard.

(c) Failure to provide at least five (5) working days' notice to the department renders any part of the order pertaining to the department void.

(d)(1) For purposes of this section, the court shall not specify a particular provider for placement or family services when the department is the payor or provider.

(2)(A) The court may order a child to remain in a placement if the court finds the placement is in the best interest of the child after hearing evidence from all parties.

(B) A court may also order a child to be placed into a licensed or approved placement after a hearing in which the court makes a finding that it is in the best interest of the child based on bona fide

consideration of evidence and recommendations from all the parties.

(e)(1) In all cases in which family services are ordered, the court shall determine a parent's, guardian's, or custodian's ability to pay, in whole or in part, for these family services.

(2) The determination under subdivision (e)(1) of this section and the evidence supporting the determination shall be made in writing in the order ordering family services.

(3) If the court determines that the parent, guardian, or custodian is able to pay, in whole or part, for the family services, the court shall enter a written order setting forth the amount the parent, guardian, or custodian can pay for the family services ordered and ordering the parent, guardian, or custodian to pay the amount periodically to the provider from whom family services are received.

(4) As used in this subsection:

(A) "Parent, guardian, or custodian" means the individual or individuals from whom custody was removed; and

(B) "Periodically" means no more than one (1) time per month.

(5) In making its determination under this subsection, the court shall consider the following factors:

(A) The financial ability of the parent, both parents, the guardian, or the custodian to pay for the family services;

(B) The past efforts of the parent, both parents, the guardian, or the custodian to correct the conditions that resulted in the need for family services; and

(C) Any other factors the court deems relevant.

(f) Custody of a juvenile may be transferred to a relative or other individual only after a home study of the placement is conducted by the department or a licensed social worker who is approved to do home studies and submitted to the court in writing and the court determines that the placement is in the best interest of the juvenile.

(g) Custody of a juvenile shall not be transferred to the department if a delinquency petition or case is converted to a family in need of services petition or case.

(h) A court shall not commit a juvenile found solely in criminal contempt to the Division of Youth Services.

(i) For purposes of this section, the court shall not order the department to expend or forward Social Security benefits for which the department is payee.

9-35-214. Limitations on detention.

A juvenile who is alleged to be or who has been adjudicated either dependent-neglected or a member of a family in need of services shall not be placed or detained in a secure detention facility, in a facility utilized for the detention of alleged or adjudicated delinquent juveniles, or in a facility utilized for the detention of adults held for, charged with, or convicted of a crime except:

(1)(A) A juvenile may be held in a juvenile detention facility when he or she has been away from home for more than twenty-four (24) hours and when the parent, guardian, or other person contacted lives beyond a fifty-mile driving distance or out of state.

(B)(i) The juvenile may be held in custody in a juvenile detention facility for purposes of identification, processing, or arranging for release or transfer to an alternative facility.

(ii) The holding shall be limited to the minimum time necessary to complete these actions and shall not occur in any facility utilized for incarceration of adults.

(C)(i) A juvenile held under this subdivision (1) shall be separated from detained juveniles charged or held for delinquency.

(ii) A juvenile shall not be held under this subdivision (1) for more than six (6) hours if the parent, guardian, or other person contacted lives in the state or twenty-four (24) hours, excluding weekends and holidays, if the parent, guardian, or other person contacted lives out of state; and

(2)(A) An adjudicated-family-in-need-of-services juvenile may be held in a juvenile detention facility when the court finds that the juvenile violated a valid court order.

(B)(i) For the purposes of this subdivision (2), a valid court order shall include any order of a circuit court regarding a juvenile who has been brought before the court and made subject to a court order.

(ii) The juvenile who is the subject of the order is entitled to full due process rights.

9-35-215. Six-month reviews required.

(a)(1) The court shall review every case of family in need of services when:

(A) A juvenile is placed by the court in the custody of the Department of Human Services or in another out-of-home placement until there is a permanent order of custody, guardianship, or other permanent placement for the juvenile; or

(B) A juvenile is returned to the parent from whom the juvenile was removed, another fit parent, guardian, or custodian and the court has not discontinued orders for family services.

(2)(A) The first six-month review shall be held no later than six (6) months from the date of the original out-of-home placement of the juvenile and shall be scheduled by the court following the adjudication and disposition hearing.

(B) It shall be reviewed every six (6) months thereafter until permanency is achieved.

(3) A six-month review hearing shall not be required for a juvenile who:

(A) Is over eighteen (18) years of age; and

(B) Has elected to remain in extended foster care or to return to extended foster care under § 9-35-302.

(b) The court may require the cases under this section to be reviewed before the sixth-month review hearing, and the court shall announce the date, time, and place of the hearing.

(c) At any time during the pendency of any case of dependency-neglect or family in need of services in which an out-of-home placement has occurred, any party may request the court to review the case, and the party requesting the hearing shall provide reasonable notice to all parties.

(d) At any time during the course of a case, the department, the attorney ad litem, or the court can request a hearing on whether or not reunification services should be terminated under § 9-35-335.

(e)(1) In each case in which a juvenile has been placed in an out-of-home placement, the court shall conduct a hearing to review the case sufficiently to determine the future status of the juvenile based upon the best interest of the juvenile.

(2)(A) The court shall determine and include in its orders the following:

(i) Whether the case plan, services, and placement meet the special needs and best interest of the juvenile, with the juvenile's health, safety, and educational needs specifically addressed;

(ii) Whether the state has made reasonable efforts to provide family services;

(iii) Whether the parent or parents or person from whom custody was removed has demonstrated progress toward the goals of the case plan and whether completion of the goals has benefited the parent in remedying the issues that prevent the safe return of the juvenile;

(iv) Whether the case plan is moving toward an appropriate permanency plan under § 9-35-324 for the juvenile;

(v) Whether the visitation plan is appropriate for the juvenile, the parent or parents, and any siblings, if separated; and

(vi)(a) Whether the juvenile should be returned to his or her parent or parents and whether or not the juvenile's health and safety can be protected by his or her parent or parents if returned home, either permanently or for a trial placement.

(b) At any time the court determines that the health and safety of the juvenile can be adequately protected and it is in the best interest of the juvenile, the court shall return the juvenile to a parent or parents from whom custody was removed.

(B)(i) The court may order any study, evaluation, or post-disposition report, if needed.

(ii) All studies, evaluations, or post-disposition reports shall be provided in writing to all parties and counsel at least two (2) days before the review hearing.

(iii) All parties shall be given a fair opportunity to controvert any part of a study, evaluation, or post-disposition report.

(3)(A) In making its findings, the court shall consider the following:

(i) The extent of compliance with the case plan, including without limitation a review of the department's care for the health, safety, and education of the juvenile while he or she has been in an out-of-home placement;

(ii) The extent of progress that has been made toward alleviating or mitigating the causes of the out-of-home placement;

(iii) Whether the juvenile should be returned to his or her parent or parents and whether or not the juvenile's health and safety can be protected by his or her parent or parents if returned home; and

(iv) An appropriate permanency plan under § 9-35-324 for the juvenile, including concurrent planning.

(B) Incompletion of the case plan under subdivision (e)(3)(A)(i) of this section is an insufficient reason by itself to deny the juvenile's return to the family home.

(f) Each six-month review hearing shall be completed, and the written order under subsection (e) of this section shall be filed by the court or by a party or a party's attorney as designated by the court and distributed to the parties within thirty (30) days of the date of the hearing or before the next hearing, whichever is sooner.

9-35-216. Proceedings concerning juveniles for whom paternity not established.

(a) Absent an order of a circuit court or another court of competent jurisdiction to the contrary, the biological mother, whether adult or minor, of a juvenile for whom paternity has not been established is:

(1) Deemed to be the natural guardian of that juvenile; and

(2) Is entitled to the care, custody, and control of that juvenile.

(b) The biological mother, the putative father, the juvenile himself or herself, or the Office of Child Support Enforcement may bring an action to establish paternity or support of a juvenile for whom paternity has not been established.

(c)(1) If the juvenile is not born when the parties appear before the court, the court may hear evidence and issue temporary orders and findings pending the birth of the juvenile.

(2) If the final order is contrary to the temporary one, the court shall render judgment for the amount paid under the temporary order against the petitioner if the petitioner was the biological mother.

(3) If the mother dies before the final order, the action may be revived in the name of the juvenile, and the mother's testimony at the

temporary hearing may be introduced in the final hearing.

(d)(1) Upon an adjudication by the court that the putative father is the father of the juvenile, the court shall follow the same guidelines, procedures, and requirements as established by the laws of this state applicable to child support orders and judgments entered upon divorce.

(2) The court may award court costs and attorney's fees.

(e)(1) If paternity has been established in a court of competent jurisdiction, a father may petition the court in the county where the juvenile resides for custody of the juvenile.

(2) The court may award custody to a father who has had paternity established if the court finds by a preponderance of the evidence that:

(A) He is a fit parent to raise the juvenile;

(B) He has assumed his responsibilities toward the juvenile by providing care, supervision, protection, and financial support for the juvenile; and

(C) It is in the best interest of the juvenile to award custody to the father.

(f) At the request of either party in a paternity action, the trial court shall direct that the putative father, biological mother, and juvenile submit to one (1) or more blood tests or other scientific examinations or tests, including deoxyribonucleic acid typing, to:

(1) Determine whether or not the putative father can be excluded as being the father of the juvenile; and

(2) Establish the probability of paternity if the test does not exclude the putative father.

(g) The tests under subsection (f) of this section shall be made by a duly qualified physician or physicians, or by another duly qualified person or persons, not to exceed three (3), to be appointed by the court.

(h)(1) The results of the tests under subsection (f) of this section shall be receivable in evidence.

(2)(A)(i) A written report of the test results by the duly qualified expert performing the test, or by a duly qualified expert under whose supervision and direction the test and analysis have been performed, certified by an affidavit duly subscribed and sworn to by the expert before a notary public, may be introduced in evidence in illegitimacy actions without

calling the expert as a witness.

(ii) If either party desires to question the expert, the party shall have the expert subpoenaed within a reasonable time before trial.

(B) If the results of the paternity tests establish a ninety-five percent (95%) or more probability of inclusion that the putative father is the biological father of the juvenile and after corroborating testimony of the mother in regard to access during the probable period of conception, this shall constitute a prima facie case of establishment of paternity and the burden of proof shall shift to the putative father to rebut such proof.

(3) The experts shall be subject to cross-examination by both parties after the court has caused them to disclose their findings.

(i) Whenever the court orders the blood tests to be taken and one (1) of the parties refuses to submit to the test, that fact shall be disclosed upon the trial unless good cause is shown to the contrary.

(j) The costs of the test and witness fees shall be taxed by the court as other costs in the case.

(k) Whenever it shall be relevant to the prosecution or the defense in a paternity action, blood tests that exclude third parties as the father of the juvenile shall be the same as set out in subsections (f) and (g) of this section.

(l) The refusal of a party to submit to a genetic or other ordered test is admissible at a hearing to determine paternity only as to the credibility of the party.

(m) If a male witness offers testimony indicating that his act of intercourse with the mother may have resulted in the conception of the juvenile, the court may require the witness to submit to genetic or other tests to determine whether he is the juvenile's father.

9-35-217. Appeals.

(a) All appeals from juvenile cases shall be made to the Supreme Court or to the Court of Appeals in the time and manner provided for appeals in the Arkansas Rules of Appellate Procedure.

9-35-218. Duties and responsibilities of custodian.

(a) A person or agency appointed as the custodian of a juvenile in a proceeding under this subchapter shall:

(1) Care for and maintain the juvenile; and

(2) See that the juvenile is:

(A) Protected;

(B) Properly trained and educated; and

(C) Has the opportunity to learn a trade, occupation, or profession.

(b) The person or agency appointed as the custodian of a juvenile in a proceeding under this subchapter has the right to obtain medical care for the juvenile, including giving consent to specific medical, dental, or mental health treatments and procedures as required in the opinion of a duly authorized or licensed physician, dentist, surgeon, or psychologist, whether or not such care is rendered on an emergency, inpatient, or outpatient basis.

(c) The custodian has the right to enroll the juvenile in school upon the presentation of an order of custody.

(d) The custodian has the right to obtain medical and school records of any juvenile in his or her custody upon presentation of an order of custody.

(e) Any agency appointed as the custodian of a juvenile has the right to consent to the juvenile's travel on vacation or similar trips.

(f)(1) A person granted custody, guardianship, or adoption of any juvenile in a proceeding under or arising out of a dependency-neglect action under this subchapter shall ensure that the juvenile is not returned to the care or supervision of any person from whom the child was removed or any person the court has specifically ordered not to have care, supervision, or custody of the juvenile.

(2) This section shall not be construed to prohibit these placements if the person who has been granted custody, guardianship, or adoption obtains a court order to that effect from the juvenile division of circuit court that made the award of custody, guardianship, or adoption.

(3) Failure to comply with subdivision (f)(1) of this section is punishable as a criminal offense under § 5-26-502(a)(3).

(g)(1) The court shall not split custody.

(2) As used in this section, "split custody" means granting legal custody to one (1) person or agency and physical custody to another

person or agency.

9-35-219. Court costs, fees, and fines.

(a) The juvenile division of the circuit court may order the following court costs, fees, and fines to be paid by adjudicated defendants to the circuit court juvenile division fund as provided under § 16-13-326:

(1) The court may assess an adjudicated family in need of services court costs not to exceed thirty-five dollars ($35.00) as provided under § 9-35-212;

(2) The court may order a juvenile service fee for an adjudicated family in need of services not to exceed twenty dollars ($20.00) per month as provided under § 9-35-212;

(3) The court may order a fine for an adjudicated family in need of services of not more than five hundred dollars ($500) as provided under § 9-35-423; and

(4) A juvenile intake or probation officer may charge a diversion fee limited to no more than twenty dollars ($20.00) per month as provided under § 9-35-417.

(b) The court shall direct that the juvenile division court costs and fees be collected, maintained, and accounted for in the same manner as juvenile probation and juvenile services fees are collected, maintained, and accounted for under § 16-13-326.

Subchapter 3 — Dependency and Dependency-Neglect

9-35-301. Purposes — Construction.

This subchapter shall be liberally construed to the end that its purposes may be carried out to:

(1) Assure that all juveniles brought to the attention of the courts receive the guidance, care, and control, preferably in each juvenile's own home when the juvenile's health and safety are not at risk, that will best serve the emotional, mental, and physical welfare of the juvenile and the best interest of the state;

(2)(A) Preserve and strengthen the juvenile's family ties when it is in the best interest of the juvenile;

(B) Protect a juvenile by considering the juvenile's health

and safety as the paramount concerns in determining whether or not to remove the juvenile from the custody of his or her parents or custodians, removing the juvenile only when the safety and protection of the public cannot adequately be safeguarded without such removal;

(C) When a juvenile is removed from his or her own family, secure for him or her custody, care, and discipline with primary emphasis on ensuring the health and safety of the juvenile while in the out-of-home placement; and

(D) Assure, in all cases in which a juvenile must be permanently removed from the custody of his or her parents, that the juvenile be placed in an approved family home and be made a member of the family by adoption; and

(3) Provide means through which the provisions of this subchapter are executed and enforced and in which the parties are assured a fair hearing and their constitutional and other legal rights recognized and enforced.

9-35-302. Jurisdiction.

(a)(1) The circuit court shall have exclusive original jurisdiction of and shall be the sole court for the following proceedings governed by this subchapter, including without limitation:

(A) 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:

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

(2) Enrolled in an institution providing postsecondary or vocational education;

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

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

(5) Incapable of completing school or

work requirements due to a documented medical condition.

(b) The court shall retain jurisdiction only if the juvenile meets the requirements of subdivision (a)(1)(A)(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 and voluntarily is requesting to leave care;

(B) Has failed to meet the requirements of subdivision (a)(1)(A)(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 § 9-28-114 or § 9-35-334; or

(ii) A juvenile may contact his or her attorney ad litem to petition the court to return to the court's jurisdiction 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 extended foster care;

(B) Proceedings in which emergency custody, protective custody, or a seventy-two-hour hold has been taken on a juvenile under § 9-35-308, § 9-35-309, § 9-35-409, or the Child Maltreatment Act, § 12-18-101 et seq.;

(C) Proceedings for termination of parental rights for a juvenile under this subchapter;

(D) Proceedings in which custody of a juvenile is transferred to the department;

(E) Custodial placement proceedings filed by the department; and

(F) Proceedings in dependency-neglect to set aside an

order of permanent custody upon the disruption of the placement.

(2) A juvenile shall not under any circumstance remain under the court's jurisdiction past twenty-one (21) years of age.

(3)(A) When the department exercises protective custody of a juvenile under the Child Maltreatment Act, § 12-18-101 et seq., files a petition for an ex parte emergency order, or files a petition for dependency-neglect concerning that juvenile, before or subsequent to the other legal proceeding, a party to that petition may file a motion to transfer any other legal proceeding concerning the juvenile to the court hearing the dependency-neglect petition.

(B) Upon the filing of a motion, the other legal proceeding shall be transferred to the court hearing the dependency-neglect case.

(4) The court shall retain jurisdiction to issue orders of adoption, interlocutory or final, if a juvenile is placed outside the State of Arkansas.

(b) The assignment of a case to the juvenile division of the circuit court shall be as described by the Supreme Court in Administrative Order Number 14, originally issued on April 6, 2001.

(c) The circuit court shall have jurisdiction to hear proceedings commenced in any court of this state or court of comparable jurisdiction of another state that are transferred to it under the Uniform Child-Custody Jurisdiction and Enforcement Act, § 9-19-101 et seq.

(d) Regardless of funding, a juvenile will be allowed to return to foster care if:

(1) Evidence is presented to the circuit court that the department failed to comply with § 9-28-114 and § 9-35-334 or if there is evidence that the juvenile was coerced by an employee or agent of the department to leave foster care; or

(2) The juvenile submits a request to reenter foster care in writing or verbally to the department.

(e) If a juvenile over eighteen (18) years of age who is allowed to reenter extended foster care fails to be engaged in or have a viable plan to meet the requirements in subdivision (a)(1)(A)(i)(a) of this section or have a viable plan to meet the requirements of subdivision (a)(1)(A)(i)(a) of this section for more than sixty (60) days, the department may:

(1) File a motion to terminate the jurisdiction of the court and discharge the juvenile from foster care; or

(2) Provide notice to the juvenile not under the jurisdiction of the court that his or her case will be closed and discharge the juvenile from foster care.

9-35-303. Venue.

(a)(1)(A) Except as set forth in subdivisions (a)(2)-(4) of this section, a proceeding under this subchapter shall be commenced in the circuit court of the county in which the juvenile resides.

(B)(i) No dependency-neglect proceeding shall be dismissed if a proceeding is filed in the incorrect county.

(ii) If the proceeding is filed in the incorrect county, then the dependency-neglect proceeding shall be transferred to the proper county upon discovery of the proper county of residence of the juvenile.

(2) A proceeding may be commenced in the county where the alleged act or omission occurred in:

(A) Nonsupport after establishment of paternity; or

(B) Dependency-neglect.

(3) A proceeding under the Uniform Child-Custody Jurisdiction and Enforcement Act, § 9-19-101 et seq., shall be commenced in the court provided by the Uniform Child-Custody Jurisdiction and Enforcement Act, § 9-19-101 et seq.

(4) An adoption or guardianship may be filed in a juvenile court that has previously asserted continuing jurisdiction of the juvenile.

(5) A juvenile proceeding shall comply with § 16-13-210, except detention hearings under § 9-35-420 and probable cause hearings under § 9-35-310.

(b)(1) Following adjudication, the court may on its own motion or on motion of any party transfer the case to the county of the juvenile's residence when the provisions of the Uniform Child-Custody Jurisdiction and Enforcement Act, § 9-19-101 et seq., do not apply.

(2) The court shall not transfer any case to another judicial district prior to adjudication, excluding matters filed in the incorrect venue, or any case in which a petition to terminate parental rights has been

filed unless the court has taken final action on the petition.

(c)(1) Before transferring a case to another venue, the court shall contact the judge in the other venue to confirm that the judge in the other venue will accept the transfer.

(2)(A) Upon confirmation that the judge will accept the transfer of venue, the transferring judge shall enter the transfer order.

(B) The transfer order shall:

(i) Indicate that the judge has accepted the transfer;

(ii) State the location of the court in the new venue;

(iii) Set the time and date of the next hearing;

(iv) Be provided to all parties and attorneys to the case; and

(v) Be transmitted immediately to the judge accepting the transfer.

(3) The transferring court shall also ensure that all court records are copied and sent to the judge in the new venue.

9-35-304. Confidentiality of records — Definition.

(a)(1) Except as provided in subdivision (a)(2) of this section, all records may be closed and confidential within the discretion of the circuit court.

(2) Adoption records, including any part of a dependency-neglect record that includes adoption records, shall be closed and confidential as provided in the Revised Uniform Adoption Act, § 9-9-201 et seq.

(b)(1) The court:

(A) May expunge other juvenile records at any time; and

(B) Shall expunge all the records of a juvenile upon his or her twenty-first birthday in a dependency-neglect case.

(2) For purposes of this section, "expunge" means to destroy.

(c) This section does not apply to nor restrict the use or publication of statistics, data, or other materials that summarize or refer to any records, reports, statements, notes, or other information in the aggregate and that do not refer to or disclose the identity of any juvenile in any proceeding when used only for the purpose of research and study.

(d) Records of proceedings under this subchapter and the records of an investigation that is conducted when the alleged offender is an adult and relates to an offense that occurred when the alleged offender was a juvenile shall be confidential and shall not be subject to disclosure under the Freedom of Information Act of 1967, § 25-19-101 et seq., unless authorized by a written order of the juvenile division of circuit court.

(e) Information regarding proceedings under this subchapter shall be confidential unless the exchange of information is:

(1) For the purpose of obtaining services for the juvenile, to ensure school safety, or to ensure public safety;

(2) Reasonably necessary to achieve one (1) or more purposes; and

(3) Under a written order by the circuit court.

(f)(1) The information may be given only to the following persons:

(A) A school counselor;

(B) A juvenile court probation officer or caseworker;

(C) A law enforcement officer;

(D) A spiritual representative designated by the juvenile or his or her parents or legal guardian;

(E) A Department of Human Services caseworker;

(F) A community-based provider designated by the court, the school, or the parent or legal guardian of the juvenile;

(G) A Department of Health representative;

(H) The juvenile's attorney ad litem or other court-appointed special advocate; or

(I)(i) A school superintendent or the designee of the superintendent of the school district to which the juvenile transfers, in which the juvenile is enrolled, or from which the juvenile receives services.

(ii) A school superintendent or the designee of the superintendent of the school district in which the juvenile is enrolled or from which the juvenile receives services shall immediately notify the following persons of information he or she obtains under subdivision (f)(1)(I)(i) of this section:

(a) The principal of the school; and

(b) Any other school official with a legitimate

educational interest in the juvenile.

(2) The persons listed in subdivision (f)(1) of this section may meet to exchange information, to discuss options for assistance to the juvenile, to develop and implement a plan of action to assist the juvenile, to ensure school safety, and to ensure public safety.

(3) The juvenile and his or her parent or legal guardian shall be notified within a reasonable time before a meeting and may attend any meeting of the persons referred to in subdivision (f)(1) of this section when three (3) or more individuals meet to discuss assistance for the juvenile or protection of the public due to the juvenile's behavior.

(4) Medical records, psychiatric records, psychological records, and related information shall remain confidential unless the juvenile's parent or legal guardian waives confidentiality in writing specifically describing the records to be disclosed between the persons listed in subdivision (f)(1) of this section and the purpose for the disclosure.

(5) A person listed in subdivision (f)(1) of this section who exchanges any information referred to in this section may be held civilly liable for disclosure of the information if the person does not comply with limitations set forth in this section.

(g)(1) When a court orders that a juvenile have a safety plan that restricts or requires supervised contact with another juvenile or juveniles as it relates to student or school safety, the court shall direct that a copy of the safety plan and a copy of the court order regarding the safety plan concerning student or school safety be provided to the school superintendent and principal of the school district:

(A) To which the juvenile transfers;

(B) In which the juvenile is enrolled; or

(C) From which the juvenile receives services.

(2) When a court order amends or removes any safety plan outlined in subdivision (g)(1) of this section, the court shall direct that a copy of the safety plan and a copy of the court order regarding the safety plan, as it relates to student or school safety, be provided to the school superintendent and principal of the school district:

(A) To which the juvenile transfers;

(B) In which the juvenile is enrolled; or

(C) From which the juvenile receives services.

(3)(A) The superintendent or principal of the school district in which the juvenile is enrolled or from which the juvenile receives services shall provide verbal notification only to school officials who are necessary to implement the safety plan as ordered by the court to ensure student safety.

(B) The verbal notification under subdivision (g)(3)(A) of this section may only be provided to assistant principals, counselors, resource officers, and the school employees who are primarily responsible for the supervision of the juvenile or responsible for the learning environment of the juvenile in the school district in which the juvenile is enrolled or from which the juvenile receives services, and to bus drivers, if applicable.

(4) A school official that receives a court order and safety plan or information concerning the court order and safety plan shall:

(A) Keep the information confidential and sign a statement not to disclose the information concerning the court order and safety plan that shall be kept by the superintendent or principal along with the court order and safety plan;

(B) Keep the information confidential and not disclose the information to any person not listed in subdivision (f)(1) of this section;

(C) Include the information in the juvenile's permanent educational records; and

(D)(i) Treat the information and documentation contained in the court order as education records under the Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g, as it existed on January 1, 2025.

(ii) A school official shall not release, disclose, or make available the information and documentation contained in the court order for inspection to any party except as permitted under the Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g, as it existed on January 1, 2025.

(iii) However, the local education agency shall not under any circumstance release, disclose, or make available for inspection to the public, any college, university, institution of higher education, vocational or trade school, or any past, present, or future employer of the student the court order or safety plan portion of a student record.

(5) When a student attains an age that he or she is no longer under the jurisdiction of the juvenile division of circuit court, the safety

plan and the order regarding the safety plan shall be removed from the juvenile's permanent records at the local education agency and destroyed.

9-35-305. Commencement of proceedings.

(a) A proceeding under this subchapter shall be commenced by filing a petition with the circuit clerk of the circuit court or by transfer by another court.

(b)(1) Only a law enforcement officer, prosecuting attorney, the Department of Human Services or its designee, or a dependency-neglect attorney ad litem employed by or contracting with the Administrative Office of the Courts may file a dependency-neglect petition seeking ex parte emergency relief.

(2) A petition for dependency-neglect may be filed by any adult.

(3) A petition for paternity establishment may be filed by:

(A) The biological mother;

(B) A putative father;

(C) A juvenile; or

(D) The Office of Child Support Enforcement.

(c) Concurrent with filing, a copy of any petition that requests that the Department of Human Services take custody or provide family services shall be mailed to:

(1) The Secretary of the Department of Human Services; and

(2) The attorney of the local Office of Chief Counsel of the Department of Human Services by the petitioner.

(d) No fee, including without limitation a fee for filing, copying, or faxing, including petitions for adoption, petitions for guardianships, summons, or subpoenas, shall be charged or collected by the circuit clerk or sheriff's office in cases brought in the circuit court under this subchapter by a governmental entity or nonprofit corporation, including without limitation:

(1) The prosecuting attorney;

(2) An attorney ad litem appointed in a dependency-neglect case; or

(3) The Department of Human Services.

(e) If the circuit clerk's office has a fax machine, the circuit clerk, in cases commenced in the circuit court under this subchapter by a

governmental entity or nonprofit corporation, including without limitation the prosecuting attorney, an attorney ad litem appointed in a dependency-neglect case, or the Department of Human Services, shall accept facsimile transmissions of any papers filed under this subchapter as described in Rule 5 of the Arkansas Rules of Civil Procedure.

(f) An attorney ad litem appointed under § 12-18-1001(e) shall review all relevant information from the juvenile proceeding regarding the child or children for whom protective custody was taken and shall file any pleadings that may be necessary to protect the health, safety, or welfare of the child or children.

9-35-306. Required contents of petition.

(a) The petition shall set forth the following:

(1)(A) The name, address, gender, Social Security number, and date of birth of each juvenile subject of the petition.

(B) A single petition for dependency-neglect shall be filed that includes all siblings who are subjects of the petition;

(2) The name and address of each of the parents or the surviving parent of the juvenile or juveniles;

(3) The name and address of the person, agency, or institution having custody of the juvenile or juveniles;

(4) The name and address of any other person, agency, or institution having a claim to custody or guardianship of the juvenile or juveniles;

(5) In a proceeding to establish paternity, the name and address of both the putative father and the presumed legal father, if any;

(6) The name and address of a putative parent, if any;

(7) The name, address, gender, and date of birth of any sibling of a juvenile named as respondent to the petition; and

(8) The name of each parent, guardian, or custodian of a sibling of a juvenile named as respondent to the petition.

(b) If the name or address of anyone listed in subsection (a) of this section is unknown or cannot be ascertained by the petitioner with reasonable diligence, this shall be alleged in the petition and the petition shall not be dismissed for insufficiency, but the court shall direct appropriate measures to find and give notice to the persons.

(c)(1) All persons named in subdivisions (a)(1)-(3) of this section shall be made defendants and served as required by this subchapter.

(2) However:

(A) The juvenile shall have party status and be named in the petition as a respondent and shall be served notice under § 9-35-307;

(B) In a dependency-neglect and termination of parental rights petition, the putative parent shall be named as a party if the petitioner alleges that the putative parent:

(i) May have a claim of paternity of a juvenile born outside of marriage;

(ii) Has established significant contacts with the juvenile, which may be demonstrated by a significant custodial, personal, or financial relationship with the juvenile; or

(iii) Is listed on the Putative Father Registry;

(C) A putative parent who was not originally named as a party to the dependency-neglect petition shall be added as a party if:

(i) Paternity is established and a court of competent jurisdiction enters an order establishing paternity between the juvenile and the putative parent; or

(ii) The court determines that the putative parent is a parent as defined in § 9-35-102; and

(D) In a paternity action, the petitioner shall name as defendants only the mother, the putative father, or the presumed legal father, if any.

(d)(1)(A) The Department of Human Services shall make diligent efforts to identify putative parents.

(B) Diligent efforts shall include without limitation checking the Putative Father Registry.

(2)(A)(i) A petitioner may name and serve a putative parent as a party under § 9-35-307 in order to resolve the putative parent's status and rights under § 9-35-314 or terminate the rights of the putative parent under § 9-35-325.

(ii) If the petitioner does not name and serve a putative parent as a party in accordance with subdivision (d)(2)(A)(i) of this section, the petitioner shall provide a putative parent with notice under Rule 4 of the Arkansas Rules of Civil Procedure of a proceeding as soon

as the putative parent is identified.

(B) The notice shall include information about:

(i) The method of establishing paternity;

(ii) The right of the putative parent to prove significant contacts; and

(iii) The right of the putative parent to be heard by the court.

(C) The petitioner shall provide the notice to the court and the parties to the case.

(D) After receiving the notice required under subdivision (d)(2)(A)(ii) of this section, the putative parent has the burden of establishing one (1) of the following:

(i) The putative parent has significant contacts with the juvenile, which may be demonstrated by a significant custodial, personal, or financial relationship with the juvenile; or

(ii) The putative parent is a parent as defined in § 9-35-102.

(E) If the putative parent, after receiving the notice required under subdivision (d)(2)(A)(ii) of this section and being given an opportunity to prove significant contacts with the juvenile, fails to demonstrate significant contacts with the juvenile and the court finds that the putative parent was given sufficient notice and an opportunity to be heard, the court may:

(i) Order deoxyribonucleic acid (DNA) testing to determine whether the putative parent is the biological parent of the juvenile;

(ii) Enter an order:

(a) Finding that the putative parent does not have rights to the juvenile;

(b) Dismissing the putative parent from the action; and

(c) Finding that no further notice is due to the putative parent whose rights have not attached with regard to the juvenile, including in the event of a filed petition for adoption; or

(iii) Enter an order providing that only a parent or putative parent whose rights have attached to the juvenile shall be included

in a petition to terminate parental rights under § 9-35-325.

(e)(1) The petition shall set forth the following in plain and concise words:

(A) The facts that, if proven, would bring the family or juvenile within the court's jurisdiction;

(B) The section of this subchapter upon which jurisdiction for the petition is based; and

(C) The relief requested by the petitioner.

(2)(A) The petition shall be supported by an affidavit of facts.

(B) A supporting affidavit of facts shall not be required for a termination of parental rights petition.

(C) The supporting affidavit of facts shall include known information regarding the fitness of the noncustodial parent to be considered for custody, placement, or family time with the juvenile.

(D) If the petition for dependency-neglect is filed by the department, the supporting affidavit of facts shall include a list of all contact the department has had with the family before the filing of the petition, including without limitation hotline calls accepted for maltreatment, investigations, and open cases.

9-35-307. Notification to defendants.

(a) A juvenile respondent shall be served with a copy of the petition and all other pleadings by serving the juvenile's attorney ad litem in accordance with Rule 5 of the Arkansas Rules of Civil Procedure.

(b) Each adult defendant shall be served in the manner provided in the Arkansas Rules of Civil Procedure with:

(1) A copy of the petition; and

(2) Either a notice of hearing or an order to appear.

9-35-308. Taking into custody.

When a juvenile is taken into protective custody under § 12-18-1001, the person exercising protective custody shall:

(1)(A) Notify the Department of Human Services and make every effort possible to notify the custodial parent, guardian, or custodian of the juvenile's location.

(B) The notification to the custodial parent, noncustodial

parent, guardian, or custodian of the juvenile shall be in writing and include a notice:

(i) That the juvenile has been taken into foster care;

(ii) Of the name, location, and phone number of the person at the department whom the custodial parent, noncustodial parent, guardian, or custodian of the juvenile can contact about the juvenile;

(iii) Of the rights of the juvenile and of the custodial parent, noncustodial parent, guardian, or custodian of the juvenile to receive a copy of any petition filed under this subchapter;

(iv) Of the location and telephone number of the court; and

(v) Of the procedure for obtaining a hearing; or

(2) Return the juvenile to his or her home.

9-35-309. Emergency orders.

(a)(1) In a case in which there is probable cause to believe that immediate emergency custody is necessary to protect the health or physical well-being of the juvenile from immediate danger or to prevent the juvenile's removal from the state, the circuit court shall issue an ex parte order for emergency custody to remove the juvenile from the custody of the parent, guardian, or custodian and shall determine the appropriate plan for placement of the juvenile.

(2)(A) In a case in which there is probable cause to believe that an emergency order is necessary to protect the health or physical well-being of the juvenile from immediate danger, the court shall issue an ex parte order to provide specific appropriate safeguards for the protection of the juvenile.

(B) Specific appropriate safeguards shall include without limitation the authority of the circuit court to restrict a legal custodian from:

(i) Having any contact with the juvenile; or

(ii) Removing a juvenile from a placement if the:

(a) Legal custodian placed or allowed the juvenile to remain in that home for more than six (6) months; and

(b) Department of Human Services has no

immediate health or physical well-being concerns with the placement.

(3) In a case in which there is probable cause to believe that a juvenile is a dependent juvenile as defined in this subchapter, the court shall issue an ex parte order for emergency custody placing custody of the dependent juvenile with the department.

(b) The emergency order shall include:

(1) Notice to all defendants and respondents named in the petition of the right to a hearing and that a hearing will be held within five (5) business days of the issuance of the ex parte order;

(2) Notice of a defendant's or respondent's right to be represented by counsel;

(3)(A) Notice of a defendant's or respondent's right to obtain appointed counsel, if eligible, and the procedure for obtaining appointed counsel.

(B) A court shall:

(i) Appoint counsel for the parent or custodian from whom legal custody was removed in the ex parte emergency order; and

(ii) Determine eligibility at the probable cause hearing; and

(4) The address and telephone number of the circuit court and the date and time of the probable cause hearing, if known.

(c)(1) Immediate notice of the emergency order shall be given by the petitioner or by the circuit court to the:

(A) Custodial parent, noncustodial parent, guardian, or custodian of the juvenile; and

(B) Attorney ad litem who represents the juvenile respondent.

(2) The petitioner shall provide copies of any petition, affidavit, or other pleading filed with or provided to the court in conjunction with the emergency order to the provisionally appointed parent counsel under § 9-35-311 before the probable cause hearing.

(3) All defendants shall be served with the emergency order according to Rule 4 or Rule 5 of the Arkansas Rules of Civil Procedure or as otherwise provided by the court.

9-35-310. Probable cause hearing.

(a)(1)(A) The circuit court shall hold a probable cause hearing within five (5) business days of the issuance of the ex parte order to determine if probable cause to issue the emergency order continues to exist.

(B)(i) The hearing shall be limited to the purpose of determining whether probable cause existed to protect the juvenile and to determine whether probable cause still exists to protect the juvenile.

(ii) However, the issues as to custody and delivery of services may be considered by the court and appropriate orders for custody and delivery of services entered by the court.

(iii) If the defendant stipulates that probable cause exists, the only evidence that is presented at the probable cause hearing shall be:

(a) Evidence pertaining to family time; and

(b) Evidence pertaining to services delivered to the family.

(iv) A parent shall not be compelled to testify under any circumstances.

(v) For the sole purpose of the probable cause hearing, the stipulation of a parent that probable cause exists shall also serve as a stipulation to the introduction of the affidavit of the plaintiff.

(2)(A) All other issues, with the exception of custody and services, shall be reserved for hearing by the court at the adjudication hearing, which shall be a separate hearing conducted subsequent to the probable cause hearing.

(B) By agreement of the parties and with the court's approval, the adjudication hearing may be conducted at any time after the probable cause hearing, subject to § 9-35-316(a)(4).

(b) The petitioner shall have the burden of proof by a preponderance of evidence that probable cause exists for continuation of the emergency order.

(c) If the court determines that the juvenile can safely be returned to his or her home pending adjudication and it is in the best interest of the juvenile, the court shall so order.

(d)(1) The court shall set the time and date of the adjudication hearing at the probable cause hearing.

(2) The court or a party or party's attorney, as designated by

the court, shall file a written order within thirty (30) days of the date of the hearing or prior to the next hearing, whichever is sooner.

(e) All probable cause hearings are miscellaneous proceedings as defined in Rule 1101(b)(3) of the Arkansas Rules of Evidence, and the rules of evidence, including without limitation the hearsay rule, Rule 802 of the Arkansas Rules of Evidence, are not applicable.

9-35-311. Right to counsel.

(a)(1)(A) The inquiry concerning the ability of the juvenile to retain counsel shall include a consideration of the juvenile's financial resources and the financial resources of his or her family.

(B) However, the failure of the juvenile's family to retain counsel for the juvenile shall not deprive the juvenile of the right to appointed counsel if required under this section.

(2) After review by the court of an affidavit of financial means completed and verified by the parent of the juvenile and a determination by the court that the parent or juvenile has the ability to pay, the court may order financially able juveniles, parents, guardians, or custodians to pay all or part of reasonable attorney's fees and expenses for representation of a juvenile.

(3) All moneys collected by the circuit clerk under this subsection shall be retained by the circuit clerk and deposited into a special fund to be known as the "juvenile representation fund".

(4) The court may direct that money from the juvenile representation fund be used in providing counsel for juveniles under this section in a delinquency or family in need of services case.

(5) Any money remaining in the juvenile representation fund at the end of the fiscal year shall not revert to any other fund but shall carry over into the next fiscal year in the juvenile representation fund.

(b) Appointment of counsel shall be made at a time sufficiently in advance of the court appearance to allow adequate preparation by appointed counsel and adequate consultation between the appointed counsel and the client.

(c)(1) The court shall appoint an attorney ad litem who shall meet standards and qualifications established by the Supreme Court to represent the best interest of the juvenile when a dependency-neglect petition is filed

or when an emergency ex parte order is entered in a dependency-neglect case, whichever occurs earlier.

(2) The court may appoint an attorney ad litem to represent the best interest of a juvenile involved in any case before the court and shall consider the juvenile's best interest in determining whether to appoint an attorney ad litem.

(3) Each attorney ad litem shall:

(A) File written motions, responses, or objections at all stages of the proceedings when necessary to protect the best interest of the juvenile;

(B) Attend all hearings and participate in all telephone conferences with the court unless excused by the court; and

(C) Present witnesses and exhibits when necessary to protect the juvenile's best interest.

(4) An attorney ad litem shall be provided access to all records relevant to the juvenile's case, including without limitation:

(A) School records;

(B) Medical records;

(C) Court records relating to the juvenile and his or her family; and

(D) Records of the Department of Human Services relating to the juvenile and his or her family to the extent permitted by federal law, including those maintained electronically and in the case management system.

(5)(A) An attorney ad litem shall represent the best interest of the juvenile.

(B) If the juvenile's wishes differ from the attorney ad litem's determination of the juvenile's best interest, the attorney ad litem shall communicate the juvenile's wishes to the court in addition to presenting his or her determination of the juvenile's best interest.

(d)(1) The court may appoint a volunteer court-appointed special advocate from a program that shall meet all state and national court-appointed special advocate standards to advocate for the best interest of juveniles in dependency-neglect proceedings.

(2) A court-appointed special advocate shall not be assigned a case before:

(A) Completing a training program in compliance with

National CASA/GAL Association for Children and state standards; and

(B) Being approved by the local court-appointed special advocate program, which will include appropriate criminal background and child abuse registry checks.

(3) Each court-appointed special advocate shall:

(A)(i) Investigate the case to which he or she is assigned to provide independent factual information to the court through the attorney ad litem, court testimony, or court reports.

(ii) The court-appointed special advocate may testify if called as a witness.

(iii) When the court-appointed special advocate prepares a written report for the court, the advocate shall provide all parties or the attorney of record with a copy of the written report seven (7) business days before the relevant hearing; and

(B) Monitor the case to which he or she is assigned to ensure compliance with the court's orders.

(4) Upon presentation of an order of appointment, a court-appointed special advocate shall be provided access to all records relevant to the juvenile's case, including without limitation:

(A) School records;

(B) Medical records;

(C) Court records relating to the juvenile and his or her family; and

(D) Department records, to the extent permitted by federal law, including those maintained electronically and in the Children's Reporting and Information System.

(5) A court-appointed special advocate is not a party to the case to which he or she is assigned and shall not call witnesses or examine witnesses.

(6) A court-appointed special advocate shall not be liable for damages for personal injury or property damage pursuant to the Arkansas Volunteer Immunity Act, § 16-6-101 et seq.

(7) Except as provided in this subsection, a court-appointed special advocate shall not disclose any confidential information or reports to anyone except as ordered by the court or otherwise provided by law.

(e)(1)(A) All parents and custodians have a right to counsel in all

dependency-neglect proceedings.

(B) In all dependency-neglect proceedings that set out to remove legal custody from a parent or custodian:

(i) The parent or custodian from whom custody was removed shall have the right to be appointed counsel; and

(ii) The court may appoint an attorney to a:

(a)(1) Noncustodial parent if the court determines that the noncustodial parent has demonstrated a significant custodial relationship with the juvenile.

(2) A determination that the noncustodial parent has demonstrated a significant custodial relationship with the juvenile shall be made at the first appearance of the noncustodial parent in the matter; or

(b)(1) Putative parent if the putative parent has demonstrated significant contact with the juvenile and the court finds the rights of the putative parent have attached.

(2) A determination on whether the rights of the putative parent have attached shall be made at the first appearance of the putative parent in the matter.

(3) Counsel shall not be appointed to a putative parent if the:

(A) Court finds that the putative parent has not demonstrated significant contact with the juvenile;

(B) Court finds that the rights of the putative parent have not attached; or

(C) The putative parent does not appear in the matter.

(4) If a putative parent fails to demonstrate significant contacts with the juvenile, the court shall inform the putative parent on the following:

(A) How to be considered a parent under this chapter;

(B) The eligibility requirements for being appointed counsel; and

(C) The process for requesting the appointment of counsel if the putative parent meets the eligibility

requirements for being appointed counsel.

(C) Counsel shall not be appointed to a party in a dependency-neglect proceeding unless:

(i) The court finds that the parent, putative parent, or custodian of the juvenile is indigent; and

(ii) Counsel is requested by the parent, putative parent, or custodian of the juvenile after the parent, putative parent, or custodian is informed of his or her right to be appointed counsel.

(D)(i) Parents, putative parents, and custodians shall be advised in the dependency-neglect petition or the ex parte emergency order, whichever is sooner, and at the first appearance before the court, of the right to counsel and the right to appointed counsel, if eligible.

(ii) As required under § 9-35-309, a circuit court shall appoint counsel in an ex parte emergency order and shall determine eligibility at the commencement of the probable cause hearing.

(E)(i) All parents shall have the right to be appointed counsel in termination of parental rights hearings.

(ii) The court shall appoint counsel if the court makes a finding that the parent is indigent and counsel is requested by the parent.

(F) In a dependency-neglect proceeding naming a minor parent as a defendant, the court shall appoint a qualified parent counsel for the minor parent.

(2) If at the permanency planning hearing or at any time the court establishes the goal of adoption and counsel has not yet been appointed for a parent, the court shall appoint counsel to represent the parent as provided by subdivision (e)(1)(E) of this section.

(3)(A) Except as otherwise provided by this chapter, putative parents do not have a right to appointed counsel in dependency-neglect proceedings.

(B) A putative parent may be appointed counsel for a termination of parental rights proceeding if the court finds the following on the record:

(i) The putative parent is indigent;

(ii) The putative parent has established significant contacts with the juvenile so that putative rights attach;

(iii) Due process requires appointment of counsel for a full and fair hearing for the putative parent in the termination hearing; and

(iv) The putative parent requested counsel.

(4)(A) A putative parent has the burden to prove paternity and significant contacts with the child.

(B) The court shall make the findings required in subdivision (e)(3) of this section to determine whether a putative parent is entitled to appointed counsel at the termination hearing.

(C)(i) The termination petition shall include the putative parent as provided under § 9-35-306(c)(2)(C).

(ii) The court shall appoint counsel subject to subdivision (e)(3) of this section for the putative parent at any time the court establishes adoption as the case goal with a termination of parental rights petition to be filed.

(5)(A) The court shall order financially able parents or custodians to pay all or part of reasonable attorney's fees and expenses for court-appointed representation after review by the court of an affidavit of financial means completed and verified by the parent or custodian and a determination by the court of an ability to pay.

(B)(i) All moneys collected by the clerk under this subsection shall be retained by the clerk and deposited into a special fund to be known as the "Juvenile Court Representation Fund".

(ii) The court may direct that money from the fund be used in providing counsel for indigent parents or custodians at the trial level in a dependency-neglect proceeding.

(iii) Upon a determination of indigency and a finding by the court that the fund does not have sufficient funds to pay reasonable attorney's fees and expenses incurred at the trial court level and state funds have been exhausted, the court may order the county to pay these reasonable fees and expenses until the state provides funding for counsel.

(6)(A) Appointment of counsel shall be made at a time sufficiently in advance of the court appearance to allow adequate preparation by appointed counsel and adequate consultation between the appointed counsel and the client.

(B)(i) When the first appearance before the court is a

probable cause hearing to remove custody under § 9-35-310, parents shall be appointed a parent counsel in a timely manner for meaningful representation until eligibility for appointed counsel is determined by the court under subdivision (e)(1)(B) of this section.

(ii) If in the interest of time or availability of qualified parent counsel it becomes necessary for a provisional parent counsel or counsel other than the parent counsel originally appointed under subdivision (e)(1)(B) of this section, a substitute parent counsel shall be appointed.

(7) The attorney for the parent or custodian shall be provided access to all records relevant to the juvenile's case, including without limitation school records, medical records, all court records relating to the juvenile and his or her family, and department records relating to the juvenile and his or her family, including those maintained electronically and in the Children's Reporting and Information System, to which the parent or custodian is entitled under state and federal law.

(8)(A) In all cases where a court has determined that appointed counsel for an indigent parent or custodian is necessary under this subsection, the court shall appoint counsel in compliance with federal law and Supreme Court Administrative Order No. 15.

(B) When a court orders payment of funds for parent counsel on behalf of an indigent parent or custodian from a state contract, the court shall make written findings in the appointment order in compliance with this section.

9-35-312. Hearings — Generally.

(a)(1) The defendant need not file a written responsive pleading in order to be heard by the court.

(2) If not appointed by the court in an order provided to all parties, counsel shall file a notice of appearance immediately upon acceptance of representation, with a copy to be served on the petitioner and all parties.

(b) At the time set for hearing, the court may:

(1) Proceed to hear the case only if the juvenile is present or excused for good cause by the court; or

(2) Continue the case upon determination that the presence of an

adult defendant is necessary.

(c)(1) Hearings under this subchapter shall be in a court of record.

(2) A record of all proceedings shall be kept in the same manner as other proceedings of circuit court and in accordance with rules promulgated by the Supreme Court.

(d)(1) Unless otherwise indicated, the Arkansas Rules of Evidence shall apply.

(2)(A) Upon motion of any party, the court may order that the father, mother, and child submit to scientific testing for drug or alcohol abuse.

(B) A written report of the test results prepared by the person conducting the test, or by a person under whose supervision or direction the test and analysis have been performed, certified by an affidavit subscribed and sworn to by him or her before a notary public, may be introduced in evidence without calling the person as a witness unless a motion challenging the test procedures or results has been filed within thirty (30) days before the hearing and bond is posted in an amount sufficient to cover the costs of the person's appearance to testify.

(C)(i) If contested, documentation of the chain of custody of samples taken from a test subject shall be verified by affidavit of one (1) person's witnessing the procedure or extraction, packaging, and mailing of the sample and by one (1) person's signing for the sample at the place where the sample is subject to the testing procedure.

(ii) Submission of the affidavits along with the submission of the test results shall be competent evidence to establish the chain of custody of those specimens.

(D) When a court orders scientific testing for drug or alcohol abuse and one (1) of the parties refuses to submit to the testing, that refusal shall be disclosed at trial and may be considered civil contempt of court.

(e) Except as otherwise provided in this subchapter, the Arkansas Rules of Civil Procedure shall apply to all proceedings.

(f) All parties shall have the right to compel attendance of witnesses in accordance with the Arkansas Rules of Civil Procedure.

(g)(1) The petitioner in all proceedings shall bear the burden of presenting the case at hearings.

(2)(A) The following burdens of proof shall apply:

(i) Proof by a preponderance of the evidence in dependency-neglect proceedings, except if subject to the Indian Child Welfare Act of 1978, 25 U.S.C. § 1901 et seq., as it existed on January 1, 2025; and

(ii) Proof by clear and convincing evidence for hearings to terminate parental rights, except if subject to the Indian Child Welfare Act of 1978, 25 U.S.C. § 1901 et seq., as it existed on January 1, 2025, and in hearings to determine whether or not reunification services shall be provided.

(B) If the Indian Child Welfare Act of 1978, 25 U.S.C. § 1901 et seq., as it existed on January 1, 2025, applies, the following burdens of proof shall apply:

(i) Clear and convincing evidence in probable cause, adjudication, review, and permanency planning hearings; and

(ii) Beyond a reasonable doubt in termination of parental rights hearings that are subject to the Indian Child Welfare Act of 1978, 25 U.S.C. § 1901 et seq., as it existed on January 1, 2025.

(h)(1)(A) Except as provided by this section, all hearings involving allegations and reports of child maltreatment and all hearings involving cases of children in foster care shall be closed.

(B)(i) A member of the General Assembly may attend any hearing held under this subchapter, including without limitation a closed hearing, unless the court excludes the member of the General Assembly based on the:

(a) Best interest of the child; or

(b) Court's authority under the Arkansas Rules of Civil Procedure or the Arkansas Rules of Evidence.

(ii) Except as otherwise provided by law, a member of the General Assembly who attends a hearing in accordance with subdivision (h)(1)(B)(i) of this section shall not disclose information obtained during his or her attendance at the hearing.

(C)(i)(a) A Child Welfare Ombudsman may attend a hearing held under this subchapter, including without limitation a closed hearing.

(b) However, a court may exclude the Child Welfare Ombudsman from a hearing if:

(1) It is in the best interest of the

child; or

(2) The reason for the exclusion is based on the authority of the court under the Arkansas Rules of Civil Procedure or the Arkansas Rules of Evidence.

(ii) Unless otherwise allowed by law, the Child Welfare Ombudsman shall not disclose information that he or she obtains through his or her attendance at a hearing held under this subchapter.

(D)(i) A relative, fictive kin, or individual with a connection to the family involved in a dependency-neglect proceeding may attend a hearing unless the court determines:

(a) The best interest of the child requires the relative, fictive kin, or individual with a connection to the family involved in the dependency-neglect proceeding to be excluded from the hearing; or

(b) It is within the authority of the court under the Arkansas Rules of Civil Procedure or the Arkansas Rules of Evidence to exclude the relative, fictive kin, or individual with a connection to the family involved in the dependency-neglect proceeding from the hearing.

(ii) The court shall confirm the identity of each relative, fictive kin, or individual with a connection to the family involved in the dependency-neglect proceeding to determine if the relative, fictive kin, or individual with a connection to the family involved in the dependency-neglect proceeding should be excluded from the hearing.

(iii) A relative, fictive kin, or individual with a connection to the family involved in the dependency-neglect proceeding who is permitted to attend a hearing shall not disclose any information obtained during the hearing.

(E)(i) The court may allow an individual with an interest in attending a closed hearing in a dependency-neglect proceeding to attend the hearing if:

(a) It is in the best interest of the child; and

(b) The individual demonstrates a sincere and legitimate need to attend the hearing as determined by the court.

(ii) An individual who attends a hearing in accordance with subdivision (h)(1)(E)(i) of this section shall not disclose

any information obtained during the hearing.

(F) An individual who discloses information in violation of subdivision (h)(1)(D)(iii) and subdivision (h)(1)(E)(ii) of this section is guilty of a Class C misdemeanor.

(2) All other hearings may be closed within the discretion of the court, except that in adoption cases the hearings shall be closed as provided in the Revised Uniform Adoption Act, § 9-9-201 et seq.

(i)(1) A court shall set a hearing to address the entry of a written order if:

(A) The written order is not provided to the court for entry within the time specified under this subchapter; and

(B) A party files a motion for a hearing to address the entry of the written order.

(2)(A) The court shall conduct a hearing to address the entry of the written order within thirty (30) days from the date on which the motion for a hearing to address the entry of the written order is filed.

(B) A hearing to address the entry of a written order may be the next scheduled hearing in the proceeding if the hearing to address the entry of the written order is being held within thirty (30) days from the date on which the motion for a hearing to address the entry of the written order is filed.

(C) The court is not required to conduct a hearing to address the entry of a written order if the written order is submitted to the court.

(3) The court shall reassign the preparation of the written order as needed.

9-35-313. Notice to nonparties.

(a)(1) If a proceeding is scheduled regarding a juvenile in the custody of the Department of Human Services and the juvenile has one (1) or more foster parents or preadoptive parents, the department shall provide notice to each of the juvenile's foster parents or preadoptive parents.

(2) The original petitioner in a juvenile case shall provide notice of a proceeding regarding a juvenile in the custody of the department to a relative caregiver of the juvenile.

(b)(1) The court shall allow a foster parent, preadoptive parent, or

relative caregiver an opportunity to be heard in any proceeding held regarding a juvenile in the care of the foster parent, preadoptive parent, or relative caregiver.

(2) However, a foster parent, preadoptive parent, or relative caregiver may only be heard under subdivision (b)(1) of this section in the capacity of a witness.

(c)(1) A foster parent, preadoptive parent, or a relative caregiver shall not be made a party to a proceeding:

(A) Solely on the basis that he or she is entitled to notice and the opportunity to be heard; or

(B) If reunification remains the goal of the case.

(2) A foster parent, adoptive parent, preadoptive parent, or relative caregiver may not offer evidence to the court unless he or she is called as a witness.

(d)(1) A grandparent shall be entitled to notice and shall be granted an opportunity to be heard in any dependency-neglect proceeding involving a grandchild who is twelve (12) months of age or younger when:

(A) The grandchild resides with the grandparent for at least six (6) continuous months before the grandchild reached twelve (12) months of age;

(B) The grandparent was the primary caregiver for and financial supporter of the grandchild during the time the grandchild resided with the grandparent; and

(C) The continuous custody under subdivision (d)(1)(A) of this section occurred within one (1) year of the date that the child custody proceeding was initiated.

(2) A grandparent shall be entitled to notice and shall be granted an opportunity to be heard in any dependency-neglect proceeding involving a grandchild who is twelve (12) months of age or older when:

(A) The grandchild resides with this grandparent for at least one (1) continuous year, regardless of the grandchild's age;

(B) The grandparent was the primary caregiver for and financial supporter of the grandchild during the time the grandchild resided with the grandparent; and

(C) The continuous custody under subdivision (d)(2)(A) occurred within one (1) year of the date that the child custody proceeding

was initiated.

(3) As used in this subsection, "grandparent" does not mean a parent of a putative father of a juvenile.

9-35-314. Putative parents.

(a)(1) The Department of Human Services shall make diligent efforts to identify putative parents in a dependency-neglect proceeding, including without limitation checking the Putative Father Registry.

(b)(1)(A) If the petitioner has named and served a putative parent under this section and § 9-35-306, the court shall resolve the:

(i) Party status of a putative parent; and

(ii) Rights of the putative parent as a putative father, if the putative father's rights have attached.

(B) A court may consider the termination of the rights of a putative parent under § 9-35-325 if the:

(i) Court finds that the putative parent has established significant contacts; and

(ii) Rights of the putative parent as a putative father have attached.

(2) The court shall provide a putative parent the opportunity to be heard regarding his or her:

(A) Efforts to establish paternity; and

(B) Significant contacts with the juvenile involved in the dependency-neglect proceedings.

(3)(A) The court may order deoxyribonucleic acid (DNA) testing at any time.

(B) A court may establish paternity or determine whether a putative parent is a parent as defined under § 9-35-102 regardless of whether a deoxyribonucleic acid (DNA) test was ordered or performed.

(C) If there is more than one (1) putative parent of the juvenile, the court shall order a deoxyribonucleic acid (DNA) test of each identified putative parent to determine the biological parent of the juvenile.

(D) A deoxyribonucleic acid (DNA) test establishing a putative parent as the biological parent of a juvenile is sufficient evidence for the court to:

(i) Adjudicate paternity;

(ii) Establish that the putative parent is a parent for the purposes of this subchapter; and

(iii) Enter a decree of paternity.

(4) A putative parent has the burden to prove paternity and significant contacts with the juvenile.

(c)(1) Except as provided under § 9-35-306, a putative parent shall be named as a party if the circuit court:

(A)(i) Has determined that the putative parent has established paternity; and

(ii) Enters an order establishing the putative parent as a parent for the purposes of this subchapter and directing that the parent be added to the case as a party defendant; or

(B)(i) Has determined that the putative parent has established significant contacts with the juvenile; and

(ii) Enters an order finding that the rights of the putative parent have attached and directing that the parent shall be added to the case as a party defendant.

(2)(A) If the petitioner has named and served a putative parent under this section and § 9-35-306 and the circuit court finds that the putative parent has established paternity, the court shall:

(i) Enter an order establishing the putative parent as a parent for the purposes of this subchapter; and

(ii) Maintain the parent as a party defendant.

(B) If the petitioner has named and served a putative parent under this section and § 9-35-306 and the circuit court finds that the putative parent has established significant contacts with the juvenile, the court shall:

(i) Enter an order stating that the rights of the putative parent have attached; and

(ii) Maintain the putative parent as a party defendant.

(3) If the circuit court finds that the putative parent, after being given notice and opportunity to be heard, has not established paternity or significant contacts with the juvenile, the circuit court shall:

(A) Find that the:

(i) Putative parent is not a parent for the purposes of this subchapter; and

(ii) Rights of the putative parent have not attached; and

(B) Dismiss the putative parent from the case and enter an order finding that no further notice, including without limitation notice of an adoption petition concerning the juvenile, is required to be provided to the putative parent.

(d) The rights of a putative parent to appointed counsel are subject to § 9-35-311.

9-35-315. Family time.

(a)(1) Unsupervised family time may occur between a juvenile and a parent if:

(A) The court determines that the health and safety of the juvenile can be adequately protected; and

(B) It is in the best interest of the child.

(2) Unless the court has restricted unsupervised family time, the Department of Human Services may allow unsupervised family time between a juvenile and a parent at any time.

(b)(1) The petitioner has the burden of proving at every hearing that unsupervised family time is not in the best interest of a child.

(2) If the court determines that unsupervised family time between a juvenile and a parent is not in the best interest of the child, family time between the juvenile and the parent shall be supervised.

(c)(1) A rebuttable presumption that unsupervised family time is in the best interest of the juvenile applies at every hearing.

(2) The burden of proof to rebut the presumption in subdivision (c)(1) of this section is proof by a preponderance of the evidence.

(d) The court may consider the preferences of the juvenile regarding family time if the juvenile is of a sufficient age and capacity to reason, regardless of the juvenile's chronological age.

(e)(1) If the court orders supervised family time, the parent from whom custody of the juvenile has been removed shall receive a minimum of four (4) hours of supervised family time per week.

(2) The court may order less than four (4) hours of supervised

family time if the court determines that the supervised family time:

(A) Is not in the best interest of the juvenile; or

(B) Will impose an extreme hardship on one (1) of the parties.

(f)(1) A parent testing positive for a drug on a drug test is an insufficient reason to deny the parent family time with the juvenile if the court has ordered family time between the parent and a juvenile.

(2) Family time that was ordered by the court may be canceled if, at the time that family time between the parent and a juvenile occurs, the parent:

(A) Is under the influence of drugs or alcohol;

(B) Exhibits behavior that may create an unsafe environment for a juvenile; or

(C) Appears to be actively impaired.

(g) A relative or fictive kin may transport a juvenile to and from family time with a parent if:

(1) It is in the best interest of a child;

(2) The relative or fictive kin submits to a:

(A) Background check; and

(B) Child maltreatment registry check; and

(3) The relative or fictive kin meets the driving requirements established by the department.

9-35-316. Adjudication hearing.

(a)(1)(A) An adjudication hearing shall be held to determine whether the allegations in a petition are substantiated by the proof.

(B)(i) If the court finds that the juvenile is dependent-neglected, the court shall determine whether a noncustodial parent contributed to the dependency-neglect and whether the noncustodial parent is a fit parent for purposes of custody or family time.

(ii) A noncustodial parent in subdivision (a)(1)(B)(i) of this section is presumed to be a fit parent.

(iii)(a) If no earlier court order has been entered into evidence concerning custody or family time with the noncustodial parent of the juvenile subject to the dependency-neglect petition, the petitioner shall, and any party may, provide evidence to the court whether the

noncustodial parent is unfit for purposes of custody or family time.

(b) The petitioner shall provide evidence as to whether the noncustodial parent contributed to the dependency-neglect.

(iv)(a) The court may transfer temporary custody or permanent custody to the noncustodial parent after a review of evidence and a finding that it is in the best interest of the juvenile to transfer custody, or the court may order family time with the noncustodial parent.

(b) An order of transfer of custody to the noncustodial parent does not relieve the Department of Human Services of the responsibility to provide services to the parent from whom custody was removed, unless the court enters an order to relieve the department of the responsibility.

(c) A home study is not required to transfer custody to a parent of the juvenile.

(v) If the court determines that the child cannot safely be placed in the custody of the noncustodial parent, the court shall make specific findings of fact regarding the safety factors that need to be corrected by the noncustodial parent before placement or family time with the juvenile.

(2) Unless the court finds that a removal occurred due to an emergency and the agency had no prior contact with the family or the child, evidence shall be presented to the court regarding all prior contact between the agency and the juvenile or the family before a finding of reasonable efforts to prevent removal by the department.

(3) A finding of reasonable efforts to prevent removal of the juvenile is void if the court determines that the department failed to disclose all prior contact between the agency and juvenile or the family before the finding.

(4)(A) The dependency-neglect adjudication hearing shall be held within thirty (30) days after the probable cause hearing under § 9-35-310.

(B) On a motion of the court or any party, the court may continue the adjudication hearing up to sixty (60) days after the removal for good cause shown.

(C)(i) The court may continue an adjudication hearing beyond the sixty-day limitation provided in subdivision (a)(4)(B) of this section in extraordinary circumstances.

(ii) As used in this subdivision (a)(4)(C), "extraordinary circumstances" includes without limitation the following circumstances:

(a) The Supreme Court orders the suspension of in-person court proceedings; and

(b) One (1) of the following has occurred:

(1) The President of the United States has declared a national emergency; or

(2) The Governor has declared a state of emergency or a statewide public health emergency.

(5) If the juvenile has previously been adjudicated a dependent-neglected juvenile in the same case in which a motion for a change of custody has been filed to remove the juvenile from the custody of a parent, a subsequent adjudication is required if the ground for the removal is not the same as the ground previously adjudicated.

(b)(1) Following an adjudication in which a juvenile is found to be dependent-neglected, the court may order any studies, evaluations, or predisposition reports, if needed, that bear on disposition.

(2)(A) All reports under subdivision (b)(1) of this section shall be provided in writing to all parties and counsel at least two (2) days before the disposition hearing.

(B) All parties shall be given a fair opportunity to controvert any parts of reports under subdivision (b)(1) of this section.

(c) A written adjudication order shall be filed by the court, or by a party or party's attorney as designated by the court, within thirty (30) days of the date of the hearing or before the next hearing, whichever is sooner.

9-35-317. Limitations on detention.

(a)(1) A juvenile who is alleged to be or who has been adjudicated either dependent-neglected or a member of a family in need of services shall not be placed or detained in a secure detention facility, in a facility utilized for the detention of alleged or adjudicated delinquent juveniles, or in a facility utilized for the detention of adults held for, charged with, or convicted of a crime except that a juvenile may be held in a juvenile detention facility when he or she has been away from home for more than twenty-four (24) hours and when the parent, guardian, or other person

contacted lives beyond fifty miles (50 mi.) from the juvenile or out of state.

(2) The juvenile may be held in custody in a juvenile detention facility for purposes of identification, processing, or arranging for release or transfer to an alternative facility.

(3) The period of holding shall be limited to the minimum time necessary to complete the actions listed in subdivision (a)(2) of this section and shall not occur in any facility utilized for incarceration of adults.

(b)(1) A juvenile held under subdivision (a)(1) of this section shall be separated from detained juveniles charged or held for delinquency.

(2) A juvenile shall not be held under subdivision (a)(1) of this section for more than six (6) hours if the parent, guardian, or other person contacted lives in the state or twenty-four (24) hours, excluding weekends and holidays, if the parent, guardian, or other person contacted lives out of state.

9-35-318. Removal of juvenile.

(a) Before a circuit court may order any dependent-neglected juvenile or family in need of services juvenile removed from the custody of his or her parent, guardian, or custodian and placed with the Department of Human Services or other licensed agency responsible for the care of juveniles or with a relative or other individual, the court shall order family services appropriate to prevent removal unless the health and safety of the juvenile warrant immediate removal for the protection of the juvenile.

(b) When the court orders a dependent-neglected juvenile removed from the custody of a parent, guardian, or custodian and placed in the custody of the department or other licensed agency responsible for the care of juveniles or with a relative or other individual, the court shall make these specific findings in the order:

(1) In the initial order of removal, the court must find whether:

(A) It is contrary to the welfare of the juvenile to remain at home;

(B) The removal and the reasons for the removal of the juvenile is necessary to protect the health and safety of the juvenile; and

(C) The removal is in the best interest of the juvenile; and

(2) Within sixty (60) days of removal, the court must find:

(A) Which family services were made available to the family before the removal of the juvenile;

(B) What efforts were made to provide those family services relevant to the needs of the family before the removal of the juvenile, taking into consideration whether or not the juvenile could safely remain at home while family services were provided;

(C) Why efforts made to provide the family services described did not prevent the removal of the juvenile; and

(D) Whether efforts made to prevent the removal of the juvenile were reasonable, based upon the needs of the family and the juvenile.

(c) When the state agency's first contact with the family has occurred during an emergency in which the juvenile could not safely remain at home, even with reasonable services being provided, the responsible state agency shall be deemed to have made reasonable efforts to prevent or eliminate the need for removal.

(d) When the court finds that the department's preventive or reunification efforts have not been reasonable, but further preventive or reunification efforts could not permit the juvenile to remain safely at home, the court may authorize or continue the removal of the juvenile but shall note the failure by the department in the record of the case.

(e)(1) In all instances of removal of a juvenile from the home of his or her parent, guardian, or custodian by a court, the court shall set forth in a written order:

(A) The evidence supporting the decision to remove;

(B) The facts regarding the need for removal; and

(C) The findings required by this section.

(2) The written findings and order shall be filed by the court or by a party or party's attorney as designated by the court within thirty (30) days of the date of the hearing at which removal is ordered or prior to the next hearing, whichever is sooner.

(f) Within one (1) year from the date of removal of the juvenile and annually thereafter, the court shall determine whether the department has

made reasonable efforts to obtain permanency for the juvenile.

(g)(1) If the court transfers custody of a child to the department, the court shall issue an order containing the following determinations regarding the educational issues of the child and whether the parent or guardian of the child may:

(A) Have access to the child's school records;

(B) Obtain information on the current placement of the child, including the name and address of the child's foster parent or provider, if the parent or guardian has access to the child's school records; and

(C) Participate in school conferences or similar activities at the child's school.

(2) If the court transfers custody of a child to the department, the court may appoint an individual to consent to an initial evaluation of the child and serve as the child's surrogate parent under the Individuals with Disabilities Education Act, 20 U.S.C. § 1400 et seq., as it existed on January 1, 2025.

9-35-319. Disposition hearing.

(a) If the circuit court finds that the petition has been substantiated by the proof at the adjudication hearing, a disposition hearing shall be held for the court to enter orders consistent with the disposition alternatives.

(b) In dependency-neglect proceedings, the disposition hearing may be held immediately following or concurrent with the adjudication hearing but in any event shall be held no more than fourteen (14) days following the adjudication hearing.

(c) In initially considering the disposition alternatives and at any subsequent hearing, the court shall give preference to the least restrictive disposition consistent with the best interests and welfare of the juvenile and the public.

(d) In dependency-neglect cases, a written disposition order shall be filed by the court, or by a party or party's attorney as designated by the court, within thirty (30) days of the date of the hearing or prior to the next hearing, whichever is sooner.

9-35-320. Disposition — Dependent-neglected — Generally.

(a) If a juvenile is found to be dependent-neglected, the circuit court may enter an order making any of the following dispositions:

(1) Order family services;

(2)(A) If it is in the best interest of the juvenile, transfer custody of the juvenile to the Department of Human Services, to another licensed agency responsible for the care of juveniles, or to a relative or other individual.

(B) If the court grants custody of the juvenile to the department, the juvenile shall be placed in a licensed or approved foster home, shelter, or facility, or an exempt child welfare agency as defined under § 9-28-402.

(C) A juvenile in the custody of the department is "awaiting foster care placement", as that term is used in the definition of "homeless children and youths" in the McKinney-Vento Homeless Assistance Act, 42 U.S.C. § 11434a(2), as it existed on January 1, 2025, if the juvenile:

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

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

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

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

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

(3)(A) Order that the parent, both parents, or the guardian of the juvenile attend a court-ordered parental responsibility training program, if available, and participate in a juvenile drug court program.

(B) The court may make reasonable orders requiring proof of completion of such a training program within a certain time period and payment of a fee covering the cost of the training program;

(4) Determine the most appropriate goal of the case; and

(5) Order that the parent, both parents, or the guardian or

custodian of the juvenile participate in a family treatment specialty court program under § 9-27-801 et seq., if available.

(b) Such an order of custody shall supersede an existing court order of custody and shall remain in full force and effect until a subsequent order of custody is entered by a court of competent jurisdiction.

(c) The court may provide that any violation of its orders shall subject any party in violation to contempt sanctions.

9-35-321. Disposition — Dependent-neglected — Limitations.

(a)(1) At least five (5) working days before ordering the Department of Human Services, excluding community-based providers, to provide or pay for family services in any case in which the department is not a party, the circuit court shall fax a written notice of intent to the Secretary of the Department of Human Services and to the attorney of the local Office of Chief Counsel of the Department of Human Services.

(2) At any hearing in which the department is ordered to provide family services, the court shall provide the department with the opportunity to be heard.

(3) Failure to provide at least five (5) working days' notice to the department renders any part of the order pertaining to the department void.

(b)(1) For purposes of this section, the court shall not specify a particular provider for placement or family services if the department is the payor or provider.

(2)(A) The court may order a child to be placed or to remain in a placement if the court finds the placement is in the best interest of the child after hearing evidence from all parties.

(B) A court may also order a child into a licensed or approved placement after a hearing in which the court makes a finding that it is in the best interest of the child based on bona fide consideration of evidence and recommendations from all the parties.

(C) The court shall not order a child to be placed or remain in a placement in a foster home that has been closed or suspended by a child placement agency.

(D)(i) If the health or welfare of a child is in immediate danger while in a court-ordered placement, the department may immediately

remove the child from the court-ordered placement.

(ii) The department shall notify all parties within twenty-four (24) hours of the change in placement under subdivision (b)(2)(D)(i) of this section.

(iii) A party may request a hearing on the change in placement made under subdivision (b)(2)(D)(ii) of this section, and the hearing shall be held within five (5) business days of receiving the request.

(c)(1) In all cases in which family services are ordered, the court shall determine the ability of the parent, guardian, or custodian to pay, in whole or in part, for these family services.

(2) The determination of ability to pay and the evidence supporting it shall be made in writing in the order ordering family services.

(3) If the court determines that the parent, guardian, or custodian is able to pay, in whole or in part, for the family services, the court shall enter a written order setting forth the amount the parent, guardian, or custodian is able to pay for the family services ordered and order the parent, guardian, or custodian to pay the amount periodically to the provider from whom family services are received.

(d)(1) Custody of a juvenile may be transferred to a relative or other individual only after a home study of the placement is conducted by the department or by a licensed social worker who is approved to do home studies and submitted to the court in writing and the court determines that the placement is in the best interest of the juvenile.

(2) A home study is not required for a parent of a juvenile.

(e)(1)(A) The court shall enter an order transferring custody of a juvenile in a dependency-neglect case only after determining that reasonable efforts have been made by the department to deliver family services designed to prevent the need for out-of-home placement and that the need for out-of-home placement exists.

(B) The juvenile's health and safety shall be the paramount concern of the court in determining if the department could have made reasonable efforts to prevent the juvenile's removal.

(2) If the court finds that reasonable efforts to deliver family services could have been made with the juvenile safely remaining at home but were not made, the court may:

(A) Dismiss the petition;

(B) Order family services reasonably calculated to prevent the need for out-of-home placement; or

(C) Transfer custody of the juvenile despite the lack of reasonable efforts by the department to prevent the need for out-of-home placement if the transfer is necessary:

(i) To protect the juvenile's health and safety; or

(ii) To prevent the removal of the juvenile from the jurisdiction of the court.

(f) In a case of medical neglect involving a child's receiving treatment through prayer alone in accordance with a religious method of healing in lieu of medical care, the adjudication order shall be limited to:

(1) Preventing or remedying serious harm to the child; or

(2) Preventing the withholding of medically indicated treatment from a child with a life-threatening condition.

(g) A court shall not commit a juvenile found solely in criminal contempt to the Division of Youth Services.

(h) For purposes of this section, the court shall not order the department to expend or forward Social Security benefits for which the department is payee.

9-35-322. Limitations on detention.

(a) A juvenile who is alleged to be or who has been adjudicated either dependent-neglected shall not be placed or detained in a secure detention facility, in a facility utilized for the detention of alleged or adjudicated delinquent juveniles, or in a facility utilized for the detention of adults held for, charged with, or convicted of a crime except:

(1)(A) A juvenile may be held in a juvenile detention facility when he or she has been away from home for more than twenty-four (24) hours and when the parent, guardian, or other person contacted lives beyond a fifty-mile driving distance or out of state.

(B)(i) The juvenile may be held in custody in a juvenile detention facility for purposes of identification, processing, or arranging for release or transfer to an alternative facility.

(ii) The holding shall be limited to the minimum time necessary to complete these actions and shall not occur in any facility utilized for incarceration of adults.

(C)(i) A juvenile held under this subdivision (a)(1) shall be separated from detained juveniles charged or held for delinquency.

(ii) A juvenile may not be held under this subdivision (a)(1) for more than six (6) hours if the parent, guardian, or other person contacted lives in the state or twenty-four (24) hours, excluding weekends and holidays, if the parent, guardian, or other person contacted lives out of state; and

(2)(A) An adjudicated-family-in-need-of-services juvenile may be held in a juvenile detention facility when the court finds that the juvenile violated a valid court order.

(B)(i) For the purposes of this subdivision (a)(2), a valid court order shall include any order of a circuit court regarding a juvenile who has been brought before the court and made subject to a court order.

(ii) The juvenile who is the subject of the order shall receive full due process rights.

(C)(i) A juvenile held under this subdivision (a)(2) shall be separated from detained juveniles charged or held for delinquency.

(ii) The holding shall not occur in any facility utilized for incarceration of adults.

(b) A juvenile shall not be placed or confined in a jail or lock-up used for the detention of adults except under the following circumstances:

(1) A juvenile who has been formally transferred from the juvenile division of circuit court to the criminal division of circuit court and against whom felony charges have been filed or a juvenile whom the prosecuting attorney has the discretion to charge in circuit court and to prosecute as an adult and against whom the circuit court's jurisdiction has been invoked by the filing of felony charges may be held in an adult jail or lock-up;

(2)(A) A juvenile alleged to have committed a delinquent act may be held in an adult jail or lock-up for up to six (6) hours for purposes of identification, processing, or arranging for release or transfer to an alternative facility, provided that he or she is separated by sight and sound from adults who are pretrial detainees or convicted persons.

(B) A holding for those purposes shall be limited to the minimum time necessary and shall not include travel time for transporting the

juvenile to the alternative facility; or

(3)(A) A juvenile alleged to have committed a delinquent act who is awaiting an initial appearance before a judge may be held in an adult jail or lock-up for up to twenty-four (24) hours, excluding weekends and holidays, provided the following conditions exist:

(i) The alleged act would be a misdemeanor or a felony if committed by an adult or is a violation of § 5-73-119;

(ii) The geographical area having jurisdiction over the juvenile is outside a metropolitan statistical area pursuant to the current designation of the United States Bureau of the Census;

(iii) No acceptable alternative placement for the juvenile exists; and

(iv) The juvenile is separated by sight and sound from adults who are pretrial detainees or convicted persons.

(B)(i) A juvenile awaiting an initial appearance and being held in an adult jail or lock-up pursuant to the twenty-four-hour exception, as provided in subdivision (b)(3)(A) of this section, may be held for an additional period not to exceed twenty-four (24) hours, provided that the following conditions exist:

(a) The conditions of distance to be traveled or the lack of highway, road, or other ground transportation does not allow for court appearances within twenty-four (24) hours; and

(b) All the conditions in subdivision (b)(3)(A) of this section exist.

(ii) Criteria will be adopted by the Governor or his or her designee to establish what distance, highway or road conditions, or ground transportation limitations will provide a basis for holding a juvenile in an adult jail or lock-up under this exception.

(c) Provided that the facilities are designed and used in accordance with federal and state guidelines and restrictions, nothing in this subchapter is intended to prohibit the use of juvenile detention facilities that are attached to or adjacent to adult jails or lock-ups.

(d) A detention facility shall not release a serious offender for a less serious offender except by order of the judge who committed the more serious offender.

9-35-323. Six-month reviews required.

(a)(1) The court shall review every case of dependency-neglect when:

(A) A juvenile is placed by the court in the custody of the Department of Human Services or in another out-of-home placement until there is a permanent order of custody, guardianship, or other permanent placement for the juvenile; or

(B) A juvenile is returned to the parent from whom the child was removed, another fit parent, guardian, or custodian and the court has not discontinued orders for family services.

(2)(A) The first six-month review shall be held no later than six (6) months from the date of the original out-of-home placement of the child and shall be scheduled by the court following the adjudication and disposition hearing.

(B) A dependency-neglect case shall be reviewed every six (6) months thereafter until permanency is achieved.

(3) A six-month review hearing shall not be required for a juvenile who:

(A) Is over eighteen (18) years of age; and

(B) Has elected to remain in extended foster care or to return to extended foster care under § 9-35-302(a)(1)(A)(ii).

(b) The court may require a dependency-neglect case to be reviewed before the sixth-month review hearing, and the court shall announce the date, time, and place of the hearing.

(c) At any time during the pendency of any case of dependency-neglect in which an out-of-home placement has occurred, any party may request the court to review the case, and the party requesting the hearing shall provide reasonable notice to all parties.

(d) At any time during the course of a case, the department, the attorney ad litem, or the court can request a hearing on whether or not reunification services should be terminated under § 9-35-335.

(e)(1) In each case in which a juvenile has been placed in an out-of-home placement, the court shall conduct a hearing to review the case sufficiently to determine the future status of the juvenile based upon the best interest of the juvenile.

(2)(A) The court shall determine and include in its orders the following:

(i) Whether the case plan, services, and placement meet the special needs and best interest of the juvenile, with the juvenile's health, safety, and educational needs specifically addressed;

(ii) Whether the state has made reasonable efforts to provide family services;

(iii) Whether the parent or parents or person from whom custody was removed has demonstrated progress toward the goals of the case plan and whether completion of the goals has benefited the parent in remedying the issues that prevent the safe return of the juvenile;

(iv) Whether the case plan is moving toward an appropriate permanency plan under § 9-35-324 for the juvenile;

(v) Whether the visitation plan is appropriate for the juvenile, the parent or parents, and any siblings, if separated; and

(vi)(a) Whether the juvenile should be returned to his or her parent or parents and whether or not the juvenile's health and safety can be protected by his or her parent or parents if returned home, either permanently or for a trial placement.

(b) At any time the court determines that the health and safety of the child can be adequately protected and it is in the best interest of the child, the court shall return the child to a parent or parents from whom custody was removed.

(B)(i) The court may order any studies, evaluations, or post-disposition reports, if needed.

(ii) All studies, evaluations, or post-disposition reports shall be provided in writing to all parties and counsel at least two (2) days before the review hearing.

(iii) All parties shall be given a fair opportunity to controvert any part of a study, evaluation, or post-disposition report.

(3)(A) In making its findings, the court shall consider the following:

(i) The extent of compliance with the case plan, including without limitation a review of the department's care for the health, safety, and education of the juvenile while he or she has been in an out-of-home placement;

(ii) The extent of progress that has been made toward alleviating or mitigating the causes of the out-of-home placement;

(iii) Whether the juvenile should be returned to his or her parent or parents and whether or not the juvenile's health and safety can be protected by his or her parent or parents if returned home; and

(iv) An appropriate permanency plan under § 9-35-324 for the juvenile, including concurrent planning.

(B) Incompletion of the case plan under subdivision (e)(3)(A)(i) of this section is an insufficient reason by itself to deny the juvenile's return to the family home.

(f) Each six-month review hearing shall be completed, and the written order under subsection (e) of this section shall be filed by the court or by a party or a party's attorney as designated by the court and distributed to the parties within thirty (30) days of the date of the hearing or before the next hearing, whichever is sooner.

9-35-324. Permanency planning hearing.

(a)(1) A permanency planning hearing shall be held to finalize a permanency plan for the juvenile:

(A) No later than twelve (12) months after the date the juvenile enters an out-of-home placement;

(B) After a juvenile has been in an out-of-home placement for fifteen (15) of the previous twenty-two (22) months, excluding trial placements and time on runaway status; or

(C) No later than thirty (30) days after a hearing granting no reunification services.

(2) If a juvenile remains in an out-of-home placement after the initial permanency planning hearing, a permanency planning hearing shall be held annually to reassess the permanency plan selected for the juvenile.

(b)(1) This section does not prevent the Department of Human Services or the attorney ad litem from filing at any time before the permanency planning hearing a petition:

(A) To terminate parental rights;

(B) For guardianship; or

(C) For permanent custody.

(2) A permanency planning hearing is not required before the filing of the petitions under subdivision (b)(1) of this section.

(c) At the permanency planning hearing, based upon the facts of the

case, the circuit court shall enter one (1) of the following permanency goals, listed in order of preference, in accordance with the best interest, health, and safety of the juvenile:

(1) Placing custody of the juvenile with a fit parent at the permanency planning hearing;

(2) Returning the juvenile to the guardian or custodian from whom the juvenile was initially removed at the permanency planning hearing;

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

(A)(i) 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.

(ii) Regardless of when the effort was made, the court shall consider all evidence of an effort made by the parent, guardian, or custodian to remedy the conditions that led to the removal of the juvenile from the custody of the parent, guardian, or custodian and give the evidence the appropriate weight and consideration in relation to the safety, health, and well-being of the juvenile.

(iii) 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;

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

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

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

(C)(i) 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.

(ii) The court may authorize a plan to place custody

of a juvenile with a parent, guardian, or custodian of the juvenile despite finding that placement of the juvenile in the home of the parent, guardian, or custodian of the juvenile may not occur within the three-month period required under subdivision (c)(3)(C)(i) of this section if the plan is in the best interest of the child during extraordinary circumstances.

(iii) As used in this subdivision (c)(3)(C), "extraordinary circumstances" includes without limitation the following circumstances:

(a) The Supreme Court orders the suspension of in-person court proceedings; and

(b) One (1) of the following has occurred:

(1) The President of the United States has declared a national emergency; or

(2) The Governor has declared a state of emergency or a statewide public health emergency;

(4) Authorizing a plan to obtain a guardianship or adoption with a fit and willing relative;

(5) Authorizing a plan for adoption with the department's filing a petition for termination of parental rights unless:

(A) The juvenile is being cared for by a relative and the court finds that:

(i) Either:

(a) The relative has made a long-term commitment to the child and the relative is willing to pursue guardianship or permanent custody; or

(b) The juvenile is being cared for by his or her minor parent who is in foster care; and

(ii) Termination of parental rights is not in the best interest of the juvenile;

(B) The department has documented in the case plan a compelling reason why filing a petition for termination of parental rights is not in the best interest of the juvenile and the court approves the compelling reason as documented in the case plan; or

(C)(i) The department has not provided to the family of the juvenile, consistent with the time period in the case plan, the services as the department deemed necessary for the safe return of the juvenile to the

juvenile's home if reunification services were required to be made to the family.

(ii) If the department has failed to provide services as outlined in the case plan, the court shall schedule another permanency planning hearing for no later than six (6) months;

(6) Authorizing a plan to obtain a guardian for the juvenile;

(7) Authorizing a plan to obtain a permanent custodian, including permanent custody with a fit and willing relative; or

(8)(A) Authorizing a plan for another planned permanent living arrangement that includes a permanent planned living arrangement and addresses the quality of services, including, but not limited to, independent living services and a plan for the supervision and nurturing the juvenile will receive.

(B) Another planned permanent living arrangement shall be selected only if:

(i) The department has documented to the circuit court a compelling reason for determining that it would not be in the best interest of the child to follow one (1) of the permanency plans identified in subdivisions (c)(1)-(7) of this section and this subdivision (c)(8);

(ii) The child is sixteen (16) years of age or older; and

(iii) The court makes a judicial determination explaining why, as of the date of the hearing, another planned permanent living arrangement is the best permanency plan for the juvenile and the court finds compelling reasons why it continues to not be in the best interest of the juvenile to:

(a) Return home;

(b) Be placed for adoption;

(c) Be placed with a legal guardian; or

(d) Be placed with a fit and willing relative.

(d) At the permanency planning hearing on a juvenile sixteen (16) years of age or older, the court shall ask the juvenile his or her desired permanency outcome, or the attorney ad litem shall enter evidence concerning the child's wishes.

(e) At every permanency planning hearing the court shall make a finding on whether the department has made reasonable efforts and shall

describe the efforts to finalize a permanency plan for the juvenile.

(f) A written order shall be filed by the court or by a party or party's attorney as designated by the court and distributed to the parties within thirty (30) days of the date of the hearing or prior to the next hearing, whichever is sooner.

(g) If the court determines that the permanency goal is adoption, the department shall file the petition to terminate parental rights within thirty (30) days from the date of the permanency planning hearing that establishes adoption as the permanency goal.

(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.

9-35-325. Termination of parental rights — Definition.

(a)(1)(A) This section shall be a remedy available only to the Department of Human Services or a court-appointed attorney ad litem.

(B) This section shall not be available for private litigants or other agencies.

(2)(A) This section shall be used only in cases in which the department is attempting to clear a juvenile for permanent placement by terminating the parental rights of a parent and putative parent based on the definition of "parent" and "putative father" under § 9-35-102.

(B) This section shall not be used to terminate the rights of a putative parent if a court of competent jurisdiction has previously determined under § 9-35-314 that the rights of the putative parent have not attached.

(3) The intent of this section is to provide permanency in a juvenile's life in all instances in which the return of a juvenile to the family home is contrary to the juvenile's health, safety, or welfare and it appears from the evidence that a return to the family home cannot be accomplished in a reasonable period of time as viewed from the juvenile's perspective.

(4) The court shall rely upon the record of the parent's compliance in the entire dependency-neglect case and evidence presented at the termination hearing in making its decision on whether it is in the best interest of the juvenile to terminate parental rights.

(b)(1)(A) The circuit court may consider a petition to terminate parental rights if the court finds that there is an appropriate permanency placement plan for the juvenile.

(B) This section does not require that a permanency planning hearing be held as a prerequisite to the filing of a petition to terminate parental rights or as a prerequisite to the court's considering a petition to terminate parental rights.

(2)(A) The petitioner shall serve the petition to terminate parental rights as required under Rule 5 of the Arkansas Rules of Civil Procedure, except:

(i) Service shall be made as required under Rule 4 of the Arkansas Rules of Civil Procedure if the:

(a) Parent was not served under Rule 4 of the Arkansas Rules of Civil Procedure at the initiation of the proceeding;

(b) Parent is not represented by an attorney; or

(c) Initiation of the proceeding was more than two (2) years ago; or

(ii) When the court orders service of the petition to terminate parental rights as required under Rule 4 of the Arkansas Rules of Civil Procedure.

(B) The petitioner shall check with the Putative Father Registry if the name or whereabouts of the putative father is unknown.

(3) An order forever terminating parental rights shall be based upon a finding by clear and convincing evidence:

(A) That it is in the best interest of the juvenile,

including consideration of the following factors:

(i) The likelihood that the juvenile will be adopted if the termination petition is granted; and

(ii) The potential harm, specifically addressing the effect on the health and safety of the child, caused by returning the child to the custody of the parent, parents, or putative parent or parents; and

(B) Of one (1) or more of the following grounds:

(i)(a) That a juvenile has been adjudicated by the court to be dependent-neglected and has continued to be out of the:

(1) Custody of the parent for twelve (12) months and, despite a meaningful effort by the department to rehabilitate the parent and correct the conditions that caused removal, those conditions have not been remedied by the parent; or

(2) Home of the noncustodial parent for twelve (12) months and, despite a meaningful effort by the department to rehabilitate the parent and correct the conditions that prevented the child from safely being placed in the parent's home, the conditions have not been remedied by the parent.

(b) It is not necessary that the twelve-month period referenced in subdivision (b)(3)(B)(i)(a)(1) of this section immediately precede the filing of the petition for termination of parental rights or that it be for twelve (12) consecutive months;

(ii)(a) The juvenile has lived outside the home of the parent for a period of twelve (12) months, and the parent has willfully failed to provide significant material support in accordance with the parent's means or to maintain meaningful contact with the juvenile.

(b) To find willful failure to maintain meaningful contact, it must be shown that the parent was not prevented from visiting or having contact with the juvenile by the juvenile's custodian or any other person, taking into consideration the distance of the juvenile's placement from the parent's home.

(c) Material support consists of either financial contributions or food, shelter, clothing, or other necessities when the contribution has been requested by the juvenile's custodian or ordered by a court of competent jurisdiction.

(d) It is not necessary that the twelve-month

period under subdivision (b)(3)(B)(ii)(a) of this section immediately precede the filing of the petition for termination of parental rights or that it be for twelve (12) consecutive months;

(iii)(a) The parent is not the biological parent of the juvenile and the welfare of the juvenile can best be served by terminating the parental rights of the parent.

(b) A termination of parental rights under subdivision (b)(3)(B)(iii)(a) of this section shall not be considered an involuntary termination;

(iv) A parent has abandoned the juvenile;

(v)(a) A parent has executed consent to termination of parental rights or adoption of the juvenile, subject to the court's approval.

(b) If the consent is executed under oath by a person authorized to administer the oath, the parent is not required to execute the consent in the presence of the court unless required by federal law or federal regulations;

(vi)(a) The court has found the juvenile or a sibling dependent-neglected as a result of neglect or abuse that could endanger the life of the child, sexual abuse, or sexual exploitation, any of which was perpetrated by the juvenile's parent or parents or stepparent or stepparents.

(b) Such findings by the juvenile division of circuit court shall constitute grounds for immediate termination of the parental rights of one (1) or both of the parents;

(vii)(a) That other factors or issues arose subsequent to the filing of the original petition for dependency-neglect that demonstrate that placement of the juvenile in the custody of the parent is contrary to the juvenile's health, safety, or welfare and that, despite the offer of appropriate family services, the parent has manifested the incapacity or indifference to remedy the subsequent issues or factors or rehabilitate the parent's circumstances that prevent the placement of the juvenile in the custody of the parent.

(b) The department shall make reasonable accommodations in accordance with the Americans with Disabilities Act of 1990, 42 U.S.C. § 12101 et seq., as it existed on January 1, 2025, to parents

with disabilities in order to allow them meaningful access to reunification and family preservation services.

(c) For purposes of this subdivision (b)(3)(B)(vii), the inability or incapacity to remedy or rehabilitate includes, but is not limited to, mental illness, emotional illness, or mental deficiencies.

(d) Subdivision (b)(3)(B)(vii)(a) of this section does not apply if the factors or issues have not been adjudicated by the court or the parent is not provided with proper notice of the factors or issues;

(viii) The parent is sentenced in a criminal proceeding for a period of time that would constitute a substantial period of the juvenile's life;

(ix)(a) The parent is found by a court of competent jurisdiction, including the juvenile division of the circuit court, to:

(1) Have committed murder or manslaughter of any juvenile or to have aided or abetted, attempted, conspired, or solicited to commit the murder or manslaughter;

(2) Have committed a felony battery that results in serious bodily injury to any juvenile or to have aided or abetted, attempted, conspired, or solicited to commit felony battery that results in serious bodily injury to any juvenile;

(3)(A) Have subjected any juvenile to aggravated circumstances.

(B) As used in subdivision (b)(3)(B)(ix)(a)(3)(A) of this section, "aggravated circumstances" means:

(i) A juvenile has been abandoned, chronically abused, subjected to extreme or repeated cruelty, sexually abused, or a determination has been or is made by a judge that there is little likelihood that services to the family will result in successful reunification;

(ii) A juvenile has been removed from the custody of the parent or guardian and placed in foster care or in the custody of another person three (3) or more times in the last fifteen (15) months; or

(iii) A child or a sibling

has been neglected or abused to the extent that the abuse or neglect could endanger the life of the child;

(4)(A) Have had his or her parental rights involuntarily terminated as to a child.

(B) It is an affirmative defense to the termination of parental rights based on a prior involuntary termination of parental rights that the parent has remedied the conditions that caused the prior involuntary termination of parental rights; or

(5) Be the parent of an abandoned infant, as defined under § 9-35-102.

(b) This subchapter does not require reunification of a surviving child with a parent who has been found guilty of any of the offenses listed in subdivision (b)(3)(B)(ix)(a) of this section; or

(x)(a) A putative parent who fails to establish or maintain meaningful contact with his or her juvenile after:

(1) Being named and served as a party in a dependency-neglect proceeding;

(2) Receiving notice of a dependency-neglect proceeding under § 9-35-306 or § 9-35-312; and

(3) The court finds that the rights of the putative parent with regard to the juvenile have attached.

(b) To find willful failure to maintain meaningful contact, it shall be shown that the putative parent was not prevented from visiting or having contact with the juvenile by the custodian of the juvenile or any other person, taking into consideration the distance of the juvenile's placement from the putative parent's home.

(c) A termination of parental rights under subdivision (b)(3)(B)(x)(a) of this section shall not be considered an involuntary termination.

(d)(1) Subdivision (b)(3)(B)(x)(a) of this section does not apply to a putative parent whose rights have not attached to a juvenile.

(2) If a court finds that the rights of the putative parent have not attached to the juvenile, the court shall dismiss the putative parent from the petition to terminate parental rights

and enter an order finding that no further notice is due to the putative parent.

(c)(1) An order terminating the relationship between parent and juvenile:

(A) Divests the parent and the juvenile of all legal rights, powers, and obligations with respect to each other, including the right to withhold consent to adoption, except the right of the juvenile to inherit from the parent, that is terminated only by a final order of adoption; and

(B)(i) Divests a putative parent and the juvenile of all rights, powers, and obligations with respect to the putative parent and the juvenile if the rights of the putative parent have attached under § 9-35-314 before or during the termination proceeding.

(ii) The divesting of all the rights, powers, and obligations of the putative parent and the juvenile shall be based on the same authority, requirements, limitations, and other provisions that apply to the termination of the rights of a parent, including without limitation the provision requiring the dismissal of a putative parent as a party to a case without further notice to the putative parent.

(2)(A) Termination of the relationship between a juvenile and one parent shall not affect the relationship between the juvenile and the other parent if those rights are legally established.

(B) A court may terminate the rights of one parent and not the other parent if the court finds that it is in the best interest of the child.

(3) An order terminating parental rights under this section:

(A) May authorize the department to consent to adoption of the juvenile; and

(B) Dismisses the parent or putative parent subject to the termination of parental rights as a party to the case without further notice to the parent or putative parent required.

(d)(1) The court shall conduct and complete a termination of parental rights hearing within ninety (90) days from the date the petition for termination of parental rights is filed unless continued for good cause as articulated in the written order of the court.

(2)(A) The court may continue a termination of parental rights

hearing for up to one hundred eighty (180) days from the date the petition for termination of parental rights is filed in extraordinary circumstances.

(B) As used in this subdivision (d)(2), "extraordinary circumstances" includes without limitation the following circumstances:

(i) The Supreme Court orders the suspension of in-person court proceedings; and

(ii) One (1) of the following has occurred:

(a) The President of the United States has declared a national emergency; or

(b) The Governor has declared a state of emergency or a statewide public health emergency.

(e) A written order shall be filed by the court or by a party or party's counsel as designated by the court within thirty (30) days of the date of the termination hearing or before the next hearing, whichever is sooner.

(f) After the termination of parental rights hearing, the court shall review the case at least every six (6) months, and a permanency planning hearing shall be held each year following the initial permanency hearing until permanency is achieved for that juvenile.

(g)(1)(A) A parent may withdraw consent to termination of parental rights within ten (10) calendar days after it was signed by filing an affidavit with the circuit clerk in the county designated by the consent as the county in which the termination of parental rights will be filed.

(B) If the ten-day period ends on a weekend or legal holiday, the person may file the affidavit the next working day.

(C) No fee shall be charged for the filing of the affidavit.

(2) The consent to terminate parental rights shall state that the person has the right of withdrawal of consent and shall provide the address of the circuit clerk of the county in which the termination of parental rights will be filed.

(h) Upon the entry of an order terminating parental rights the:

(1) Department is relieved of all responsibility for providing reunification services to the parent whose parental rights are terminated;

(2) Appointed parent counsel is relieved of his or her representation of the parent whose parental rights are terminated except as

provided under Rules 6-9 and 6-10 of the Rules of the Supreme Court and Court of Appeals of the State of Arkansas;

(3) Appointed parent counsel shall be reappointed to represent a parent who successfully appeals the termination of his or her parental rights if the parent is indigent; and

(4) Parent whose parental rights are terminated or a putative parent who after receiving notice is determined by a court to not have rights attached to the juvenile is not entitled to:

(A) Notice of any court proceeding concerning the juvenile, including a petition for adoption concerning the juvenile; and

(B) An opportunity to be heard in any court proceeding concerning the juvenile.

9-35-326. Proceedings concerning juveniles for whom paternity not established.

(a) Absent orders of a circuit court or another court of competent jurisdiction to the contrary, the biological mother, whether adult or minor, of a juvenile for whom paternity has not been established is deemed to be the natural guardian of that juvenile and is entitled to the care, custody, and control of that juvenile.

(b) The biological mother, the putative father, the juvenile himself or herself, or the Office of Child Support Enforcement may bring an action to establish paternity or support of a juvenile for whom paternity has not been established.

(c)(1) If the juvenile is not born when the parties appear before the court, the court may hear evidence and issue temporary orders and findings pending the birth of the juvenile.

(2) In the event the final order is contrary to the temporary one, the court shall render judgment for the amount paid under the temporary order against the petitioner if such was the biological mother.

(3) If the mother dies before the final order, the action may be revived in the name of the juvenile, and the mother's testimony at the temporary hearing may be introduced in the final hearing.

(d)(1) Upon an adjudication by the court that the putative father is the father of the juvenile, the court shall follow the same guidelines, procedures, and requirements as established by the laws of this state

applicable to child support orders and judgments entered upon divorce.

(2) The court may award court costs and attorney's fees.

(e)(1) If paternity has been established in a court of competent jurisdiction, a father may petition the court in the county where the juvenile resides for custody of the juvenile.

(2) The court may award custody to a father who has had paternity established if the court finds by a preponderance of the evidence that:

(A) He is a fit parent to raise the juvenile;

(B) He has assumed his responsibilities toward the juvenile by providing care, supervision, protection, and financial support for the juvenile; and

(C) It is in the best interest of the juvenile to award custody to the father.

(f) At the request of either party in a paternity action, the trial court shall direct that the putative father, biological mother, and juvenile submit to one (1) or more blood tests or other scientific examinations or tests, including deoxyribonucleic acid typing, to:

(1) Determine whether or not the putative father can be excluded as being the father of the juvenile; and

(2) Establish the probability of paternity if the test does not exclude the putative father.

(g) The tests under subsection (f) of this section shall be made by a duly qualified physician or physicians, or by another duly qualified person or persons, not to exceed three (3), to be appointed by the court.

(h)(1) The results of the tests under subsection (f) of this section shall be receivable in evidence.

(2)(A)(i) A written report of the test results by the duly qualified expert performing the test, or by a duly qualified expert under whose supervision and direction the test and analysis have been performed, certified by an affidavit duly subscribed and sworn to by the expert before a notary public, may be introduced in evidence in illegitimacy actions without calling the expert as a witness.

(ii) If either party shall desire to question the expert, the party shall have the expert subpoenaed within a reasonable time before trial.

(B) If the results of the paternity tests establish a ninety-five percent (95%) or more probability of inclusion that the putative father is the biological father of the juvenile and after corroborating testimony of the mother in regard to access during the probable period of conception, this shall constitute a prima facie case of establishment of paternity and the burden of proof shall shift to the putative father to rebut such proof.

(3) The experts shall be subject to cross-examination by both parties after the court has caused them to disclose their findings.

(i) Whenever the court orders the blood tests to be taken and one (1) of the parties refuses to submit to the test, that fact shall be disclosed upon the trial unless good cause is shown to the contrary.

(j) The costs of the test and witness fees shall be taxed by the court as other costs in the case.

(k) Whenever it shall be relevant to the prosecution or the defense in a paternity action, blood tests that exclude third parties as the father of the juvenile shall be the same as set out in subsections (f) and (g) of this section.

(l) The refusal of a party to submit to a genetic or other ordered test is admissible at a hearing to determine paternity only as to the credibility of the party.

(m) If a male witness offers testimony indicating that his act of intercourse with the mother may have resulted in the conception of the juvenile, the court may require the witness to submit to genetic or other tests to determine whether he is the juvenile's father.

9-35-327. Appeals.

(a) An appeal shall be made to the Supreme Court or to the Court of Appeals in the time and manner provided for an appeal in the Arkansas Rules of Appellate Procedure.

(b) Pending an appeal from any case involving a juvenile out-of-home placement, the juvenile division of circuit court retains jurisdiction to conduct further hearings.

9-35-328. Duties and responsibilities of custodian.

(a) A person or agency appointed as the custodian of a juvenile in a

proceeding under this subchapter shall:

(1) Care for and maintain the juvenile; and

(2) See that the juvenile:

(A) Is protected;

(B) Is properly trained and educated; and

(C) Has the opportunity to learn a trade, occupation, or profession.

(b)(1) The person or agency appointed as the custodian of a juvenile in a proceeding under this subchapter has the right to obtain medical care for the juvenile, including giving consent to specific medical, dental, or mental health treatments and procedures as required in the opinion of a duly authorized or licensed physician, dentist, surgeon, or psychologist, whether or not such care is rendered on an emergency, inpatient, or outpatient basis.

(2) If there is an open dependency-neglect proceeding, the custodian shall not make any of the following decisions without receiving express court approval:

(A) Consent to the removal of bodily organs, unless the procedure is necessary to save the life of the juvenile;

(B) Consent to withhold life-saving treatments;

(C) Consent to withhold life-sustaining treatments; or

(D) The amputation of any body part, unless the procedure is necessary in an emergency to save the life of the juvenile.

(c) The custodian has the right to enroll the juvenile in school upon the presentation of an order of custody.

(d) The custodian has the right to obtain medical and school records of any juvenile in his or her custody upon presentation of an order of custody.

(e) Any agency appointed as the custodian of a juvenile has the right to consent to the juvenile's travel on vacation or similar trips.

(f)(1) It shall be the duty of every person granted custody, guardianship, or adoption of any juvenile in a proceeding under or arising out of a dependency-neglect action under this subchapter to ensure that the juvenile is not returned to the care or supervision of any person from whom the child was removed or any person the court has specifically ordered not to have care, supervision, or custody of the juvenile.

(2) This section shall not be construed to prohibit these

placements if the person who has been granted custody, guardianship, or adoption obtains a court order to that effect from the juvenile division of circuit court that made the award of custody, guardianship, or adoption.

(3) Failure to abide by subdivision (f)(1) of this section is punishable as a criminal offense under § 5-26-502(a)(3).

(g)(1) The court shall not split custody.

(2) As used in this section, "split custody" means granting legal custody to one (1) person or agency and granting physical custody to another person or agency.

9-35-329. Progress reports on juveniles.

(a)(1) The court may order progress reports from a service provider whenever a juvenile is placed out of home and in a setting other than a Department of Human Services foster home.

(2) The order shall:

(A) Set forth the schedule for the progress reports; and

(B) Identify the service provider responsible for submitting the progress reports.

(3) The service provider shall be provided a copy of the written court order by:

(A) Certified mail, restricted delivery; or

(B) Process server.

(4) Failure to follow the order of the court shall subject the service provider to contempt sanctions of the court.

(b) A progress report shall include, but not be limited to the:

(1) Reason for admission;

(2) Projected length of stay;

(3) Identified goals and objectives to be addressed during placement;

(4) Progress of the juvenile in meeting goals and objectives;

(5) Barriers to progress;

(6) Significant behavioral disruptions and response of provider; and

(7) Recommendations upon the juvenile's release.

(c) The service provider shall immediately report any incidents concerning the juvenile's health or safety to:

(1) The juvenile's attorney or attorney ad litem; and

(2) The custodian of the juvenile.

9-35-330. Placement of juveniles.

(a) The court shall not specify a particular provider for placement of a foster child.

(b)(1)(A) When the Department of Human Services takes custody of a juvenile under § 12-18-1001, or when the court determines that a juvenile shall be removed from his or her home under this subchapter, the department shall conduct an immediate assessment to locate:

(i) A noncustodial parent of the juvenile;

(ii) Recommended relatives of the juvenile, including each grandparent of the juvenile, and all parents of the juvenile's sibling if the parent has custody of the sibling; and

(iii) Fictive kin identified by the juvenile as one (1) or more persons who play or have a significant positive role in his or her life.

(B)(i) If there is a safety issue identified from a Child Maltreatment Central Registry check or criminal background check, the department is not required to provide further assessment or notice to the persons identified under subdivision (b)(1)(A) of this section.

(ii) If there is not a safety issue identified in a Child Maltreatment Central Registry check or criminal background check regarding all the persons identified under subdivision (b)(1)(A) of this section, the department shall provide in writing to the persons identified the following notice:

(a) A statement saying that the juvenile has been or is being removed from his or her parent;

(b) An explanation concerning how to participate and be considered for care, placement, and family time with the juvenile;

(c) Information needed for a child welfare safety check and home study, if the person is interested in placement;

(d) Information about provisional relative foster care, fictive kin, and other supportive benefits available through the department;

(e) A statement saying that failure to timely respond may result in the loss of opportunities to be involved in the care, placement, and family time with the juvenile; and

(f) The name, phone number, email address, and physical address of the caseworker and supervisor assigned to the case.

(C) If the court has not transferred custody to a noncustodial parent, relative, or other individual, or the department has not placed the juvenile in provisional relative placement or fictive kin placement, the department shall continue its assessment under subdivisions (b)(1)(A) and (B) of this section throughout the case.

(D) The department shall provide upon request of the court, parties to the proceeding, or counsel for the parties to the proceeding a record of the efforts made to locate the noncustodial parent, relatives, fictive kin, or other persons identified under subdivision (b)(1)(A) of this section and the results of the assessment, including the following information concerning the identified person:

(i) Name;

(ii) Last known address and phone number;

(iii) The appropriateness of placement based on the department's assessment of the person; and

(iv) Other identifying or relevant information to the extent known by the department.

(E)(i) A relative or fictive kin identified by the department under subdivision (b)(1)(A) of this section shall be given preferential consideration for placement if the relative or fictive kin meets all relevant protective standards and it is in the best interest of the juvenile to be placed with the relative or fictive kin.

(ii) In all placements, preferential consideration for a relative or fictive kin shall be given at all stages of the case.

(iii) If the court denies placement with a relative or fictive kin, the court shall make specific findings of fact in writing regarding the considerations given to the relative or fictive kin and the reasons the placement was denied.

(iv) The court shall not base its decision to place the juvenile solely upon the consideration of the relationship formed between the juvenile and a foster parent.

(F)(i) The court may transfer custody to any relative or any other person recommended by the department, the parent, or any party upon review of a home study, including criminal background and child maltreatment reports, and a finding that custody is in the best interest of the child.

(ii) A home study is not required for a parent of a juvenile.

(2) Placement or custody of a juvenile in the home of a relative, fictive kin, or other person shall not relieve the department of its responsibility to actively implement the goal of the case.

(3)(A) The juvenile shall remain in a licensed or approved foster home, shelter, or facility or an exempt child welfare agency as defined under § 9-28-402 until the home is opened as a regular foster home, as a provisional foster home if the person is a relative to one (1) of the children in the sibling group, including step-siblings, or the court grants custody of the juvenile to the relative, fictive kin, or other person after a written approved home study is presented to the court.

(B) For placement only with a relative or fictive kin:

(i) The juvenile and the juvenile's siblings or step-siblings may be placed in the home of a relative or fictive kin on a provisional basis for up to six (6) months pending the relative or fictive kin's home being opened as a regular foster home;

(ii)(a) If the relative or fictive kin opts to have his or her home opened as a provisional foster home, the relative or fictive kin shall not be paid a board payment until the relative or fictive kin meets all of the requirements and his or her home is opened as a regular foster home.

(b) A relative or fictive kin who has his or her home opened as a provisional foster home may receive a board payment from the department for no more than six (6) months unless fully opened as a foster home;

(iii) Until the relative or fictive kin's home is opened as a regular foster home, the relative or fictive kin may:

(a) Apply for and receive benefits that the relative or fictive kin may be entitled to due to the placement of the juvenile in the home, such as benefits under the Transitional Employment Assistance Program, § 20-76-401, and the Supplemental Nutrition Assistance

Program; and

(b) Receive child support or any federal benefits paid on behalf of the juvenile in the relative or fictive kin's home; and

(iv) If the relative or fictive kin's home is not fully licensed as a foster home after six (6) months of the placement of the juvenile and the siblings or step-siblings in the home:

(a) The department shall remove the juvenile and any of the siblings or step-siblings from the relative or fictive kin's home and close the relative or fictive kin's provisional foster home; or

(b) The court shall remove custody from the department and grant custody of the juvenile to the relative or fictive kin subject to the limitations outlined in subdivision (b)(4) of this section.

(4) If the court grants custody of the juvenile and any siblings or step-siblings to the relative, fictive kin, or other person:

(A)(i) The juvenile and any siblings or step-siblings shall not be placed back in the custody of the department while remaining in the home of the relative, fictive kin, or other person.

(ii) The juvenile and any siblings or step-siblings shall not be removed from the custody of the relative, fictive kin, or other person, placed in the custody of the department, and then remain or be returned to the home of the relative, fictive kin, or other person while remaining in the custody of the department;

(B)(i) The relative, fictive kin, or other person shall not receive any financial assistance, including board payments, from the department, except for financial assistance for which the relative, fictive kin, or other person has applied and for which the relative, fictive kin, or other person qualifies under the program guidelines, such as the Transitional Employment Assistance Program, the Supplemental Nutrition Assistance Program, Medicaid, and a federal adoption subsidy.

(ii) A relative or fictive kin who has his or her home opened as a provisional foster home may receive a monthly board payment from the department for no more than six (6) months unless fully opened as a foster home; and

(C) The department shall not be ordered to pay the equivalent of board payments, adoption subsidies, or guardianship subsidies

to the relative, fictive kin, or other person as reasonable efforts to prevent removal of custody from the relative, fictive kin, or other person.

(5) In an action under this subsection concerning placement of a juvenile, the circuit court may consider the preferences of the juvenile if the juvenile is of a sufficient age and capacity to reason, regardless of the juvenile's chronological age.

(c)(1)(A) The court may order a juvenile who is in the custody of the department to be placed in a trial home placement with a parent of the juvenile or the person from whom custody of the juvenile was removed for a period of:

(i) No longer than sixty (60) days; or

(ii) More than sixty (60) days but no longer than one hundred eighty (180) days with the consent of the department.

(B) The department may place a juvenile who is in its custody in a trial home placement with a parent of the juvenile or the person from whom custody of the juvenile was removed for no longer than one hundred eighty (180) days.

(C) A trial home placement with a parent who did not have custody of the juvenile at the time of the removal of the juvenile and placement into the custody of the department may occur only after the court or the department determines that:

(i) The trial home placement is in the best interest of the juvenile;

(ii) The noncustodial parent does not have a restriction on contact with the juvenile; and

(iii) There is no safety concern with the trial home placement after reviewing:

(a) The criminal background of the noncustodial parent;

(b) The home of the noncustodial parent and each person in the home of the noncustodial parent; and

(c) Other information in the records of the department, including without limitation records concerning foster care, child maltreatment, protective services, and supportive services.

(2)(A) At every stage of the case, the court shall consider the least restrictive placement for the juvenile and assess safety concerns that

prevent either a trial home placement or the juvenile from being returned to or placed in the custody of the parent of the juvenile.

(B) The court shall detail the safety concerns in subdivision (c)(2)(A) of this section in its written order.

(C) Failure to complete a case plan is not a sufficient reason alone to deny the placement of the juvenile in the home of a parent of the juvenile.

(D) A trial home placement may be made with a parent of the juvenile or the person from whom custody of the juvenile was removed.

(3) At the end of the trial home placement:

(A) The court shall place custody of the juvenile with the parent of the juvenile or the person from whom custody of the juvenile was removed; or

(B) The department shall return the juvenile to a licensed or approved foster home, shelter, or facility or an exempt child welfare agency as defined in § 9-28-402.

(d) When a juvenile leaves the custody of the department and the court grants custody to the parent or another person, the department is no longer legal custodian of the juvenile, even if the juvenile division of circuit court retains jurisdiction.

9-35-331. Fifteenth-month review hearing.

(a) A hearing shall be held to determine whether the Department of Human Services shall file a petition to terminate parental rights if:

(1) A juvenile has been in an out-of-home placement for fifteen (15) continuous months, excluding trial placements and time on runaway status; and

(2) The goal at the permanency planning hearing was either reunification or Another Planned Permanent Living Arrangement (APPLA).

(b) The circuit court shall authorize the department to file a petition to terminate parental rights unless:

(1)(A)(i) The child is being cared for by a relative or relatives;

(ii) Termination of parental rights is not in the best interest of the child;

(iii) The relative has made a long-term commitment

to the child; and

(iv) The relative is willing to pursue adoption, guardianship, or permanent custody of the juvenile; or

(B)(i) The child is being cared for by his or her parent who is in foster care; and

(ii) Termination of parental rights is not in the best interest of the child;

(2)(A) The department has documented in the case plan a compelling reason why filing a petition is not in the best interest of the child; and

(B) The court approves the compelling reason as documented in the case plan; or

(3) The department has not provided to the family of the juvenile, consistent with the time period in the case plan, the services the department deemed necessary for the safe return of the child to the child's home if reunification services were required to be made to the family.

(c) If the court determines the permanency goal to be adoption, the department shall file a petition to terminate parental rights no later than the fifteenth month of the child's entry into foster care.

(d) If the court finds that the juvenile should remain in an out-of-home placement, either long-term or otherwise, the juvenile's case shall be reviewed every six (6) months, with an annual permanency planning hearing.

(e) A written order shall be filed by the court or by a party or party's attorney as designated by the court and distributed to the parties within thirty (30) days of the date of the hearing or prior to the next hearing, whichever is sooner.

9-25-332. Review of termination of parental rights.

(a) After an order of termination of parental rights, the circuit court shall review the case following the termination hearing at least every six (6) months until permanency is achieved, and a permanency planning hearing shall be held each year following the initial permanency hearing until permanency is achieved for that juvenile.

(b) The court shall determine and shall include in its orders whether:

(1) The case plan, services, and current placement meet the juvenile's special needs and best interest, with the juvenile's health,

safety, and educational needs specifically addressed;

(2) The Department of Human Services has made reasonable efforts to finalize a permanency plan for the juvenile; and

(3) The case plan is moving toward an appropriate permanent placement for the juvenile.

(c) In making its findings, the court shall consider the extent of the compliance of the department and the juvenile with the case plan and court orders to finalize the permanency plan.

(d) A written order shall be filed by the court or by a party or a party's attorney as designated by the court and distributed to the parties within thirty (30) days of the date of the hearing or prior to the next hearing, whichever is sooner.

9-35-333. Court reports.

(a)(1) Seven (7) business days before a scheduled dependency-neglect review hearing, including the fifteenth-month review hearing and any post-termination of parental rights hearing, the Department of Human Services and a court-appointed special advocate, if appointed, shall:

(A) Distribute a review report to all the parties or their attorneys and the court-appointed special advocate, if appointed; or

(B) Upload into a shared case management database an electronic copy of the court report.

(2)(A) The court report prepared by the department shall include a summary of the compliance of the parties with the court orders and case plan, including the description of the services and assistance the department has provided and recommendations to the court.

(B) In cases in which a child has been returned home, the department's review report shall include a description of any services needed by and requirements of the parent or parents, including, but not limited to, a safety plan to ensure the health and safety of the juvenile in the home.

(C)(i) In cases in which a juvenile has been transferred to the custody of the department, the department's court report shall outline the efforts made by the department to identify and notify adult grandparents and other adult relatives that the juvenile is in the custody of the department.

(ii) The department's court report shall list all

adult grandparents and other adult relatives notified by the department and the response of each adult grandparent or other adult relative to the notice, including:

(a) The adult grandparent or other adult relative's interest in participating in the care and placement of the juvenile;

(b) Whether the adult grandparent or other adult relative is interested in becoming a provisional foster parent or foster parent of the juvenile;

(c) Whether the adult grandparent or other adult relative is interested in kinship guardianship, if funding is available; and

(d) Whether the adult grandparent or other adult relative is interested in family time.

(3) The report prepared by the court-appointed special advocate shall include, but is not limited to:

(A) Any independent factual information that he or she feels is relevant to the case;

(B) A summary of the compliance of the parties with the court orders;

(C) Any information on adult relatives, including their contact information and the volunteer's recommendation about relative placement and family time; and

(D) Recommendations to the court.

(4)(A) At a review hearing, the court shall determine on the record whether the previously filed reports shall be admitted into evidence based on any evidentiary objections made by the parties.

(B) The court shall not consider as evidence any report or part of a report that was not admitted into evidence on the record.

(b)(1) Seven (7) business days before a scheduled dependency-neglect permanency planning hearing, the department and the court-appointed special advocate, if appointed, shall:

(A) Distribute a permanency planning court report to all of the parties or their attorneys and the court-appointed special advocate, if appointed; or

(B) Upload into a shared case management database an

electronic copy of the court report.

(2) The permanency planning court report prepared by the department shall include, but not be limited to, the following:

(A) A summary of the compliance of the parties with the court orders and case plan, including the description of the services and assistance the department has provided;

(B) A list of all the placements in which the juvenile has been;

(C) A recommendation and discussion regarding the permanency plan, including:

(i) The appropriateness of the plan;

(ii) A timeline; and

(iii) The steps and services necessary to achieve the plan, including the persons responsible; and

(D) The location of any siblings, and if separated, a statement for the reasons for separation and any efforts to reunite or maintain contact if appropriate and in the best interest of the siblings.

(3) The report prepared by the court-appointed special advocate shall include, but is not limited to:

(A) Any independent factual information that he or she feels is relevant to the case;

(B) A summary of the compliance of the parties with the court orders;

(C) Any information on adult relatives, including their contact information and the volunteer's recommendation about relative placement and family time; and

(D) The recommendations to the court.

(4)(A) At the permanency planning hearing, the court shall determine on the record whether the previously filed reports shall be admitted into evidence based on any evidentiary objections made by the parties.

(B) The court shall not consider as evidence any report or part of a report that was not admitted into evidence on the record.

(c)(1) The court shall determine on the record whether a report or an addendum report shall be admitted into evidence based on any evidentiary objections made by the parties.

(2) The court shall not consider as evidence any report, part of a report, or an addendum report that was not admitted into evidence on the record.

9-35-334. 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; and

(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 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:

(A) A description of the programs and services that 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;

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

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

(ii) Is enrolled in an institution that provides postsecondary or vocational education;

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

(iv) Is employed for at least eighty (80) hours per month;

(v) Has a viable plan to meet the requirements of subdivisions (b)(2)(B)(i)-(iv) of this section; or

(vi) Is incapable of doing one (1) or more of the activities listed in subdivisions (b)(2)(B)(i)-(v) of this section due to a medical condition, which incapability is supported by regularly updated information in the case plan of the juvenile; 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.

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

(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 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;

(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; and

(6) Driver's license or a state-issued official identification card.

(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.

(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.

(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.

(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.

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

9-35-335. No reunification hearing.

(a)(1)(A) Any party can file a motion for no reunification services at any time.

(B) The motion shall be provided to all parties in writing at least twenty (20) days before a scheduled hearing.

(C) The court may conduct a hearing immediately following or concurrent with an adjudication determination or at a separate hearing if proper notice has been provided.

(2) The motion shall identify sufficient facts and grounds in sufficient detail to put the defendant on notice as to the basis of the motion for no reunification services.

(3)(A) A response is not required.

(B) If a party responds, the time for response shall not be later than ten (10) days after receipt of the motion.

(b)(1) The court shall conduct and complete a no reunification hearing within fifty (50) days of the date of written notice to the defendants and shall enter an order determining whether or not reunification services shall be provided.

(2) Upon good cause shown, the hearing may be continued for an additional twenty (20) days.

(c) An order terminating reunification services on a party and ending the duty of the Department of Human Services to provide services to a party shall be based on a finding of clear and convincing evidence that:

(1) The termination of reunification services is in the child's best interest; and

(2) One (1) or more of the following grounds exist:

(A) A circuit court has determined that the parent, guardian, custodian, or noncustodial parent has subjected the child to aggravated circumstances that include:

(i) A child's being abandoned;

(ii) A child's being chronically abused;

(iii) A child's being sexually exploited;

(iv) A child's being subjected to extreme or repeated cruelty or sexual abuse;

(v) A determination by a circuit judge that there is little likelihood that services to the family will result in successful reunification;

(vi) A child has been removed from the custody of the parent or guardian and placed in foster care or the custody of another person three (3) or more times in the past fifteen (15) months; or

(vii) A child's or a sibling's being neglected or abused such that the abuse or neglect could endanger the life of the child; or

(B) A circuit court has determined that the parent:

(i) Has committed murder of a child;

(ii) Has committed manslaughter of a child;

(iii) Has aided or abetted, attempted, conspired, or solicited to commit murder or manslaughter;

(iv) Has committed a felony battery that results in serious bodily injury to any child;

(v) Had parental rights involuntarily terminated as to a sibling of the child; or

(vi) Is the parent of an abandoned infant as defined under § 9-35-102.

(d) Upon a determination that no reunification services shall be provided, the court shall hold a permanency planning hearing within thirty (30) days unless permanency for the juvenile has been achieved through guardianship, custody, or a petition for termination of parental rights has been filed within thirty (30) days.

(e) A written order setting forth the court's findings of fact and law shall be filed with the court, by the court, or by a party or party's

attorneys as designated by the court within thirty (30) days or before the next hearing, whichever is sooner.

9-35-336. Resumption of services.

(a) The Department of Human Services or an attorney ad litem may file a motion to resume services for a parent whose parental rights were previously terminated under this subchapter if:

(1) The child:

(A) Is currently in the custody of the department;

(B) Is not in an adoptive placement, a pre-adoptive placement, or under another permanent placement and there is some evidence that the juvenile is not likely to achieve permanency within a reasonable period of time as viewed from the child's perspective; or

(C) Was previously adopted, appointed a permanent guardian, or placed in the permanent custody of another individual and the adoption, guardianship, or custodial placement was disrupted or otherwise dissolved; and

(2)(A) The order terminating the parental rights of the parent who is the subject of a motion filed under this section was entered at least three (3) years before the date on which the motion to resume services was filed.

(B) The three-year waiting period may be waived if it is in the best interest of the child.

(b)(1) A motion filed under this section shall identify the parent for whom services would resume.

(2) A parent shall not be named as a party to a motion filed under this section.

(3) The petitioner shall serve the parent who is the subject of a motion filed under this section with the motion.

(4) A parent who is the subject of a motion filed under this section shall have the right to be heard at a hearing on the motion.

(c) When determining whether to grant or deny a motion filed under this section, the court shall consider the:

(1) Efforts made by the department to achieve adoption or other permanent placement for the child, including without limitation any barriers preventing permanency from being achieved;

(2) Current status of the parent who is the subject of the motion, including without limitation the extent to which the parent has remedied any conditions that led to the termination of his or her parental rights;

(3) Willingness of the parent who is the subject of the motion to participate with the services offered; and

(4) Child's wishes regarding a resumption of contact, visitation, or placement with the parent who is the subject of the motion.

(d)(1) A court may grant a motion filed under this section if it finds by a preponderance of the evidence that it is in the best interest of the child to resume services and establish appropriate contact or family time between the child and the parent or placement of the child with the parent.

(2) If the court grants a motion filed under this section, the court:

(A)(i) May order family services for the purposes of assisting reunification between the child and a fit parent who is the subject of the motion.

(ii) The court may order the parent to pay for some or all of the costs associated with court-ordered family services;

(B)(i) May order studies, evaluations, home studies, or post-disposition reports.

(ii) A written home study on the parent who is the subject of the motion shall be submitted to the court before the court may order unsupervised visitation or placement of the juvenile with the parent.

(iii) If a study, evaluation, or home study is performed before a hearing on a motion filed under subsection (a) of this section, the results of the study, evaluation, or home study shall be served on the parent, attorney ad litem, court-appointed special advocate, and any other party to the motion at least two (2) business days before the hearing; and

(C) Shall schedule a review hearing every ninety (90) days until the court:

(i) Finds that it is not in the best interest of the child to have contact, family time, or placement with the parent;

(ii) Enters an order reinstating the rights of the parent under § 9-35-337; or

(iii) No longer has jurisdiction over the case.

(3) A staffing shall be held and a case plan developed within thirty (30) days of the date on which the order granting a motion for resumption of services under this section is entered.

(e) A court may deny a motion filed under this section if the court finds by a preponderance of the evidence that the parent who is the subject of the motion engaged in conduct that interfered with the child's ability to achieve permanency.

(f) The written order of the court shall be filed by the court, a party, or the attorney of a party as designated by the court and distributed to the parties within thirty (30) days of the date of the hearing on the motion to resume services or before the next hearing, whichever is sooner.

9-35-337. Reinstatement of parental rights.

(a) The Department of Human Services or an attorney ad litem may file a petition to reinstate the parental rights of a parent whose parental rights have been terminated under this subchapter if the:

(1) Court has granted a motion to resume services under § 9-35-336;

(2) Services have continued for at least one hundred eighty (180) days following the date on which the court entered the order granting a motion to resume services under § 9-35-336; and

(3) Parent for whom reinstatement of parental rights is sought has substantially complied with the orders of the court and with the case plan developed under § 9-35-336.

(b) A petition to reinstate parental rights shall be filed in the circuit court that had jurisdiction over the petition to terminate the parental rights of the parent who is the subject of the petition to reinstate parental rights.

(c) A petition filed under this section shall be served on the:

(1) Attorney ad litem;

(2) Department;

(3) Parent who is the subject of the petition;

(4) Court Appointed Special Advocate Program Director, if applicable; and

(5) Child's tribe, if applicable.

(d) At least seven (7) business days before a hearing on a petition filed under this section, the department shall provide the parent, parent's counsel, attorney ad litem, court-appointed special advocate, and any other party to the petition with a written report that includes information on:

(1) The efforts made by the department to achieve adoption or another permanent placement for the child, including without limitation any barriers to the adoption or permanent placement of the child;

(2) The extent to which the parent who is the subject of the petition has complied with the case plan and orders of the court as of the date on which services were ordered to be resumed under § 9-35-336;

(3) The impact of the resumed services on the parent and on the health, safety, and well-being of the child; and

(4) Any recommendations of the department.

(e) Parental rights may be reinstated under this section if the court finds by clear and convincing evidence that:

(1) Reinstatement of parental rights is in the best interest of the child; and

(2) There has been a material change in circumstances as to the parent who is the subject of the petition since the date on which the order terminating the parental rights of the parent was entered.

(f) The court shall consider the following factors when determining whether a reinstatement of parental rights is in the best interest of the child:

(1) The likelihood of the child achieving permanency through adoption or another permanent placement;

(2) The age, maturity, and preference of the child concerning the reinstatement of parental rights;

(3) The parent's fitness and whether the parent has remedied the conditions that existed at the time of the termination of his or her parental rights; and

(4) The effect that the reinstatement of parental rights would have on the health, safety, and well-being of the child.

(g) A court may deny a petition filed under this section if the court finds by a preponderance of the evidence that the parent engaged in conduct that interfered with the child's ability to achieve permanency.

(h) An order reinstating the parental rights of the parent who is the

subject of a petition filed under this section restores all rights, powers, privileges, immunities, duties, and obligations of the parent as to the child, including without limitation custody, control, and support of the child.

(i) If the child is placed with a parent whose parental rights are reinstated under this section, the court shall not close the case until the child has resided with the parent for no less than six (6) months.

(j) A written order shall be filed by the court, a party, or the attorney of a party as designated by the court within thirty (30) days of the date of the hearing on the motion to reinstate parental rights or before the next hearing, whichever is sooner.

(k) An order reinstating parental rights under this section does not:

(1) Vacate or affect the validity of a previous order terminating the parental rights of the parent who is the subject of the petition; and

(2) Restore or impact the rights of a parent who is not the subject of a petition filed under this section.

(l) This section is retroactive and applies to a child who is under the jurisdiction of a court at the time of a hearing on a petition to terminate parental rights, regardless of the date on which parental rights were terminated by court order.

Subchapter 4 – Juvenile Delinquency

9-35-401. Purposes – Construction.

This subchapter shall be liberally construed to the end that its purposes may be carried out to:

(1) Protect society more effectively by substituting for retributive punishment, whenever possible, methods of offender rehabilitation and rehabilitative restitution, recognizing that the application of sanctions that are consistent with the seriousness of the offense is appropriate in all cases; and

(2) Provide means through which the provisions of this subchapter are executed and enforced and in which the parties are assured a fair hearing and their constitutional and other legal rights recognized and enforced.

9-35-402. Jurisdiction.

(a)(1) The circuit court shall have exclusive original jurisdiction of and shall be the sole court for the following proceedings governed by this subchapter, including without limitation:

(A)(i) Proceedings in which a juvenile is alleged to be delinquent as defined in this subchapter, including juveniles ten (10) to eighteen (18) years of age.

(ii) The court may retain jurisdiction of a juvenile who has been adjudicated delinquent up to twenty-one (21) years of age if the juvenile committed the delinquent act before reaching eighteen (18) years of age;

(B) Proceedings for which a juvenile is alleged to be an extended juvenile jurisdiction offender under § 9-27-501 et seq.; and

(C) Proceedings for which a juvenile is transferred to the juvenile division of circuit court from the criminal division of circuit court under § 9-35-412.

(2) A juvenile shall not remain under the court's jurisdiction past twenty-one (21) years of age.

(3) The court shall retain jurisdiction to issue orders of adoption, interlocutory or final, if a juvenile is placed outside the State of Arkansas.

(b) The assignment of cases to the juvenile division of the circuit court shall be as described by the Supreme Court in Administrative Order Number 14, originally issued on April 6, 2001.

(c)(1) The circuit court shall have concurrent jurisdiction with the district court over juvenile curfew violations.

(2) For juvenile curfew violations, the prosecutor may file a family in need of services petition in circuit court or a citation in district court.

(d) The circuit court shall have jurisdiction to hear proceedings commenced in any court of this state or court of comparable jurisdiction of another state that are transferred to it under the Uniform Child-Custody Jurisdiction and Enforcement Act, § 9-19-101 et seq.

9-35-403. Venue.

(a)(1)(A) Except as set forth in subdivisions (a)(2)-(4) of this section, a proceeding under this subchapter shall be commenced in the circuit court of the county in which the juvenile resides.

(B) Proceedings may be commenced in the county where the alleged act or omission occurred in a delinquency case.

(2) Proceedings under the Uniform Child-Custody Jurisdiction and Enforcement Act, § 9-19-101 et seq., shall be commenced in the court provided by the Uniform Child-Custody Jurisdiction and Enforcement Act, § 9-19-101 et seq.

(3) An adoption or guardianship may be filed in a juvenile court that has previously asserted continuing jurisdiction of the juvenile.

(4) A juvenile proceeding shall comply with § 16-13-210, except a detention hearing under § 9-35-420 and a probable cause hearing under § 9-35-310.

(b)(1) Before transferring a case to another venue, the court shall contact the judge in the other venue to confirm that the judge in the other venue will accept the transfer.

(2)(A) Upon confirmation that the judge will accept the transfer of venue, the transferring judge shall enter the transfer order.

(B) The transfer order shall:

(i) Indicate that the judge has accepted the transfer;

(ii) State the location of the court in the new venue; and

(iii) Set the time and date of the next hearing.

(C) The transfer order shall be:

(i) Provided to all parties and attorneys to the case; and

(ii) Transmitted immediately to the judge accepting the transfer.

(3) The transferring court shall also ensure that all court records are copied and sent to the judge in the new venue.

9-35-404. Personnel — Duties.

(a) The judge or judges of the circuit court designated to hear juvenile cases in the judge's district plan under Supreme Court

Administrative Order Number 14, originally issued on April 6, 2001, shall designate no fewer than one (1) person in the judge's judicial district as intake officer and no fewer than one (1) person in the judge's judicial district as probation officer.

(b) An officer designated under subsection (a) of this section shall have the following duties:

(1) To make appropriate investigations and reports when required to do so by:

(A) This subchapter;

(B) The rules promulgated under this subchapter; or

(C) Order of the court;

(2) To aid and counsel juveniles and their families when required to do so by order of the court;

(3) To perform all other appropriate functions assigned to him or her by:

(A) This subchapter;

(B) The rules promulgated under this subchapter; or

(C) Order of the court; and

(4) To give appropriate aid and assistance to the court when requested to do so by the judge.

(c) The provisions of this subchapter relative to juvenile officers and their responsibilities in delinquency cases may be applicable to a juvenile officer's involvement in a family in need of services case.

9-35-405. Confidentiality of records — Definition.

(a) All records may be closed and confidential within the discretion of the circuit court, except:

(1) Records of a delinquency adjudication for which a juvenile could have been tried as an adult shall be made available to a prosecuting attorney for use at sentencing if the juvenile is subsequently tried as an adult or to determine if the juvenile should be tried as an adult; and

(2) The Administrative Office of the Courts shall provide the Arkansas Crime Information Center with records of a delinquency adjudication for a juvenile adjudicated delinquent for an offense for which juvenile fingerprints shall be taken under § 9-35-414.

(b)(1)(A) Records of a delinquency adjudication for a felony involving

violence as defined under § 5-4-501 shall be kept for ten (10) years after the last adjudication of delinquency or the date of a plea of guilty or nolo contendere or a finding of guilt as an adult.

(B) After ten (10) years after the last adjudication of delinquency or the date of a plea of guilty or nolo contendere or a finding of guilt as an adult under subdivision (b)(1)(A) of this section, the records may be expunged.

(2) The court:

(A) May expunge other juvenile records at any time; and

(B) Shall expunge all the records of a juvenile upon his or her twenty-first birthday in a delinquency case.

(3) For purposes of this section, "expunge" means to destroy.

(c) Records of a juvenile who is designated as an extended juvenile jurisdiction offender shall be kept for ten (10) years after the last adjudication of delinquency, date of plea of guilty or nolo contendere, or finding of guilt as an adult or until the juvenile's twenty-first birthday, whichever is longer.

(d)(1) If an adult criminal sentence is imposed on an extended juvenile jurisdiction offender, the record of that case shall be considered an adult criminal record.

(2)(A) The court shall enter an order transferring the juvenile record to the clerk who is the custodian of adult criminal records.

(B) The clerk shall assign a criminal docket number and shall maintain the file as if the case had originated as a criminal case.

(e) This section does not apply to nor restrict the use or publication of statistics, data, or other materials that summarize or refer to any records, reports, statements, notes, or other information in the aggregate and that do not refer to or disclose the identity of any juvenile defendant in any proceeding when used only for the purpose of research and study.

(f) This subchapter does not preclude a prosecuting attorney or the court from providing information, upon written request, concerning the disposition of a juvenile who has been adjudicated delinquent to:

(1) The victim or his or her next of kin; or

(2) The school superintendent of the school district or the designee of the school superintendent of the school district:

(A) To which the juvenile transfers;

(B) In which the juvenile is enrolled; or

(C) From which the juvenile receives services.

(g) The prosecuting attorney shall notify the school superintendent or the designee of the school superintendent of the school district to which the juvenile transfers, in which the juvenile is enrolled, or from which the juvenile receives services if the juvenile is adjudicated delinquent for:

(1) An offense:

(A) For which the juvenile could have been charged as an adult; or

(B) Involving a deadly weapon as defined in § 5-1-102;

(2) Kidnapping under § 5-11-102;

(3) Battery in the first degree under § 5-13-201;

(4) Sexual indecency with a child under § 5-14-110;

(5) Sexual assault in the first degree, § 5-14-124;

(6) Sexual assault in the second degree, § 5-14-125;

(7) Sexual assault in the third degree, § 5-14-126;

(8) Sexual assault in the fourth degree, § 5-14-127; or

(9) The unlawful possession of a handgun under § 5-73-119.

(h) Information provided under subsections (f) and (g) of this section shall not be released in violation of any state or federal law protecting the privacy of the juvenile.

(i)(1) If a juvenile is arrested for unlawful possession of a firearm under § 5-73-119, an offense involving a deadly weapon as defined in § 5-1-102, or battery in the first degree under § 5-13-201, the arresting agency shall orally notify the superintendent or the designee of the superintendent of the school district to which the juvenile transfers, in which the juvenile is enrolled, or from which the juvenile receives services of the offense for which the juvenile was arrested or detained within twenty-four (24) hours of the arrest or detention or before the next school day, whichever is earlier.

(2)(A) The superintendent of the school district to which the juvenile transfers, in which the juvenile is enrolled, or from which the juvenile receives services shall then immediately notify:

(i) The principal of the school;

(ii) The resource officer of the school; and

(iii) Any other school official with a legitimate educational interest in the juvenile.

(B) The arrest information shall:

(i) Be treated as confidential information; and

(ii) Not be disclosed by the superintendent or the designee of the superintendent to any person other than a person listed in subdivision (i)(2)(A) of this section.

(C) A person listed in subdivision (i)(2)(A) of this section who is notified of the arrest or detention of a juvenile by the superintendent or the designee of the superintendent shall maintain the confidentiality of the information he or she receives.

(3) The arrest information shall be used by the school only for the limited purpose of obtaining services for the juvenile or to ensure school safety.

(j) Records of the arrest of a juvenile, the detention of a juvenile, proceedings under this subchapter, and the records of an investigation that is conducted when the alleged offender is an adult and relates to an offense that occurred when the alleged offender was a juvenile shall be confidential and shall not be subject to disclosure under the Freedom of Information Act of 1967, § 25-19-101 et seq., unless:

(1) Authorized by a written order of the juvenile division of circuit court;

(2) The arrest or the proceedings under this subchapter result in the juvenile's being formally charged in the criminal division of circuit court for a felony; or

(3) Allowed under this section or § 9-35-414.

(k) Information regarding the arrest or detention of a juvenile and related juvenile proceedings shall be confidential unless the exchange of information is:

(1) For the purpose of obtaining services for the juvenile, to ensure school safety, or to ensure public safety;

(2) Reasonably necessary to achieve one (1) or more purposes; and

(3) Under a written order by the circuit court.

(l)(1) The information regarding the arrest or detention of a juvenile and related juvenile proceedings may be given only to the following persons:

(A) A school counselor;

(B) A juvenile court probation officer or caseworker;

(C) A law enforcement officer;

(D) A spiritual representative designated by the juvenile or his or her parents or legal guardian;

(E) A Department of Human Services caseworker;

(F) A community-based provider designated by the court, the school, or the parent or legal guardian of the juvenile;

(G) A Department of Health representative;

(H) The juvenile's attorney ad litem or other court-appointed special advocate; or

(I)(i) A school superintendent or the designee of the superintendent of the school district to which the juvenile transfers, in which the juvenile is enrolled, or from which the juvenile receives services.

(ii) A school superintendent or the designee of the superintendent of the school district in which the juvenile is enrolled or from which the juvenile receives services shall immediately notify the following persons of information he or she obtains under subdivision (l)(l)(I)(i) of this section:

(a) The principal of the school;

(b) The resource officer of the school; and

(c) Any other school official with a legitimate educational interest in the juvenile.

(2) The persons listed in subdivision (l)(l) of this section may meet to:

(A) Exchange information;

(B) Discuss options for assistance to the juvenile;

(C) Develop and implement a plan of action to assist the juvenile;

(D) Ensure school safety; and

(E) Ensure public safety.

(3) The juvenile and his or her parent or legal guardian shall be notified within a reasonable time before a meeting and may attend any meeting of the persons referred to in subdivision (l)(l) of this section when three (3) or more individuals meet to discuss assistance for the juvenile or protection of the public due to the juvenile's behavior.

(4) Medical records, psychiatric records, psychological records, and related information shall remain confidential unless the juvenile's

parent or legal guardian waives confidentiality in writing specifically describing the records to be disclosed between the persons listed in subdivision (l)(1) of this section and the purpose for the disclosure.

(5) Persons listed in subdivision (l)(1) of this section who exchange any information referred to in this section may be held civilly liable for disclosure of the information if the person does not comply with limitations set forth in this section.

(m)(1) When a court orders that a juvenile shall have a safety plan that restricts or requires supervised contact with another juvenile or juveniles as it relates to student or school safety, the court shall direct that a copy of the safety plan and a copy of the court order regarding the safety plan concerning student or school safety be provided to the school superintendent and principal of the school district:

(A) To which the juvenile transfers;

(B) In which the juvenile is enrolled; or

(C) From which the juvenile receives services.

(2) When a court order amends or removes any safety plan under subdivision (m)(1) of this section, the court shall direct that a copy of the safety plan and a copy of the court order regarding the safety plan, as it relates to student or school safety, be provided to the school superintendent and principal of the school district:

(A) To which the juvenile transfers;

(B) In which the juvenile is enrolled; or

(C) From which the juvenile receives services.

(3)(A) The superintendent or principal of the school district in which the juvenile is enrolled or from which the juvenile receives services shall provide verbal notification only to school officials who are necessary to implement the safety plan as ordered by the court to ensure student safety.

(B) The verbal notification under subdivision (m)(3)(A) of this section may be provided only to assistant principals, counselors, resource officers, and the school employees who are primarily responsible for the supervision of the juvenile or responsible for the learning environment of the juvenile in the school district in which the juvenile is enrolled or from which the juvenile receives services, and to bus drivers, if applicable.

(4) A school official that receive a court order and safety plan

or information concerning the court order and safety plan shall:

(A) Keep the information confidential and shall sign a statement not to disclose the information concerning the court order and safety plan that shall be kept by the superintendent or principal along with the court order and safety plan;

(B) Keep the information confidential and shall not disclose the information to any person not listed in subdivision (l)(1) of this section;

(C) Include the information in the juvenile's permanent educational records; and

(D)(i) Treat the information and documentation contained in the court order as education records under the Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g, as it existed on January 1, 2025.

(ii) A school official shall not release, disclose, or make available the information and documentation contained in the court order for inspection to any party except as permitted under the Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g, as it existed on January 1, 2025.

(iii) However, the local education agency shall not release, disclose, or make available for inspection to the public, any college, university, institution of higher education, vocational or trade school, or any past, present, or future employer of the student the court order or safety plan portion of a student record.

(5) When a student attains an age that he or she is no longer under the jurisdiction of the juvenile division of circuit court, the safety plan and the order regarding the safety plan shall be removed from the juvenile's permanent records at the local education agency and destroyed.

9-35-406. Commencement of proceedings.

(a) A proceeding shall be commenced by filing a petition with the circuit clerk of the circuit court or by transfer by another court.

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

(2) A petition for paternity establishment may be filed by:

(A) The biological mother;

(B) A putative father;

(C) A juvenile; or

(D) The Office of Child Support Enforcement.

(c) Concurrent with filing, the petitioner shall mail a copy of any petition that requests that the Department of Human Services take custody or provide family services to the:

(1) Secretary of the Department of Human Services; and

(2) Attorney of the local Office of Chief Counsel of the Department of Human Services.

(d)(1) A person may submit a complaint of an act or omission to the intake officer that, if substantiated, would constitute delinquency.

(2) The intake officer may refer the matter to the prosecuting attorney or an appropriate agency upon the complaint's substantiation.

(e) A fee, including without limitation a fee for filing, copying, or faxing, including a fee for a petition for adoption or a fee for a guardianship, summons, or subpoena, shall not be charged or collected by the circuit clerk or sheriff's office in a case brought in the circuit court under this subchapter by a governmental entity or nonprofit corporation, including without limitation:

(1) The prosecuting attorney;

(2) An attorney ad litem appointed in a dependency-neglect case; or

(3) The Department of Human Services.

(f) If the circuit clerk's office has a fax machine, the circuit clerk, in a case commenced in the circuit court under this subchapter by a governmental entity or nonprofit corporation, including without limitation the prosecuting attorney, an attorney ad litem appointed in a dependency-neglect case, or the Department of Human Services, shall accept facsimile transmissions of any papers filed under this subchapter as described in Rule 5 of the Arkansas Rules of Civil Procedure.

9-35-407. Required contents of petition.

(a) The petition shall set forth the following:

(1) The name, address, gender, Social Security number, and date of birth of each juvenile subject of the petition;

(2) The name and address of each of the parents or the surviving parent of the juvenile or juveniles;

(3) The name and address of the person, agency, or institution having custody of the juvenile or juveniles;

(4) The name and address of any other person, agency, or institution having a claim to custody or guardianship of the juvenile or juveniles; and

(5) In a proceeding to establish paternity, the name and address of both the putative father and the presumed legal father, if any.

(b) If the name or address of anyone listed in subsection (a) of this section is unknown or cannot be ascertained by the petitioner with reasonable diligence, this fact shall be alleged in the petition and the petition shall not be dismissed for insufficiency, but the court shall direct appropriate measures to find and give notice to the person.

(c)(1) A person named in subdivisions (a)(1)-(3) of this section shall be made a defendant and served as required by this subchapter.

(d) The petition shall set forth the following in plain and concise words:

(1) The facts that, if proven, would bring the family or juvenile within the court's jurisdiction;

(2) The section of this subchapter upon which jurisdiction for the petition is based;

(3) The relief requested by the petitioner; and

(4) Any and all sections of the criminal laws allegedly violated.

9-35-408. Notification to defendants.

A copy of the petition and either a notice of hearing or order to appear shall be served in the manner provided by the Arkansas Rules of Civil Procedure to:

(1) A juvenile defendant ten (10) years of age and older;

(2) A person having care and control of the juvenile; and

(3) All adult defendants.

9-35-409. Taking into custody.

(a)(1) A juvenile may be taken into custody without a warrant before service upon him or her of a petition and notice of hearing or order to appear as set out under § 9-35-408 only as follows:

(A) By an order of the circuit court under this subchapter;

(B) By a law enforcement officer without a warrant under circumstances as set forth in Rule 4.1 of the Arkansas Rules of Criminal Procedure; or

(C) By a designated person under § 12-18-1001 et seq.

(2) When a juvenile is taken into custody without a warrant, the officer taking the juvenile into custody shall immediately make every effort possible to notify the custodial parent, guardian, or custodian of the juvenile's location.

(b)(1) When a juvenile is taken into custody pursuant to a warrant, the officer taking the juvenile into custody shall immediately take the juvenile before the judge of the division of circuit court out of which the warrant was issued and make every effort possible to notify the custodial parent, guardian, or custodian of the juvenile's location.

(2) The judge shall decide whether the juvenile should be tried as a delinquent or as a criminal defendant under § 9-35-412.

(c)(1)(A) A law enforcement officer shall take a juvenile to detention, immediately make every effort to notify the custodial parent, guardian, or custodian of the juvenile's location, and notify the juvenile intake officer within twenty-four (24) hours so that a petition may be filed if a juvenile is taken into custody for:

(i) Unlawful possession of a handgun, § 5-73-119(a)(1);

(ii) Possession of a handgun on school property, § 5-73-119(b)(1);

(iii) Unlawful discharge of a firearm from a vehicle, § 5-74-107;

(iv) Any felony committed while armed with a firearm; or

(v) Criminal use of prohibited weapons, § 5-73-104.

(B) The authority of a juvenile intake officer to make a detention decision under § 9-35-416 shall not apply when a juvenile is detained under subdivision (c)(1)(A) of this section.

(C) The court shall hold a detention hearing under § 9-35-420 within:

(i) Seventy-two (72) hours after the juvenile is taken into custody; or

(ii) If the seventy-two (72) hours ends on a Saturday, Sunday, or holiday, on the next business day after the juvenile is taken into custody.

(2) If a juvenile is taken into custody for an act that would be a felony if committed by an adult, other than a felony listed in subdivision (c)(1)(A) of this section, the law enforcement officer shall immediately make every effort possible to notify the custodial parent, guardian, or custodian of the juvenile's location and may:

(A)(i) Take the juvenile to detention.

(ii) The intake officer shall be notified immediately to make a detention decision under § 9-35-416 within twenty-four (24) hours of the time the juvenile was first taken into custody, and the prosecuting attorney shall be notified within twenty-four (24) hours.

(iii) If the juvenile remains in detention, a detention hearing shall be held no later than seventy-two (72) hours after the juvenile is taken into custody or if the seventy-two (72) hours ends on a Saturday, Sunday, or holiday, on the next business day;

(B) Under the Arkansas Rules of Criminal Procedure, issue a citation for the juvenile and his or her parents to appear for a first appearance before the court and release the juvenile and within twenty-four (24) hours notify the juvenile intake officer and the prosecuting attorney so that a petition may be filed under this subchapter; or

(C) Return the juvenile to his or her home.

(3) If a juvenile is taken into custody for an act that would be a misdemeanor if committed by an adult, the law enforcement officer shall immediately make every effort possible to notify the custodial parent, guardian, or custodian of the juvenile's location and may:

(A) Notify the juvenile intake officer, who shall make a detention decision under § 9-35-416;

(B)(i) Under the Arkansas Rules of Criminal Procedure, issue a citation for the juvenile and his or her parents to appear for a first appearance before the circuit court; and

(ii) Release the juvenile and notify the juvenile intake officer and the prosecuting attorney within twenty-four (24) hours so

that a petition may be filed under this subchapter; or

(C) Return the juvenile to his or her home.

(4)(A) In all instances when a juvenile may be detained, the juvenile may be held in a juvenile detention facility or a seventy-two-hour holdover if a bed is available in the juvenile detention facility or holdover.

(B) If a bed is not available under subdivision (c)(4)(A) of this section, an adult jail or lock-up may be used, as provided under § 9-35-425.

(5) In all instances when a juvenile may be detained, the intake officer shall immediately make every effort possible to notify the juvenile's custodial parent, guardian, or custodian.

(d) When a law enforcement officer takes custody of a juvenile under this subchapter for reasons other than those specified in subsection (c) of this section, he or she shall:

(1)(A)(i) Take the juvenile to shelter care, notify the department and the intake officer of the court, and immediately make every possible effort to notify the custodial parent, guardian, or custodian of the juvenile's location.

(ii) The notification to parents shall be in writing and shall include a notice of the location of the juvenile, of the juvenile's and parents' rights to receive a copy of any petition filed under this subchapter, of the location and telephone number of the court, and of the procedure for obtaining a hearing.

(B)(i) In cases when the parent, guardian, or other person contacted lives beyond a fifty-mile driving distance or lives out of state and the juvenile has been absent from his or her home or domicile for more than twenty-four (24) hours, the juvenile may be held in custody in a juvenile detention facility for purposes of identification, processing, or arranging for release or transfer to an alternative facility.

(ii) The holding shall be limited to the minimum time necessary to complete these actions and shall not occur in any facility utilized for incarceration of adults.

(iii) A juvenile held under this subdivision (d)(1)(B) shall be separated from detained juveniles charged or held for delinquency.

(iv) A juvenile shall not be held under this subdivision (d)(1)(B) for more than six (6) hours if the parent, guardian, or other person contacted lives in the state or twenty-four (24) hours, excluding weekends and holidays, if the parent, guardian, or other person contacted lives out of state; or

(2) Return the juvenile to his or her home.

(e) If no delinquency petition to adjudicate a juvenile taken into custody is filed within twenty-four (24) hours after a detention hearing or ninety-six (96) hours or, if the ninety-six (96) hours ends on a Saturday, Sunday, or a holiday, at the close of the next business day, after an alleged delinquent juvenile is taken into custody, whichever is sooner, the alleged delinquent juvenile shall be discharged from custody, detention, or shelter care.

9-35-410. Right to counsel.

(a)(1) In a delinquency case, a juvenile and his or her parent, guardian, or custodian shall be advised by the law enforcement official taking a juvenile into custody, by the intake officer at the initial intake interview, and by the court at the juvenile's first appearance before the circuit court that the juvenile has the right to be represented at all stages of the proceedings by counsel.

(2) An extended juvenile jurisdiction offender shall have a right to counsel at every stage of the proceedings, including all reviews.

(b)(1)(A) The inquiry concerning the ability of the juvenile to retain counsel shall include a consideration of the juvenile's financial resources and the financial resources of his or her family.

(B) However, the failure of the juvenile's family to retain counsel for the juvenile shall not deprive the juvenile of the right to appointed counsel if required under this section.

(2) After review by the court of an affidavit of financial means completed and verified by the parent of the juvenile and a determination by the court that the parent or juvenile has the ability to pay, the court may order financially able juveniles, parents, guardians, or custodians to pay all or part of reasonable attorney's fees and expenses for representation of a juvenile.

(3) All moneys collected by the circuit clerk under this

subsection shall be retained by the circuit clerk and deposited into a special fund to be known as the "juvenile representation fund".

(4) The court may direct that money from the juvenile representation fund be used in providing counsel for juveniles under this section in a delinquency or family in need of services case and indigent parents or guardians in dependency-neglect cases as provided by § 9-35-208, § 9-35-311(e), and subsection (e) of this section.

(5) Any money remaining in the juvenile representation fund at the end of the fiscal year shall not revert to any other fund but shall carry over into the next fiscal year in the juvenile representation fund.

(c) If counsel is not retained for the juvenile or it does not appear that counsel will be retained, counsel shall be appointed to represent the juvenile at all appearances before the court unless the right to counsel is waived as set forth under § 9-35-411.

(d) In a proceeding in which the judge determines that there is a reasonable likelihood that the proceeding may result in the juvenile's commitment to an institution in which the freedom of the juvenile would be curtailed and counsel has not been retained for the juvenile, the court shall appoint counsel for the juvenile.

(e) Appointment of counsel shall be made at a time sufficiently in advance of the court appearance to allow adequate preparation by appointed counsel and adequate consultation between the appointed counsel and the client.

9-35-411. Waiver of right to counsel — Detention of juvenile — Questioning.

(a) Waiver of the right to counsel at a delinquency hearing shall be accepted only upon a finding by the court from clear and convincing evidence, after questioning the juvenile, that:

(1) The juvenile understands the full implications of the right to counsel;

(2) The juvenile freely, voluntarily, and intelligently wishes to waive the right to counsel; and

(3) The parent, guardian, custodian, or counsel for the juvenile has agreed with the juvenile's waiver of the right to counsel.

(b) The agreement of the parent, guardian, custodian, or counsel for

the juvenile to the juvenile's waiver of the right to counsel shall be accepted by the court only if the court finds:

(1) That the person has freely, voluntarily, and intelligently made the decision to agree with the juvenile's waiver of the right to counsel;

(2) That the person has no interest adverse to the juvenile; and

(3) That the person has consulted with the juvenile in regard to the juvenile's waiver of the right to counsel.

(c) In determining whether a juvenile's waiver of the right to counsel at any stage of the proceeding was made freely, voluntarily, and intelligently, the court shall consider all the circumstances of the waiver, including without limitation:

(1) The juvenile's physical, mental, and emotional maturity;

(2) Whether the juvenile understood the consequences of the waiver;

(3) In cases in which the custodial parent, guardian, or custodian agreed with the juvenile's waiver of the right to counsel, whether the parent, guardian, or custodian understood the consequences of the waiver;

(4) Whether the juvenile and his or her custodial parent, guardian, or custodian were informed of the alleged delinquent act;

(5) Whether the waiver of the right to counsel was the result of any coercion, force, or inducement;

(6) Whether the juvenile and his or her custodial parent, guardian, or custodian had been advised of the juvenile's right to remain silent and to the appointment of counsel and had waived such rights; and

(7) Whether the juvenile's waiver of the right to counsel was recorded in audio or video format and the circumstances surrounding the availability or unavailability of the recorded waiver.

(d) No waiver of the right to counsel shall be accepted in any case in which the parent, guardian, or custodian has filed a petition against the juvenile, initiated the filing of a petition against the juvenile, or requested the removal of the juvenile from the home.

(e) No waiver of the right to counsel shall be accepted in any case in which counsel was appointed due to the likelihood of the juvenile's commitment to an institution under § 9-35-410(d).

(f) No waiver of counsel shall be accepted when a juvenile has been

designated an extended juvenile jurisdiction offender.

(g) No waiver of the right to counsel shall be accepted when a juvenile is in the custody of the Department of Human Services, including the Division of Youth Services.

(h)(1) All waivers of the right to counsel under this section, except those made in the presence of the court under subsection (a) of this section, shall be:

(A) In writing; and

(B) Signed by the juvenile.

(2)(A) When a custodial parent, guardian, or custodian cannot be located or is located and refuses to go to the place where the juvenile is being held, counsel shall be appointed for the juvenile.

(B) Procedures shall then be the same as if the juvenile had invoked counsel.

(i)(1)(A) When a law enforcement officer has reasonable cause to believe that a juvenile found at or near the scene of a felony is a witness to the offense, he or she may stop that juvenile.

(B) After having stopped the juvenile under subdivision (i)(1)(A) of this section and identified himself or herself, the law enforcement officer:

(i) Shall advise the juvenile of the purpose of the stopping; and

(ii) May then demand of the juvenile his or her name, address, and any information the juvenile may have regarding the offense.

(C) A detention under this subsection shall in all cases be reasonable and shall not exceed fifteen (15) minutes, unless the juvenile refuses to give the information under subdivision (i)(1)(B)(ii) of this section, in which case the juvenile, if detained further, shall immediately be brought before any judicial officer or prosecuting attorney to be examined with reference to his or her name, address, or the information the juvenile may have regarding the offense.

(2)(A) A law enforcement officer who takes a juvenile into custody for a delinquent act or criminal offense shall advise the juvenile of his or her Miranda rights in the juvenile's own language.

(B) A law enforcement officer shall not question a

juvenile who has been taken into custody for a delinquent act or criminal offense until the law enforcement officer has advised the juvenile of his or her Miranda rights under subdivision (i)(2)(C) of this section in the juvenile's own language.

(C) A law enforcement officer shall not question a juvenile who has been taken into custody for a delinquent act or criminal offense if the juvenile has indicated in any manner that he or she:

(i) Does not wish to be questioned;

(ii) Wishes to speak with his or her custodial parent, guardian, or custodian or to have that person present; or

(iii) Wishes to consult counsel before submitting to any questioning.

(D) Any waiver of the right to counsel by a juvenile shall conform to subsection (h) of this section.

9-35-412. Filing and transfer to criminal division of circuit court.

(a) The state may proceed with a case as a delinquency only when the case involves a juvenile:

(1) Fifteen (15) years of age or younger when the alleged delinquent act occurred, except as provided under subdivision (c)(2) of this section; or

(2) Less than eighteen (18) years of age when he or she engages in conduct that if committed by an adult would be any misdemeanor.

(b) The state may file a motion in the juvenile division of circuit court to transfer a case to the criminal division of circuit court or to designate a juvenile as an extended juvenile jurisdiction offender when a case involves a juvenile:

(1) Fourteen (14) or fifteen (15) years of age when he or she engages in conduct that if committed by an adult would be:

(A) Murder in the second degree, § 5-10-103;

(B) Battery in the second degree in violation of § 5-13-202(a)(2), § 5-13-202(a)(3), or § 5-13-202(a)(4);

(C) Possession of a handgun on school property, § 5-73-119(b)(1)(A);

(D) Aggravated assault, § 5-13-204;

(E) Unlawful discharge of a firearm from a vehicle, § 5-

74-107;

(F) Any felony committed while armed with a firearm;

(G) Soliciting or recruiting a minor to join or to remain a member of a criminal gang, organization, or enterprise, § 5-74-203;

(H) Criminal use of prohibited weapons, § 5-73-104;

(I) First degree escape, § 5-54-110;

(J) Second degree escape, § 5-54-111; or

(K) A felony attempt, solicitation, or conspiracy to commit any of the following offenses:

(i) Capital murder, § 5-10-101;

(ii) Murder in the first degree, § 5-10-102;

(iii) Murder in the second degree, § 5-10-103;

(iv) Kidnapping, § 5-11-102;

(v) Aggravated robbery, § 5-12-103;

(vi) Rape, § 5-14-103;

(vii) Battery in the first degree, § 5-13-201;

(viii) First degree escape, § 5-54-110; and

(ix) Second degree escape, § 5-54-111;

(2) At least fourteen (14) years of age when he or she engages in conduct that constitutes a felony under § 5-73-119(a); or

(3) At least fourteen (14) years of age when he or she:

(A) Engages in conduct that, if committed by an adult, constitutes a felony; and

(B) Has, within the preceding two (2) years, three (3) times been adjudicated as a delinquent juvenile for acts that would have constituted felonies if those acts had been committed by an adult.

(c) A prosecuting attorney may charge a juvenile in either the juvenile division of circuit court or criminal division of circuit court when a case involves a juvenile:

(1) At least sixteen (16) years of age when he or she engages in conduct that, if committed by an adult, would be any felony; or

(2) Fourteen (14) or fifteen (15) years of age when he or she engages in conduct that, if committed by an adult, would be:

(A) Capital murder, § 5-10-101;

(B) Murder in the first degree, § 5-10-102;

(C) Kidnapping, § 5-11-102;

(D) Aggravated robbery, § 5-12-103;

(E) Rape, § 5-14-103;

(F) Battery in the first degree, § 5-13-201; or

(G) Terroristic act, § 5-13-310.

(d) If a prosecuting attorney can file charges in the criminal division of circuit court for an act allegedly committed by a juvenile, the state may file any other criminal charges that arise out of the same act or course of conduct in the same division of the circuit court case if, after a hearing before the juvenile division of circuit court, a transfer is so ordered.

(e) Upon the motion of the court or of any party, the judge of the division of circuit court in which a delinquency petition or criminal charges have been filed shall conduct a transfer hearing to determine whether to transfer the case to another division of circuit court.

(f) The court shall conduct a transfer hearing within thirty (30) days if the juvenile is detained and no longer than ninety (90) days from the date of the motion to transfer the case.

(g) In the transfer hearing, the court shall consider all of the following factors:

(1) The seriousness of the alleged offense and whether the protection of society requires prosecution in the criminal division of circuit court;

(2) Whether the alleged offense was committed in an aggressive, violent, premeditated, or willful manner;

(3) Whether the alleged offense was against a person or property, with greater weight being given to offenses against persons, especially if personal injury resulted;

(4) The culpability of the juvenile, including the level of planning and participation in the alleged offense;

(5) The previous history of the juvenile, including whether the juvenile had been adjudicated a juvenile offender and, if so, whether the offenses were against persons or property, and any other previous history of antisocial behavior or patterns of physical violence;

(6) The sophistication or maturity of the juvenile as determined by consideration of the juvenile's home, environment, emotional attitude, pattern of living, or desire to be treated as an adult;

(7) Whether there are facilities or programs available to the judge of the juvenile division of circuit court that are likely to rehabilitate the juvenile before the expiration of the juvenile's twenty-first birthday;

(8) Whether the juvenile acted alone or was part of a group in the commission of the alleged offense;

(9) Written reports and other materials relating to the juvenile's mental, physical, educational, and social history; and

(10) Any other factors deemed relevant by the judge.

(h)(1) The court shall make written findings on all of the factors under subsection (g) of this section.

(2) The judge shall enter an order to transfer a case to another division of circuit court upon a finding by clear and convincing evidence.

(i) The criminal division of circuit court may enter an order to transfer as an extended juvenile jurisdiction case upon a finding by the criminal division of circuit court that a juvenile fourteen (14) through seventeen (17) years of age and charged with the crimes in subdivision (c)(2) of this section should be transferred to the juvenile division of circuit court.

(j) The judge shall enter a juvenile delinquency disposition under § 9-35-423 if a juvenile fourteen (14) or fifteen (15) years of age is found guilty in the criminal division of circuit court for an offense other than an offense listed in subsection (b) or subdivision (c)(2) of this section.

(k) If the case is transferred to another division of circuit court, any bail or appearance bond given for the appearance of the juvenile shall continue in effect in the division to which the case is transferred.

(l) Any party may appeal from a transfer order.

(m) The circuit court may conduct a transfer hearing and an extended juvenile jurisdiction designation hearing under § 9-27-503 at the same time.

9-35-413. Double jeopardy.

(a) A juvenile who has been subjected to an adjudication pursuant to a petition alleging him or her to be delinquent shall not be tried later under criminal charges based upon facts alleged in the petition to find him or her delinquent.

(b) A juvenile who has been tried for a violation of the criminal laws

of this state shall not be later subjected to a delinquency proceeding arising out of the facts that formed the basis of the criminal charges.

9-35-414. Fingerprinting or photographing.

(a)(1) When a juvenile is arrested for any offense that if committed by an adult would constitute a Class Y, Class A, or Class B felony, the juvenile shall be photographed and fingerprinted by the law enforcement agency.

(2) In the case of an allegation of delinquency, a juvenile shall not be photographed or fingerprinted under this subchapter by any law enforcement agency unless he or she has been taken into custody for the commission of an offense that, if committed by an adult, would constitute a Class Y, Class A, or Class B felony.

(b)(1) Copies of a juvenile's fingerprints and photographs shall be made available only to other law enforcement agencies, the Arkansas Crime Information Center, prosecuting attorneys, and the juvenile division of circuit court.

(2) Photographs and fingerprints of juveniles adjudicated delinquent for offenses for which they could have been tried as adults shall be made available to prosecuting attorneys and circuit courts for use at sentencing in subsequent adult criminal proceedings against those same individuals.

(3)(A) When a juvenile departs without authorization from a youth services center or other facility operated by the Division of Youth Services for the care of alleged or adjudicated delinquent juveniles, if at the time of departure the juvenile is committed or detained for an offense for which the juvenile could have been tried as an adult, the Director of the Division of Youth Services shall release to the general public the name, age, and description of the juvenile and any other pertinent information the Director of the Division of Youth Services deems necessary to aid in the apprehension of the juvenile and to safeguard the public welfare.

(B) When a juvenile departs without authorization from the Arkansas State Hospital, if at the time of departure the juvenile is committed as a result of an acquittal on the grounds of mental disease or defect for an offense for which the juvenile could have been tried as an adult, the Director of the Division of Aging, Adult, and Behavioral Health

Services shall release to the general public the name, age, and description of the juvenile and any other pertinent information the Director of the Division of Aging, Adult, and Behavioral Health Services deems necessary to aid in the apprehension of the juvenile and to safeguard the public welfare.

(C) When a juvenile departs without authorization from a local juvenile detention facility, if at the time of departure the juvenile is committed or detained for an offense for which the juvenile could have been tried as an adult, the director of the juvenile detention facility shall release to the general public the name, age, and description of the juvenile and any other pertinent information the director of the juvenile detention facility deems necessary to aid in the apprehension of the juvenile and to safeguard the public welfare.

(c) Each law enforcement agency in the state shall keep a separate file of photographs and fingerprints, it being the intention that the photographs and fingerprints of juveniles not be kept in the same file with those of adults.

(d) When a juvenile is adjudicated delinquent for an offense for which the juvenile could be charged as an adult:

(1) The arresting law enforcement agency shall ensure that the fingerprints and photograph of the juvenile have been properly taken and submitted; and

(2) The court shall submit the adjudicated delinquent information to the center.

(e) If the juvenile is found not to have committed the alleged delinquent act, the court:

(1) May order a law enforcement agency to return all pictures and fingerprints to the circuit court; and

(2) Shall order the law enforcement agency that took the juvenile into custody to mark the arrest record with the notation "found not to have committed the alleged offense".

(f) The center shall create a form to be used for the reporting and expungement of information pertaining to juveniles.

(g) If a juvenile is arrested for a Class Y, Class A, or Class B felony but not charged, the prosecuting attorney shall submit the information to the center, and the records regarding the arrest of the juvenile shall be removed from the center's records.

9-35-415. Statements not admissible.

Statements made by a juvenile to the intake officer or probation officer during the intake process before a hearing on the merits of the petition filed against the juvenile shall not be used or be admissible against the juvenile at any stage of any proceedings in circuit court or in any other court.

9-35-416. Release from custody.

(a) Upon receiving notice that a juvenile has been taken into custody on an allegation of delinquency, the intake officer shall immediately notify the juvenile's parent, guardian, or custodian of the location at which the juvenile is being held and of the reasons for the juvenile's detention if the notification has not previously taken place and shall:

(1) Unconditionally release the juvenile to the juvenile's parent, guardian, or custodian;

(2) Release the juvenile to the juvenile's parent, guardian, or custodian upon the written promise of the parent, guardian, or custodian to bring the juvenile before the court when summoned;

(3) Release the juvenile to the juvenile's parent, guardian, or custodian upon written conditions to ensure the juvenile will be brought before the court;

(4) Pending court review, place the juvenile in shelter care if unable to locate the juvenile's parent, guardian, or custodian;

(5) Pending court review, place the juvenile on electronic monitoring; or

(6) Detain the juvenile pending a detention hearing before the circuit court.

(b) Criteria for Release by Intake Officer.

(1) In determining whether to detain a juvenile who has been taken into custody on an allegation of delinquency pending a detention hearing, the intake officer shall consider the following facts:

(A) Ties to the community, including:

(i) Place and length of residence;

(ii) School attendance;

(iii) Present and past employment;

(iv) Family relationships; and

(v) References; and

(B) The nature of the alleged offense, including:

(i) Whether the offense would constitute a felony or misdemeanor;

(ii) The use of force or violence;

(iii) Prior juvenile or criminal record; and

(iv) Any history of failure to appear for court appearances.

(2) The intake officer may determine that there is no less restrictive alternative to detention if detention is necessary:

(A) To prevent imminent bodily harm to the juvenile or to another; or

(B) To prevent flight when the juvenile is a fugitive or escapee from another jurisdiction.

(3) Only if a substantial number of the facts considered under subdivision (b)(1) of this section weigh against the juvenile or one (1) of the two (2) circumstances in subdivision (b)(2) of this section exists shall the juvenile be detained pending a detention hearing by the court.

(c) The juvenile and his or her parent, guardian, or custodian shall not be charged the cost of detention, shelter, or electronic monitoring authorized by a juvenile officer under subsection (a) of this section.

9-35-417. Diversion — Conditions — Agreement — Completion — Definition.

(a) If the prosecuting attorney, after consultation with the intake officer, determines that a diversion of a delinquency case is in the best interests of the juvenile and the community, the intake officer with the consent of the juvenile and his or her parent, guardian, or custodian may attempt to make a satisfactory diversion of a case.

(b) If the intake officer determines that a diversion of a family in need of services case is in the best interest of the juvenile and the community, the intake officer with the consent of the petitioner, juvenile, and his or her parent, guardian, or custodian may attempt to make a satisfactory diversion of a case.

(c) In addition to the requirements of subsections (a) and (b) of this

section, a diversion of a case is subject to the following conditions:

(1) The juvenile has admitted his or her involvement in:

(A) A delinquent act for a delinquency diversion; or

(B) A family in need of services act for a family in need of services diversion;

(2) The intake officer advises the juvenile and his or her parent, guardian, or custodian that they have the right to refuse a diversion of the case and demand the filing of a petition and a formal adjudication;

(3) Any diversion agreement is entered into voluntarily and intelligently by the juvenile with the advice of his or her attorney or by the juvenile with the consent of a parent, guardian, or custodian if the juvenile is not represented by counsel;

(4) The diversion agreement provides for the supervision of a juvenile or the referral of the juvenile to a public or private agency for services not to exceed six (6) months;

(5) All other terms of a diversion agreement do not exceed nine (9) months; and

(6) The juvenile and his or her parent, guardian, or custodian shall have the right to terminate the diversion agreement at any time and to request the filing of a petition and a formal adjudication.

(d)(1) The terms of the diversion agreement under this section shall:

(A) Be in writing in simple, ordinary, and understandable language;

(B) State that the diversion agreement was entered into voluntarily by the juvenile;

(C) Name the attorney or other person who advised the juvenile upon the juvenile's entering into the diversion agreement; and

(D) Be signed by all parties to the diversion agreement and by the prosecuting attorney if it is a delinquency case and the offense would constitute a felony if committed by an adult or a family in need of services case under § 6-18-222.

(2) A copy of the diversion agreement shall be given to the juvenile, the counsel for the juvenile, the parent, guardian, or custodian, and the intake officer, who shall retain the copy in the case file.

(e) Diversion agreements shall be:

(1) Implemented by all juvenile courts based on validated

assessment tools; and

(2) Used to provide for:

(A) Nonjudicial probation under the supervision of the intake officer or probation officer for a period during which the juvenile may be required to comply with specified conditions concerning his or her conduct and activities;

(B) Participation in a court-approved program of education, counseling, or treatment;

(C) Participation in a court-approved teen court;

(D) Participation in a juvenile drug court program;

(E) Enrollment in the Regional Educational Career Alternative School System for Adjudicated Youth; and

(F)(i) Payment of restitution to the victim.

(ii) Payments of restitution under subdivision (e)(2)(F)(i) of this section shall be paid under § 16-13-326.

(f)(1) If a diversion of a complaint has been made, a petition based upon the events out of which the original complaint arose may be filed only during the period for which the diversion agreement was entered into.

(2) If a petition is filed within this period, the juvenile's compliance with all proper and reasonable terms of the diversion agreement shall be grounds for dismissal of the petition by the court.

(g) The diversion agreement may be terminated, and the prosecuting attorney in a delinquency case or the petitioner in a family in need of services case may file a petition if at any time during the diversion agreement period:

(1) The juvenile or his or her parent, guardian, or custodian declines to further participate in the diversion process;

(2) The juvenile fails, without reasonable excuse, to attend a scheduled conference;

(3) The juvenile appears unable or unwilling to benefit from the diversion process; or

(4) The intake officer becomes apprised of new or additional information that indicates that further efforts at diversion would not be in the best interest of the juvenile or society.

(h) Upon the satisfactory completion of the diversion period:

(1) The juvenile shall be dismissed without further proceedings;

(2) The intake officer shall furnish written notice of the dismissal to the juvenile and his or her parent, guardian, or custodian; and

(3) The complaint and the diversion agreement, and all references to the complaint and the diversion agreement, may be expunged by the court from the juvenile's file.

(i)(1) A juvenile intake officer or probation officer may charge a diversion fee only after review of an affidavit of financial means and a determination of the juvenile's or the juvenile's parent's, guardian's, or custodian's ability to pay the fee.

(2) The diversion fee shall not exceed twenty dollars ($20.00) per month payable to the juvenile division of circuit court.

(3) The court may direct that the fees be collected by the juvenile officer, sheriff, or court clerk for the county in which the fees are charged.

(4) The officer designated by the court to collect diversion fees shall maintain receipts and account for all incoming fees and shall deposit the fees at least weekly into the county treasury of the county where the fees are collected and in which diversion services are provided.

(5) The diversion fees shall be deposited into the account with the juvenile service fees under § 16-13-326.

(j)(1) In judicial districts having more than one (1) county, the judge may designate the treasurer of one (1) of the counties in the district as the depository of all juvenile division of circuit court fees collected in the district.

(2) The treasurer designated by the court shall maintain a separate account of the juvenile division of circuit court fees collected and expended in each county in the district.

(3) Money remaining at the end of the fiscal year shall not revert to any other fund but shall carry over to the next fiscal year.

(4) The funds derived from the collection of diversion fees shall be used by agreement of the judge or judges of the circuit court designated to hear juvenile cases in their district plan pursuant to Supreme Court Administrative Order No. 14, originally issued on April 6, 2001, and the quorum court of the county to provide services and supplies to juveniles at the discretion of the juvenile division of circuit court.

(k)(1) The Department of Human Services shall develop a statewide

referral protocol for helping to coordinate the delivery of services to a sexually exploited child.

(2) As used in this section, "sexually exploited child" means a person less than eighteen (18) years of age who has been subject to sexual exploitation because the person:

(A) Is a victim of trafficking of persons under § 5-18-103;

(B) Is a victim of child sex trafficking under 18 U.S.C. § 1591, as it existed on January 1, 2025; or

(C) Engages in an act of prostitution under § 5-70-102 or sexual solicitation under § 5-70-103.

9-35-418. Preliminary investigation.

(a) The intake officer shall also conduct a preliminary investigation upon receiving notice that a juvenile has been taken into custody on an allegation of delinquency.

(b) In the course of a preliminary investigation, the intake officer may:

(1) Interview the complainant, victim, or witnesses of the act and circumstances alleged in the complaint;

(2) Review existing records of the court, law enforcement agencies, and public records of other agencies; and

(3) Hold conferences with the juvenile and his or her parent, guardian, or custodian for the purpose of interviewing them and discussing the disposition of the complaint.

(c) Any additional inquiries may be made only with the consent of the juvenile and his or her parent, guardian, or custodian.

(d)(1) Participation of the juvenile and his or her parent, guardian, or custodian in a conference with an intake officer shall be voluntary, with the right to refuse to continue participation at any time.

(2) At the conferences, the juvenile and his or her parent, guardian, or custodian shall be advised of the juvenile's right to assistance of counsel and the right to remain silent when questioned by the intake officer.

9-35-419. Hearings — Generally.

(a)(1)(A) All hearings under this subchapter shall be conducted by the judge without a jury, except as provided by the Extended Juvenile Jurisdiction Act, § 9-27-501 et seq.

(B) If a juvenile is designated an extended juvenile jurisdiction offender, the juvenile shall have a right to a jury trial at the adjudication.

(2) The juvenile shall be advised of the right to a jury trial by the court following a determination that the juvenile will be tried as an extended juvenile jurisdiction offender.

(3) The right to a jury trial may be waived by a juvenile only after being advised of his or her rights and after consultation with the juvenile's attorney.

(4) The waiver shall be in writing and signed by the juvenile and the juvenile's attorney.

(b) The juvenile is not required to file a written responsive pleading in order to be heard by the court under this subchapter.

(c)(1) At the time set for hearing under this subchapter, the court may:

(A) Proceed to hear the case only if the juvenile is present or excused for good cause by the court; or

(B) Continue the case upon determination that the presence of an adult defendant is necessary.

(2) Upon determining that a necessary party is not present before the court, the court may:

(A) Issue an order for contempt if the juvenile was served with an order to appear; or

(B) Issue an order to appear, with a time and place set by the court for hearing, if the juvenile was served with a notice of hearing.

(d)(1) Hearings under this subchapter shall be in a court of record.

(2) A record of all proceedings shall be kept in the same manner as other proceedings of circuit court and in accordance with rules promulgated by the Supreme Court.

(e)(1) Unless otherwise indicated, the Arkansas Rules of Evidence shall apply.

(2)(A) Upon motion of any party, the court may order that the father, mother, or juvenile submit to scientific testing for drug or alcohol

abuse.

(B) A written report of the test results prepared by the person conducting the test, or by a person under whose supervision or direction the test and analysis have been performed, certified by an affidavit subscribed and sworn to by him or her before a notary public, may be introduced in evidence without calling the person as a witness unless a motion challenging the test procedures or results has been filed within thirty (30) days before the hearing and bond is posted in an amount sufficient to cover the costs of the person's appearance to testify.

(C)(i) If contested, documentation of the chain of custody of samples taken from a test subject shall be verified by affidavit of one (1) person's witnessing the procedure or extraction, packaging, and mailing of the sample and by one (1) person's signing for the sample at the place where the sample is subject to the testing procedure.

(ii) Submission of the affidavits along with the submission of the test results shall be competent evidence to establish the chain of custody of those specimens.

(D) When a court orders scientific testing for drug or alcohol abuse and one (1) of the parties refuses to submit to the testing, that refusal shall be disclosed at trial and may be considered civil contempt of court.

(f) Except as otherwise provided in this subchapter, the Arkansas Rules of Criminal Procedure shall apply to all proceedings under this subchapter.

(g) All parties shall have the right to compel attendance of witnesses in accordance with the Arkansas Rules of Criminal Procedure.

(h)(1) The petitioner in all proceedings under this subchapter shall bear the burden of presenting the case at hearings.

(2)(A) The following burdens of proof shall apply:

(i) Proof beyond a reasonable doubt in delinquency hearings;

(ii) Proof by a preponderance of the evidence in a probation revocation hearing; and

(iii) Proof by clear and convincing evidence in a transfer hearing.

(i) Except as provided under § 9-27-502, in any juvenile delinquency

proceeding under this subchapter in which the juvenile's fitness to proceed is put in issue by any party or the court, § 5-2-301 et seq. shall apply.

(j) In all proceedings under this subchapter, a juvenile is entitled to all defenses available to a criminal defendant in circuit court.

(k)(1) A court shall set a hearing to address the entry of a written order under this subchapter if:

(A) The written order is not provided to the court for entry within the time specified under this subchapter; and

(B) A party files a motion for a hearing to address the entry of the written order.

(2)(A) The court shall conduct a hearing to address the entry of the written order within thirty (30) days from the date on which the motion for a hearing to address the entry of the written order is filed.

(B) A hearing to address the entry of a written order may be the next scheduled hearing in the proceeding if the hearing to address the entry of the written order is being held within thirty (30) days from the date on which the motion for a hearing to address the entry of the written order is filed.

(C) The court is not required to conduct a hearing to address the entry of a written order if the written order is submitted to the court.

(3) The court shall reassign the preparation of the written order as needed.

9-35-420. Detention hearing.

(a)(1) If a juvenile is taken into custody on an allegation of delinquency, violation of Division of Youth Services aftercare, violation of probation, or violation of a court order and not released by the law enforcement officer or intake officer, a detention hearing shall be held:

(A) As soon as possible but no later than seventy-two (72) hours after the juvenile was taken into custody; or

(B) The next business day, if the seventy-two (72) hours ends on a Saturday, Sunday, or holiday.

(2) If a detention hearing is not held within the time frame under subsection (a)(1) of this section, the juvenile shall be released.

(b) Prior written notice of the time, place, and purpose of the

detention hearing under this section shall be given to:

(1) The juvenile;

(2) The juvenile's attorney; and

(3)(A) The juvenile's parent, guardian, or custodian.

(B) However, if the court finds after a reasonable, diligent effort that the petitioner was unable to notify the parent, guardian, or custodian, the hearing may proceed without notice to that party.

(c) The petitioner in a detention hearing under this section shall have the burden of proof by clear and convincing evidence that the restraint on the juvenile's liberty is necessary and that no less restrictive alternative will reduce the risk of flight, or of serious harm to property, or to the physical safety of the juvenile or others.

(d) During the detention hearing under this section, the court shall:

(1) Inform the juvenile in custody:

(A) Of the reasons continued detention is being sought;

(B) That he or she is not required to say anything, and that anything he or she says may be used against him or her;

(C) That he or she has a right to counsel; and

(D) That before the hearing proceeds further he or she has the right to communicate with his or her attorney, parent, guardian, or custodian, and that reasonable means will be provided for him or her to do so;

(2) Admit testimony and evidence relevant only to determination that probable cause exists that the juvenile committed the offense as alleged and that detention of the juvenile is necessary; and

(3) Assess the following factors in determining whether to release the juvenile prior to further hearings in the case:

(A) Place and length of residence;

(B) Family relationships;

(C) References;

(D) School attendance;

(E) Past and present employment;

(F) Juvenile and criminal records;

(G) The juvenile's character and reputation;

(H) Nature of the charge being brought and any mitigating or aggravating circumstances;

(I) Whether detention is necessary to prevent imminent bodily harm to the juvenile or to another;

(J) The possibility of additional violations occurring if the juvenile is released;

(K) Factors that indicate the juvenile is likely to appear as required; and

(L) Whether conditions should be imposed on the juvenile's release.

(e)(1) The court shall release the juvenile detained under this section when there is a finding that no probable cause exists that the juvenile committed the offense as alleged.

(2) The court, upon a finding that detention is not necessary, may release the juvenile:

(A) Upon his or her personal recognizance;

(B) Upon an order to appear;

(C) To his or her parent, guardian, or custodian upon written promise to bring the juvenile before the court when required;

(D)(i) To the care of a qualified person or qualified agency agreeing to supervise the juvenile and assist him or her in appearing in court.

(ii) As used in this subdivision (e)(2)(D), "qualified agency" does not include the Department of Human Services or any of its divisions;

(E)(i) Under the supervision of the probation officer or other appropriate public official.

(ii) As used in subdivision (e)(2)(E), "appropriate public official" does not include the department;

(F) Upon reasonable restrictions on activities, movements, associations, and residences of the juvenile;

(G) On bond to his or her parent, guardian, or custodian; or

(H) Under such other reasonable restrictions to ensure the appearance of the juvenile.

(3) If the court determines that only a money bond will ensure the appearance of the juvenile, the court may require:

(A) An unsecured bond in an amount set by the judicial

officer;

(B) A bond accompanied by a deposit of cash or securities equal to ten percent (10%) of the face amount set by the court that shall be returned at the conclusion of the proceedings if the juvenile has not defaulted in the performance of the conditions of the bond; or

(C) A bond secured by deposit of the full amount in cash, or by other property, or by obligation of qualified securities.

(4) Orders of conditional release may be modified upon notice, hearing, and good cause shown.

(5)(A) If the court releases a juvenile under subdivision (e)(2)(D) of this section, the court, if necessary for the best interest of the juvenile, may request that the department immediately initiate an investigation as to whether the juvenile is in imminent danger or a situation exists whereby the juvenile is dependent-neglected.

(B) The court shall not place preadjudicated juveniles in the custody of the department.

(f)(1) If the juvenile who is being detained under this section is also in the custody of the department pursuant to a family in need of services or dependency-neglect petition and the court does not keep the juvenile in detention, then any issues regarding placement of the juvenile shall be addressed only in the family in need of services or dependency-neglect case and shall not be an issue addressed, nor shall any orders be entered in the delinquency case regarding placement of the juvenile.

(2) Within ten (10) days of the entry of an order in the delinquency case, the prosecuting attorney shall file a copy of the order in the juvenile's dependency-neglect or family in need of services case.

9-35-421. Adjudication hearing.

(a)(1)(A) An adjudication hearing shall be held under this subchapter to determine whether the allegations against a juvenile in a petition are substantiated by the proof.

(B) On a motion of the court or any party, the court may continue the adjudication hearing up to sixty (60) days after the removal for good cause shown.

(C)(i) The court may continue an adjudication hearing beyond the sixty-day limitation provided in subdivision (a)(1)(B) of this

section in extraordinary circumstances.

(ii) As used in this subdivision (a)(1)(C), "extraordinary circumstances" includes without limitation the following circumstances:

(a) The Supreme Court orders the suspension of in-person court proceedings; and

(b) One (1) of the following has occurred:

(1) The President of the United States has declared a national emergency; or

(2) The Governor has declared a state of emergency or a statewide public health emergency.

(b) If a juvenile is in detention, an adjudication hearing shall be held, unless the juvenile or a party is seeking an extended juvenile jurisdiction designation, not later than fourteen (14) days from the date of the detention hearing unless waived by the juvenile or good cause is shown for a continuance.

(c) In extended juvenile jurisdiction offender proceedings, the adjudication shall be held within the time prescribed by the speedy trial provisions of Rule 28 of the Arkansas Rules of Criminal Procedure.

(d) Following an adjudication in which a juvenile is found to be delinquent, dependent-neglected, or a member of a family in need of services, the court may order any studies, evaluations, or predisposition reports, if needed, that bear on disposition.

(e)(1) All such reports shall be provided in writing to all parties and counsel at least two (2) days prior to the disposition hearing.

(2) All parties shall be given a fair opportunity to controvert any parts of such reports.

9-35-422. Disposition hearing.

(a) If the circuit court finds that the petition has been substantiated by the proof at the adjudication hearing, a disposition hearing shall be held for the court to enter orders consistent with the disposition alternatives.

(b) When a juvenile is held in detention after an adjudication hearing for delinquency pending a disposition hearing, the disposition hearing shall be held no more than fourteen (14) days following the adjudication hearing.

(c) In initially considering the disposition alternatives and at any subsequent hearing, the court shall give preference to the least restrictive disposition consistent with the best interests and welfare of the juvenile and the public.

(d) At the disposition hearing under this section, the court may admit into evidence any victim impact statements and studies or reports that have been ordered, even though they are not admissible at the adjudication hearing.

9-35-423. Disposition — Alternatives.

(a) If a juvenile is found to be delinquent under this subchapter, the circuit court may enter an order making any of the following dispositions based upon the best interest of the juvenile:

(1)(A) Transfer legal custody of the juvenile to any licensed agency responsible for the care of alleged or adjudicated delinquent juveniles or to a relative or other individual; or

(B)(i) Commit the juvenile to the Division of Youth Services using the validated risk assessment system for Arkansas juvenile offenders selected by the Juvenile Judges Committee of the Arkansas Judicial Council with the division and distributed and administered by the Administrative Office of the Courts.

(ii)(a) The validated risk assessment system selected by the Juvenile Judges Committee of the Arkansas Judicial Council together with the division shall be:

(1) The only validated risk assessment used by courts for commitment;

(2) Used throughout the state; and

(3) Applied to all commitment decisions for all juvenile offenders.

(b) The validated risk assessment may be changed to another validated risk assessment system by the Juvenile Judges Committee of the Arkansas Judicial Council together with the division.

(iii)(a) In an order of commitment, the court may recommend that a juvenile be placed in a treatment program or community-based program instead of a youth services center and shall make specific findings in support of such a placement in the order.

(b) The court shall also specify in its recommendation whether it is requesting a division aftercare plan upon the juvenile's release from the division.

(c) A court shall not commit a juvenile to the division if the juvenile is adjudicated delinquent of only a misdemeanor offense unless the:

(1) Juvenile is determined to be moderate risk or high risk by the validated risk assessment; and

(2) Court makes specific findings as to the factors considered for the disposition to be in the juvenile's best interest.

(d) A court shall not commit a juvenile to the division if the juvenile is adjudicated delinquent of only a misdemeanor offense and the juvenile is determined to be low risk by the validated risk assessment.

(iv) A circuit court committing a juvenile to the division under subdivision (a)(l)(B)(iii) of this section shall make written findings and consider the following factors in making its determination to commit the juvenile to the division:

(a) The previous history of the juvenile, including without limitation whether:

(1) The juvenile has been adjudicated delinquent and, if so, whether the alleged offense was against a person or property; and

(2) Any other previous history of antisocial behavior or patterns of physical violence exist;

(b) Whether the circuit court has previously offered less restrictive programs or services to the juvenile and whether there are less restrictive programs or services available to the court that are likely to rehabilitate the juvenile before the expiration of the court's jurisdiction;

(c) Written reports and other materials relating to the juvenile's mental, physical, educational, and social history; and

(d) Any other factors deemed relevant by the circuit court.

(v) Upon receipt of an order of commitment with recommendations for placement, the division shall consider the recommendations of the committing court in placing a juvenile in a youth services facility or a community-based program.

(vi) Upon receipt of an order of commitment, the division or its contracted provider or designee shall prepare a written treatment plan that includes the:

(a) Treatment plan for the juvenile, including the types of programs and services that will be provided to the juvenile;

(b) Anticipated length of the juvenile's commitment;

(c)(1) Recommendations as to the most appropriate post-commitment placement for the juvenile.

(2) If the juvenile cannot return to the custody of his or her parent, guardian, or custodian because of child maltreatment, which includes the parent's, guardian's, or custodian's refusing to take responsibility for the juvenile, the division shall immediately contact the Office of Chief Counsel of the Department of Human Services.

(3) The Office of Chief Counsel of the Department of Human Services shall petition the committing court to determine the issue of custody of the juvenile;

(d) Post-commitment community-based services that will be offered to the juvenile and to his or her family by the division or the community-based provider, if any;

(e)(1) Aftercare plan, if recommended, including an outline specific terms and conditions required of the juvenile and the community-based provider.

(2) If the juvenile progresses in treatment and an aftercare plan is no longer recommended or the terms of the aftercare plan need to be amended as a result of treatment changes, any change in the terms of the aftercare plan and conditions shall be provided in writing and shall be explained to the juvenile.

(3) The terms and conditions shall be provided also to the prosecuting attorney, the juvenile's attorney, and to the juvenile's legal parent, guardian, or custodian by the division or its

designee before the juvenile's release from the division.

(4) All aftercare terms shall be provided to the committing court; and

(f)(1) The treatment plan shall be filed with the committing court no later than thirty (30) days from the date of the commitment order or before the juvenile's release, whichever is sooner.

(2) A copy of the written treatment plan shall be provided and shall be explained to the juvenile.

(3) A copy shall be provided to the prosecutor, the juvenile's attorney, and to the juvenile's legal parent, guardian, or custodian and shall be filed in the court files of any circuit court where a dependency-neglect or family in need of services case concerning that juvenile is pending.

(C) This transfer of custody shall not include placement of adjudicated delinquents into the custody of the Department of Human Services for the purpose of foster care except as under the Child Maltreatment Act, § 12-18-101 et seq.;

(2) Order the juvenile or members of the juvenile's family to submit to physical, psychiatric, or psychological evaluations;

(3) Grant permanent custody to an individual upon proof that the parent or guardian from whom the juvenile has been removed has not complied with the orders of the court and that no further services or periodic reviews are required;

(4)(A) Place the juvenile on probation under those conditions and limitations that the court may prescribe pursuant to § 9-35-426.

(B)(i) In addition, the court may as a term of probation require the juvenile to attend school or make satisfactory progress toward attaining a high school equivalency diploma approved by the Adult Education Section.

(ii) The court may revoke probation if the juvenile fails to regularly attend school or if satisfactory progress toward attaining a high school equivalency diploma approved by the Adult Education Section is not being made;

(5) Order a probation fee, not to exceed twenty dollars ($20.00) per month, to be deposited, accounted for, and used the same as court costs, fines, and fees under § 16-13-326(a);

(6) Assess a court cost of no more than thirty-five dollars ($35.00) to be paid by the juvenile, his or her parent, both parents, or his or her guardian;

(7)(A) Order restitution to be paid by the juvenile, a parent, both parents, the guardian, or his or her custodian.

(B) If the custodian is the State of Arkansas, both liability and the amount that may be assessed shall be determined by the Arkansas State Claims Commission;

(8) Order a fine of not more than five hundred dollars ($500) to be paid by the juvenile, a parent, both parents, or the guardian;

(9) Order that the juvenile and his or her parent, both parents, or the guardian perform court-approved volunteer service in the community designed to contribute to the rehabilitation of the juvenile or to the ability of the parent or guardian to provide proper parental care and supervision of the juvenile, not to exceed one hundred sixty (160) hours;

(10)(A) Order that the parent, both parents, or the guardian of the juvenile attend a court-approved parental responsibility training program if available.

(B) The court may make reasonable orders requiring proof of completion of the training program within a certain time period and payment of a fee covering the cost of the training program.

(C) The court may provide that any violation of such orders shall subject the parent, both parents, or the guardian to the contempt sanctions of the court;

(11)(A)(i) Order that the juvenile remain in a juvenile detention facility for an indeterminate period not to exceed ninety (90) days.

(ii) The court may further order that the juvenile be eligible for work release or to attend school or other educational or vocational training.

(B) The juvenile detention facility shall afford opportunities for education, recreation, and other rehabilitative services to adjudicated delinquents;

(12) Place the juvenile on residential detention with electronic monitoring, either in the juvenile's home or in another facility as ordered by the court;

(13)(A) Order the parent, both parents, or the guardian of any juvenile adjudicated delinquent and committed to a youth services center, detained in a juvenile detention facility, or placed on electronic monitoring to be liable for the cost of the commitment, detention, or electronic monitoring.

(B)(i) The court shall take into account the financial ability of the parent, both parents, or the guardian to pay for the commitment, detention, or electronic monitoring.

(ii) The court shall take into account the past efforts of the parent, both parents, or the guardian to correct the delinquent juvenile's conduct.

(iii) If the parent is a noncustodial parent, the court shall take into account the opportunity the parent has had to correct the delinquent juvenile's conduct.

(iv) The court shall take into account any other factors the court deems relevant;

(14) When a juvenile is committed to a youth services center or detained in a juvenile detention facility and the juvenile is covered by private health insurance, order the parent or guardian to provide information on the juvenile's health insurance coverage, including a copy of the health insurance policy and the pharmacy card when available, to the juvenile detention center or youth services center that has physical custody of the juvenile; or

(15)(A) Order the Department of Finance and Administration to suspend the driving privileges of any juvenile adjudicated delinquent.

(B) The order under subdivision (a)(15)(A) of shall be prepared and transmitted to the Department of Finance and Administration within twenty-four (24) hours after the juvenile has been found delinquent and is sentenced to have his or her driving privileges suspended.

(C) The court may provide in the order for the issuance of a restricted driving permit to allow driving to and from a place of employment or driving to and from school or for other circumstances.

(b) The court shall specifically retain jurisdiction to amend or modify any orders entered under this section.

(c)(1) If a juvenile is adjudicated delinquent for possession of a handgun, as provided in § 5-73-119, or criminal use of prohibited weapons, as

provided in § 5-73-104, or possession of a defaced firearm, as provided in § 5-73-107, then the court shall commit the juvenile:

(A) To a juvenile detention facility, as provided in subdivision (a)(11) of this section;

(B) To a youth services center operated by the Department of Human Services State Institutional System Board, as provided in subdivision (a)(1) of this section; or

(C) Place the juvenile on residential detention, as provided in subdivision (a)(12) of this section.

(2) The court may take into consideration any preadjudication detention period served by the juvenile and sentence the juvenile to time served.

(d)(1) When the court orders restitution pursuant to subdivision (a)(7) of this section, the court shall consider the following:

(A) The amount of restitution may be decided:

(i) If the juvenile is to be responsible for the restitution, by agreement between the juvenile and the victim;

(ii) If the parent or parents are to be responsible for the restitution, by agreement between the parent or parents and the victim;

(iii) If the juvenile and the parent or parents are to be responsible for the restitution, by agreement between the juvenile, his or her parent or parents, and the victim; or

(iv) At a hearing at which the state must prove the restitution amount by a preponderance of the evidence;

(B) Restitution shall be made immediately unless the court determines that the parties should be given a specified time to pay or should be allowed to pay in specified installments; and

(C)(i) In determining if restitution should be paid and by whom, as well as the method and amount of payment, the court shall take into account:

(a) The financial resources of the juvenile, his or her parent, both parents, or the guardian and the burden the payment will impose with regard to the other obligations of the paying party;

(b) The ability to pay restitution on an installment basis or on other conditions to be fixed by the court;

(c) The rehabilitative effect of the payment of restitution and the method of payment; and

(d) The past efforts of the parent, both parents, or the guardian to correct the delinquent juvenile's conduct.

(ii)(a) The court shall take into account whether the parent is a noncustodial parent.

(b) The court may take into consideration the opportunity the parent has had to correct the delinquent juvenile's conduct.

(iii) The court shall take into account any other factors the court deems relevant.

(2) If the juvenile is placed on probation, any restitution ordered under this section may be a condition of the probation.

(e) When an order of restitution is entered under this section, it may be collected by any means authorized for the enforcement of money judgments in civil actions, and it shall constitute a lien on the real and personal property of the persons and entities the order of restitution is directed upon in the same manner and to the same extent as a money judgment in a civil action.

(f)(1) The judgment entered by the court under this section may be in favor of the state, the victim, or any other appropriate beneficiary.

(2) The judgment may be discharged by a settlement between the parties ordered to pay restitution and the beneficiaries of the judgment.

(g) The court shall determine priority among multiple beneficiaries in an order of restitution under this section on the basis of the seriousness of the harm each suffered, their other resources, and other equitable factors.

(h) If more than one (1) juvenile is adjudicated delinquent of an offense for which there is a judgment under this section, the juveniles are jointly and severally liable for the judgment, unless the court determines otherwise.

(i)(1) A judgment under this section does not bar a remedy available in a civil action under other law.

(2) A payment under this section shall be credited against a money judgment obtained by the beneficiary of the payment in a civil action.

(3) A determination under this section and the fact that payment was or was not ordered or made are not admissible in evidence in a civil action and do not affect the merits of the civil action.

(j) If a juvenile is adjudicated delinquent as an extended juvenile jurisdiction offender, the court shall enter the following dispositions:

(1) Order any of the juvenile delinquency dispositions authorized by this section; and

(2) Suspend the imposition of an adult sentence pending court review.

9-35-424. Disposition — Limitations.

(a)(1) A commitment to the Division of Youth Services is for an indeterminate period not to exceed the juvenile's twenty-first birthday, except as otherwise provided by law.

(2) An order of commitment shall remain in effect for an indeterminate period not exceeding two (2) years from the date entered.

(3) Before the expiration of an order of commitment, the circuit court may extend the order for additional periods of one (1) year if it finds that the extension is necessary to safeguard the welfare of the juvenile or the interest of the public.

(4) The committing court may at any time recommend that a juvenile be released from the custody of the division by making a written request for release stating the reasons release is in the best interest of the juvenile and society.

(5) The length of stay and the final decision to release shall be the exclusive responsibility of the division, except when the juvenile is an extended juvenile jurisdiction offender.

(b)(1)(A) Subsection (a) of this section does not apply to an extended juvenile jurisdiction offender.

(B) The circuit court shall have sole release authority when an extended juvenile jurisdiction offender is committed to the division.

(2)(A) Upon a determination that the juvenile has been rehabilitated, the division may petition the court for release.

(B) The court shall conduct a hearing and shall consider the following factors in making its determination to release the juvenile from the division:

(i) The experience and character of the juvenile before and after the juvenile's disposition, including compliance with the court's orders;

(ii) The nature of the offense or offenses and the manner in which they were committed;

(iii) The recommendations of the professionals who have worked with the juvenile;

(iv) The protection of public safety; and

(v) Opportunities provided to the juvenile for rehabilitation and the juvenile's efforts toward rehabilitation.

(3) The court shall release the juvenile upon a finding by a preponderance of the evidence that the juvenile's release does not pose a substantial threat to public safety.

(c)(1) Unless otherwise stated, and excluding extended juvenile jurisdiction offenders, an order of probation shall remain in effect for an indeterminate period not exceeding two (2) years.

(2) A juvenile shall be released from probation upon:

(A) Expiration of the order; or

(B) A finding by the court that the purpose of the order has been achieved.

(3) Before the expiration of an order of probation, the court may extend the order for an additional period of one (1) year if it that finds the extension is necessary to safeguard the welfare of the juvenile or the interest of the public.

(d)(1)(A) The court may enter an order for physical, psychiatric, or psychological evaluation or counseling or treatment affecting the family of a juvenile only after finding that the evaluation, counseling, or treatment of family members is necessary for the treatment or rehabilitation of the juvenile.

(B) Subdivision (d)(1)(A) of this section does not apply to the parental responsibility training programs under § 9-35-423(a)(10).

(2) For purposes of this section, if the Department of Human Services will be the payor, excluding the community-based providers, the court shall not specify a particular provider for family services.

(e)(1) An order of restitution, not to exceed ten thousand dollars ($10,000) per victim, to be paid by the juvenile, his or her parent, both parents, the guardian, or the custodian may be entered only after proof by a preponderance of the evidence that specific damages were caused by the juvenile and that the juvenile's actions were the proximate cause of the

damage.

(2)(A) If the amount of restitution determined by the court exceeds ten thousand dollars ($10,000) for any individual victim, the court shall enter a restitution order for ten thousand dollars ($10,000) in favor of the victim.

(B) Nothing in this section shall prevent a person or entity from seeking recovery for damages in excess of ten thousand dollars ($10,000) available under other law.

(f) Custody of a juvenile may be transferred to a relative or other individual only after a home study of the placement is conducted by the department or a licensed certified social worker and submitted to the court in writing and the court determines that the placement is in the best interest of the juvenile.

(g)(1) If the juvenile who has been adjudicated delinquent is also in the custody of the department pursuant to a family in need of services or dependency-neglect petition and the court does not commit the juvenile to the division or order the juvenile to detention, the Civilian Student Training Program, or a facility exclusively for delinquents, then any issues regarding placement of the juvenile shall be addressed only in the family in need of services or dependency-neglect case and shall not be an issue addressed, nor shall any orders be entered in the delinquency case regarding placement of the juvenile.

(2) Within ten (10) days of the entry of any order in the delinquency case, the prosecuting attorney shall file a copy of the order in the juvenile's dependency-neglect case.

(h) Custody of a juvenile shall not be transferred to the department if a delinquency petition or case is converted to a family in need of services petition or case.

(i) No court may commit to the division a juvenile found solely in criminal contempt.

9-35-425. Limitations on detention.

(a) A juvenile who is alleged to be or who has been adjudicated either dependent-neglected or a member of a family in need of services shall not be placed or detained in a secure detention facility, in a facility utilized for the detention of alleged or adjudicated delinquent juveniles, or in a

facility utilized for the detention of adults held for, charged with, or convicted of a crime, except that:

(1)(A) A juvenile may be held in a juvenile detention facility when he or she has been away from home for more than twenty-four (24) hours and when the parent, guardian, or other person contacted lives beyond a fifty-mile driving distance or out of state.

(B)(i) The juvenile may be held in custody in a juvenile detention facility for purposes of identification, processing, or arranging for release or transfer to an alternative facility.

(ii) The holding under subdivision (a)(1)(B)(i) of this section shall be limited to the minimum time necessary to complete the actions under subdivision (a)(1)(B)(i) of this section and shall not occur in any facility utilized for incarceration of adults.

(C)(i) A juvenile held under this subdivision (a)(1) shall be separated from detained juveniles charged or held for delinquency.

(ii) A juvenile shall not be held under this subdivision (a)(1) for more than six (6) hours if the parent, guardian, or other person contacted lives in the state or for twenty-four (24) hours, excluding weekends and holidays, if the parent, guardian, or other person contacted lives out of state; and

(2)(A) An adjudicated-family-in-need-of-services juvenile may be held in a juvenile detention facility when the court finds that the juvenile violated a valid court order.

(B)(i) For the purposes of this subdivision (a)(2), a valid court order shall include any order of a circuit court regarding a juvenile who has been brought before the court and made subject to a court order.

(ii) The juvenile who is the subject of the court order under subdivision (a)(2)(B)(i) of this section shall receive full due process rights.

(C)(i) A juvenile held under this subdivision (a)(2) shall be separated from detained juveniles charged or held for delinquency.

(ii) The holding shall not occur in any facility utilized for incarceration of adults.

(b) A juvenile shall not be placed or confined in a jail or lock-up used for the detention of adults except under the following circumstances:

(1) A juvenile who has been formally transferred from the juvenile division of circuit court to the criminal division of circuit court and against whom felony charges have been filed or a juvenile whom the prosecuting attorney has the discretion to charge in circuit court and to prosecute as an adult and against whom the circuit court's jurisdiction has been invoked by the filing of felony charges may be held in an adult jail or lock-up;

(2)(A) A juvenile alleged to have committed a delinquent act may be held in an adult jail or lock-up for up to six (6) hours for purposes of identification, processing, or arranging for release or transfer to an alternative facility, provided that he or she is separated by sight and sound from adults who are pretrial detainees or convicted persons.

(B) A holding under subdivision (b)(2)(A) of this section shall be limited to the minimum time necessary and shall not include travel time for transporting the juvenile to the alternative facility; or

(3)(A) A juvenile alleged to have committed a delinquent act who is awaiting an initial appearance before a judge may be held in an adult jail or lock-up for up to twenty-four (24) hours, excluding weekends and holidays, provided the following conditions exist:

(i) The alleged act would be a misdemeanor or a felony if committed by an adult or is a violation of § 5-73-119;

(ii) The geographical area having jurisdiction over the juvenile is outside a metropolitan statistical area under the current designation of the United States Bureau of the Census;

(iii) No acceptable alternative placement for the juvenile exists; and

(iv) The juvenile is separated by sight and sound from adults who are pretrial detainees or convicted persons.

(B)(i) A juvenile awaiting an initial appearance and being held in an adult jail or lock-up pursuant to the twenty-four-hour exception under subdivision (b)(3)(A) of this section may be held for an additional period not to exceed twenty-four (24) hours, provided that the following conditions exist:

(a) The conditions of distance to be traveled or the lack of highway, road, or other ground transportation does not allow for court appearances within twenty-four (24) hours; and

(b) All the conditions in subdivision (b)(3)(A) of this section exist.

(ii) Criteria will be adopted by the Governor or his or her designee to establish what distance, highway or road conditions, or ground transportation limitations will provide a basis for holding a juvenile in an adult jail or lock-up under this exception.

(c) Provided that the facilities are designed and used in accordance with federal and state guidelines and restrictions, nothing in this subchapter is intended to prohibit the use of juvenile detention facilities that are attached to or adjacent to adult jails or lock-ups.

(d) A detention facility shall not release a serious offender for a less serious offender except by order of the judge who committed the more serious offender.

9-35-426. Probation reports.

(a) The probation officer shall make and keep a complete history of each case before disposition and during the course of any probation imposed by the circuit court.

(b)(1) It is the intention of this section to require an intelligent and thorough report of each juvenile before probation and during probation as to heredity, environment, condition, treatment, development, and results.

(2) The report shall contain among other information the age, sex, nativity, residence, education, mentality, habits, whether married or single, and employment and income and shall be continued so as to show the condition of the person during the term of his or her probation and the results of probation in the case.

(3) The report shall never be disclosed except as required by law or directed by the court.

(c) The probation officer shall furnish to each person released on probation a written statement of the terms and conditions of probation and shall report to the court any violation or breach of the terms and conditions so imposed.

9-35-427. Proceedings concerning juveniles for whom paternity not established.

(a) Absent orders of a circuit court or another court of competent

jurisdiction to the contrary, the biological mother, whether adult or minor, of a juvenile for whom paternity has not been established is deemed to be the natural guardian of that juvenile and is entitled to the care, custody, and control of that juvenile.

(b) The biological mother, the putative father, the juvenile himself or herself, or the Office of Child Support Enforcement may bring an action to establish paternity or support of a juvenile for whom paternity has not been established.

(c)(1) If the juvenile is not born when the parties appear before the court, the court may hear evidence and issue temporary orders and findings pending the birth of the juvenile.

(2) If the final order is contrary to the temporary order, the court shall render judgment for the amount paid under the temporary order against the petitioner if the petitioner was the biological mother.

(3) If the mother dies before the final order is issued, the action may be revived in the name of the juvenile, and the mother's testimony at the temporary hearing may be introduced in the final hearing.

(d)(1) Upon an adjudication by the court that the putative father is the father of the juvenile, the court shall follow the same guidelines, procedures, and requirements as established by the laws of this state applicable to child support orders and judgments entered upon divorce.

(2) The court may award court costs and attorney's fees.

(e)(1) If paternity has been established in a court of competent jurisdiction, a father may petition the court in the county where the juvenile resides for custody of the juvenile.

(2) The court may award custody to a father who has had paternity established if the court finds by a preponderance of the evidence that:

(A) He is a fit parent to raise the juvenile;

(B) He has assumed his responsibilities toward the juvenile by providing care, supervision, protection, and financial support for the juvenile; and

(C) It is in the best interest of the juvenile to award custody to the father.

(f) At the request of either party in a paternity action, the trial court shall direct that the putative father, biological mother, and juvenile

submit to one (1) or more blood tests or other scientific examinations or tests, including deoxyribonucleic acid typing, to:

(1) Determine whether or not the putative father can be excluded as being the father of the juvenile; and

(2) Establish the probability of paternity if the test does not exclude the putative father.

(g) The tests under subsection (f) of this section shall be made by a duly qualified physician or physicians, or by another duly qualified person or persons, not to exceed three (3), to be appointed by the court.

(h)(1) The results of the tests under subsection (f) of this section shall be receivable in evidence.

(2)(A)(i) A written report of the test results by the duly qualified expert performing the test, or by a duly qualified expert under whose supervision and direction the test and analysis have been performed, certified by an affidavit duly subscribed and sworn to by the expert before a notary public, may be introduced in evidence in illegitimacy actions without calling the expert as a witness.

(ii) If either party shall desire to question the expert, the party shall have the expert subpoenaed within a reasonable time before trial.

(B) If the results of the paternity tests establish a ninety-five percent (95%) or more probability of inclusion that the putative father is the biological father of the juvenile and after corroborating testimony of the mother in regard to access during the probable period of conception, this shall constitute a prima facie case of establishment of paternity and the burden of proof shall shift to the putative father to rebut the proof.

(3) The experts shall be subject to cross-examination by both parties after the court has caused them to disclose their findings.

(i) When the court orders the blood tests to be taken and one (1) of the parties refuses to submit to the test, that fact shall be disclosed upon the trial unless good cause is shown to the contrary.

(j) The costs of the tests and witness fees under this section shall be taxed by the court as other costs in the case.

(k) When it is relevant to the prosecution or the defense in a paternity action, blood tests that exclude third parties as the father of the

juvenile shall be the same as set out in subsections (f) and (g) of this section.

(l) The refusal of a party to submit to a genetic or other ordered test is admissible at a hearing to determine paternity only as to the credibility of the party.

(m) If a male witness offers testimony indicating that his act of intercourse with the mother may have resulted in the conception of the juvenile, the court may require the witness to submit to genetic or other tests to determine whether he is the juvenile's father.

9-35-428. Appeals.

(a) All appeals from juvenile cases shall be made to the Supreme Court or to the Court of Appeals in the time and manner provided for appeals in the Arkansas Rules of Appellate Procedure.

(b) The petitioner may appeal only under those circumstances that would permit the state to appeal in criminal proceedings.

9-35-429. Admissibility of evidence.

(a) Juvenile adjudications of delinquency for offenses for which the juvenile could have been tried as an adult may be used at the sentencing phase in subsequent adult criminal proceedings against those same individuals.

(b)(1) No other evidence adduced against a juvenile in any proceeding under this subchapter nor the fact of adjudication or disposition shall be admissible evidence against the juvenile in any civil, criminal, or other proceeding.

(2) However, the evidence shall be admissible when proper in subsequent proceedings against the same juvenile under this subchapter.

9-35-430. Probation — Revocation.

(a)(1) After an adjudication of delinquency, the court may place a juvenile on probation. The conditions of probation shall be given to the juvenile in writing and shall be explained to him or her and to his or her parent, guardian, or custodian by the probation officer in the initial conference following the disposition hearing.

(2) The court shall notify the Division of Youth Services in its

commitment order of the order of probation including the juvenile's compliance with the division's aftercare plan, if provided in the treatment plan.

(b) Any violation of a condition of probation may be reported to the prosecuting attorney, who may initiate a petition in the court for revocation of probation. A petition for revocation of probation shall contain specific factual allegations constituting each violation of a condition of probation.

(c) The petition alleging violation of a condition of probation and seeking revocation of probation shall be served upon the juvenile, his or her attorney, and his or her parent, guardian, or custodian.

(d) A revocation hearing shall be set within a reasonable time after the filing of the petition, or within fourteen (14) days if the juvenile has been detained as a result of the filing of the petition for revocation.

(e) If the court finds by a preponderance of the evidence that the juvenile violated the terms and conditions of probation, the court may:

(1) Extend probation;

(2) Impose additional conditions of probation; or

(3) Make any disposition that could have been made at the time probation was imposed under § 9-35-423.

(f)(1) Nonpayment of restitution, fines, or court costs may constitute a violation of probation, unless the juvenile shows that his or her default was not attributable to a purposeful refusal to obey the sentence of the court or was not due to a failure on his or her part to make a good faith effort to obtain the funds required for payment.

(2) In determining whether to revoke probation, the court shall consider the juvenile's employment status, earning ability, financial resources, the willfulness of the juvenile's failure to pay, and any other special circumstances that may have a bearing on the juvenile's ability to pay.

(3) If the court determines that the default in payment of a fine, costs, or restitution is excusable under subdivision (f)(1) of this section, the court may enter an order allowing the juvenile additional time for payment, reducing the amount of each installment, or revoking the fine, costs, or restitution or unpaid portion thereof in whole or in part.

9-35-431. Compliance with federal acts.

The Division of Youth Services shall have the responsibility for the collection, review, and reporting of statistical information on detained or incarcerated juveniles, for adult jails, adult lock-ups, and juvenile detention facilities to assure compliance with the provisions of Pub. L. No. 93-415, the Juvenile Justice and Delinquency Prevention Act of 1974, as it existed on January 1, 2025.

9-35-432. Escape considered an act of delinquency.

The escape of a juvenile from the locked portion of a juvenile facility is an act of delinquency.

9-35-433. Duties and responsibilities of custodian.

(a) A person or agency appointed as the custodian of a juvenile in a proceeding under this subchapter shall:

(1) Care for and maintain the juvenile; and

(2) See that the juvenile:

(A) Is protected;

(B) Is properly trained and educated; and

(C) Has the opportunity to learn a trade, occupation, or profession.

(b) The person or agency appointed as the custodian of a juvenile in a proceeding under this subchapter has the right to obtain medical care for the juvenile, including giving consent to specific medical, dental, or mental health treatments and procedures as required in the opinion of a duly authorized or licensed physician, dentist, surgeon, or psychologist, whether or not such care is rendered on an emergency, inpatient, or outpatient basis.

(c) The custodian has the right to enroll the juvenile in school upon the presentation of an order of custody.

(d) The custodian has the right to obtain medical and school records of any juvenile in his or her custody upon presentation of an order of custody.

(e) Any agency appointed as the custodian of a juvenile has the right to consent to the juvenile's travel on vacation or similar trips.

(f)(1) Every person granted custody, guardianship, or adoption of a juvenile in a proceeding under or arising out of a dependency-neglect action under this subchapter shall ensure that the juvenile is not returned to the

care or supervision of any person from whom the child was removed or any person the court has specifically ordered not to have care, supervision, or custody of the juvenile.

(2) This section shall not be construed to prohibit these placements if the person who has been granted custody, guardianship, or adoption obtains a court order to that effect from the juvenile division of circuit court that made the award of custody, guardianship, or adoption.

(3) Failure to abide by subdivision (f)(1) of this section is punishable as a criminal offense under § 5-26-502(a)(3).

(g)(1) The court shall not split custody.

(2) As used in this section, "split custody" means granting legal custody to one (1) person or agency and granting physical custody to another person or agency.

9-35-434. Juvenile sex offender assessment and registration.

(a) If a juvenile is adjudicated delinquent for any of the following offenses, the court shall order a sex offender screening and risk assessment:

(1) Rape, § 5-14-103;

(2) Sexual assault in the first degree, § 5-14-124;

(3) Sexual assault in the second degree, § 5-14-125;

(4) Incest, § 5-26-202; or

(5) Engaging children in sexually explicit conduct for use in visual or print medium, § 5-27-303.

(b)(1) The court may order a sex offender screening and risk assessment if a juvenile is adjudicated delinquent for any offense with an underlying sexually motivated component.

(2) The court may require that a juvenile register as a sex offender upon recommendation of the Sex Offender Assessment Committee and following a hearing as set forth in subsection (e) of this section.

(c) The juvenile division of circuit court judge may order reassessment of the sex offender screening and risk assessment by the committee at any time while the court has jurisdiction over the juvenile.

(d) Following a sex offender screening and risk assessment, the prosecutor may file a motion to request that a juvenile register as a sex offender at any time while the court has jurisdiction of the delinquency case if a juvenile is found delinquent for any of the offenses listed in

subsection (a) of this section.

(e)(1) The court shall conduct a hearing within ninety (90) days of the registration motion under this section.

(2)(A) The juvenile defendant shall be represented by counsel, and the court shall consider the following factors in making its decision to require the juvenile to register as a delinquent sex offender:

(i) The seriousness of the offense;

(ii) The protection of society;

(iii) The level of planning and participation in the alleged offense;

(iv) The previous sex offender history of the juvenile, including whether the juvenile has been adjudicated delinquent for prior sex offenses;

(v) Whether there are facilities or programs available to the court that are likely to rehabilitate the juvenile before the expiration of the court's jurisdiction;

(vi) The sex offender assessment and any other relevant written reports and other materials relating to the juvenile's mental, physical, educational, and social history; and

(vii) Any other factors deemed relevant by the court.

(B) The exercise by the juvenile of the right against self-incrimination, the right to an adjudication hearing or appeal, the refusal to admit to an offense for which he or she was adjudicated delinquent, or the refusal to admit to other offenses in the assessment process shall not be considered in the decision whether to require registration.

(f)(1) The court shall make written findings on all the factors under subsection (e) of this section.

(2) Upon a finding by clear and convincing evidence that a juvenile should or should not be required to register as a sex offender, the court shall enter its order.

(g) When the judge of the juvenile division of circuit court orders a juvenile to register as a sex offender, the judge shall order either the Division of Youth Services or a juvenile probation officer to complete the registration process by:

(1) Completing the sex offender registration form;

(2) Providing a copy of the sex offender registration order, fact sheet, registration form, and the Juvenile Sex Offender Rights and Responsibilities Form to the juvenile and the juvenile's parent, guardian, or custodian and explaining this information to the juvenile and the juvenile's parent, guardian, or custodian;

(3) Mailing a copy of the registration court order, fact sheets, and registration form to the Arkansas Crime Information Center, Sex Offender Registry Manager, 322 Main St #615, Little Rock, AR 72201;

(4) Providing local law enforcement agencies where the juvenile resides a copy of the sex offender registration form; and

(5) Ensuring that copies of all documents are forwarded to the court for placement in the court file.

(h) The juvenile may petition the court to have his or her name removed from the Arkansas Sex Offender Registry at any time while the court has jurisdiction over the juvenile or when the juvenile turns twenty-one (21) years of age, whichever is later.

(i) The judge of the juvenile division of circuit court shall order the juvenile's name removed from the registry upon proof by a preponderance of the evidence that the juvenile does not pose a threat to the safety of others.

(j) If the court does not order the juvenile's name removed from the registery, the juvenile shall remain on the registery for ten (10) years from the last date on which the juvenile was adjudicated a delinquent or found guilty as an adult for a sex offense or until the juvenile turns twenty-one (21) years of age, whichever is longer.

(k) Once a juvenile is ordered to register as a sex offender, he or she shall be subject to the registration requirements set forth in §§ 12-12-904, 12-12-906, 12-12-908, 12-12-909, and 12-12-912.

9-35-435. Deoxyribonucleic acid samples.

(a) A person who is adjudicated delinquent for the following offenses shall have a deoxyribonucleic acid sample drawn:

(1) Rape, § 5-14-103;

(2) Sexual assault in the first degree, § 5-14-124;

(3) Sexual assault in the second degree, § 5-14-125;

(4) Incest, § 5-26-202;

(5) Capital murder, § 5-10-101;

(6) Murder in the first degree, § 5-10-102;

(7) Murder in the second degree, § 5-10-103;

(8) Kidnapping, § 5-11-102;

(9) Aggravated robbery, § 5-12-103;

(10) Terroristic act, § 5-13-310; and

(11) Aggravated assault upon a law enforcement officer or an employee of a correctional facility, § 5-13-211, if a Class Y felony.

(b) The court shall order a fine of two hundred fifty dollars ($250) under this section unless the court finds that the fine would cause an undue hardship.

(c)(1) Only a juvenile adjudicated delinquent for one (1) of the offenses listed in subsection (a) of this section shall have a deoxyribonucleic acid sample drawn upon intake at a juvenile detention facility or intake at a Division of Youth Services facility.

(2) If the juvenile is not placed in a facility, the juvenile probation officer to whom the juvenile is assigned shall ensure that the deoxyribonucleic acid sample is drawn.

(d) All deoxyribonucleic acid samples taken under this section shall be taken in accordance with rules promulgated by the State Crime Laboratory.

9-35-436. Division of Youth Services aftercare.

(a)(1) After an adjudication of delinquency and upon commitment to the Division of Youth Services, the court may order compliance with a division aftercare plan upon a juvenile's release from the division, if recommended as part of the treatment plan submitted to the court.

(2) The division or its designee shall provide the:

(A) Terms and conditions of the aftercare plan in writing to the juvenile before the juvenile's release from the division; and

(B) The aftercare terms and conditions to the juvenile's attorney and the juvenile's legal parent, guardian, or custodian by the division or its designee, the prosecutor, and the committing court before the juvenile's release from the division.

(3) The division or its designee shall explain the terms of the aftercare plan to the juvenile and his or her legal parent, guardian, or custodian before the juvenile's release from the division.

(b)(1) Any violation of an aftercare term may be reported to the prosecuting attorney, who may initiate a petition in the committing court for violation of the aftercare plan.

(2) The Department of Human Services may also initiate a petition for a violation with the committing court.

(c) The petition shall contain specific factual allegations constituting each violation of the aftercare plan and shall be served upon the juvenile, his or her attorney, his or her parent, guardian, or custodian, and the prosecuting attorney if filed by the department.

(d) A hearing shall be set within a reasonable time after the filing of the petition or within fourteen (14) days if the juvenile has been detained as a result of the filing of the petition for the aftercare violation.

(e) If the court finds by a preponderance of the evidence that the juvenile violated the terms of the aftercare plan, the court may:

(1) Extend the terms of the aftercare plan, if requested by the division;

(2) Impose additional conditions to the aftercare plan, if requested by the division; or

(3) Make any disposition that could have been made at the time commitment was ordered under § 9-35-423.

9-35-437. Confessions.

In determining whether a juvenile's confession to an alleged delinquent act was voluntarily, knowingly, and intelligently made, the court shall consider all circumstances surrounding the confession, including without limitation:

(1) The juvenile's physical, mental, and emotional maturity;

(2) Whether the juvenile understood the consequences of the confession;

(3) In cases in which the custodial parent, guardian, or custodian agreed to the interrogation that led to the confession, whether the custodial parent, guardian, or custodian understood the consequences of the confession or has an interest in the matter that is adverse to the juvenile;

(4) Whether the juvenile and his or her custodial parent, guardian, or custodian were informed of the alleged delinquent act;

(5) Whether the confession was the result of any coercion, force, or inducement;

(6) Whether the juvenile and his or her custodial parent, guardian, or custodian had waived the right to counsel or been provided counsel; and

(7) Whether any of the following occurred:

(A) The oral, written, or sign language confession was electronically recorded in its entirety;

(B) The entire interrogation was electronically recorded;

(C) The audio or video recordings of the interrogation, if available, were used; and

(D) All of the voices on the recording are identified and the names of all persons present during the interrogation are identified.

9-35-438. Court costs, fees, and fines.

(a) The juvenile division of the circuit court may order the following court costs, fees, and fines to be paid by adjudicated defendants to the circuit court juvenile division fund as provided under § 16-13-326:

(1) The court may assess an adjudicated delinquent juvenile court costs not to exceed thirty-five dollars ($35.00) as provided under § 9-35-423;

(2) The court may order a probation fee for adjudicated delinquent juveniles not to exceed twenty dollars ($20.00) per month as provided under § 9-35-423;

(3) The court may order a juvenile service fee for an adjudicated family in need of services not to exceed twenty dollars ($20.00) per month as provided under § 9-35-212;

(4) The court may order a fine for adjudicated delinquent juveniles of not more than five hundred dollars ($500) as provided under § 9-35-423; and

(5) A juvenile intake or probation officer may charge a diversion fee limited to no more than twenty dollars ($20.00) per month as provided under § 9-35-417.

(b) The court shall direct that the juvenile division of circuit court costs and fees be collected, maintained, and accounted for in the same manner as juvenile probation and juvenile services fees as provided for in § 16-13-

326.

9-35-439. Risk and needs assessments.

(a) The Administrative Office of the Courts shall work with the circuit courts to implement a validated risk and needs assessment that shall be provided to the juvenile divisions of the circuit courts to be used at delinquency disposition hearings and to aid in juvenile treatment plans.

(b) A judge of a juvenile division circuit court shall have the discretion to designate either a trained juvenile intake or probation officer to conduct the validated risk and needs assessment in the court of the circuit court judge.

(c)(1) The juvenile intake officer or probation officer conducting the risk and needs assessment shall interview the juvenile and the juvenile's parent, guardian, or custodian.

(2) Information gathered by the juvenile intake officer or probation officer during the intake process implemented to complete the risk and needs assessment shall be confidential and shall not be used against the juvenile in the delinquency proceeding.

(3) The juvenile intake officer or probation officer conducting the risk and needs assessment shall not discuss any offense for which the juvenile is currently charged during the intake assessment.

(d) A risk and needs assessment prepared for a delinquency disposition hearing shall be provided to the necessary parties seven (7) days in advance and presented to the court at the disposition hearing.

(e)(1) The court may order an updated risk and needs assessment that should be updated when there are significant changes in the juvenile's treatment plan.

(2) Any revisions or updates to the risk and needs assessment shall be provided to the necessary parties seven (7) days in advance of a court hearing in the delinquency proceeding.

(f) Juvenile risk and needs assessments may be provided to the Division of Youth Services personnel, service providers, and other necessary persons designated by the court to provide appropriate treatment plan and case plan services.

9-35-440. Punitive isolation or solitary confinement of juveniles —

Definitions.

(a) As used in this section:

(1) "Punitive isolation" means the placement of a juvenile in a location that is separate from the general population as a punishment; and

(2) "Solitary confinement" means the isolation of a juvenile in a cell separate from the general population as a punishment.

(b) Subject to subsection (c) of this section, a juvenile who has been placed or detained in a juvenile detention facility shall not be placed in punitive isolation or solitary confinement as a disciplinary measure for more than twenty-four (24) hours unless the:

(1) Placement of the juvenile in punitive isolation or solitary confinement is due to:

(A) A physical or sexual assault committed by the juvenile while in the juvenile detention facility;

(B) Conduct of the juvenile that poses an imminent threat of harm to the safety or well-being of the juvenile, the staff, or other juveniles in the juvenile detention facility; or

(C) The juvenile's escaping or attempting to escape from the juvenile detention facility; and

(2)(A) Director of the juvenile detention facility provides written authorization to place the juvenile in punitive isolation or solitary confinement for more than twenty-four (24) hours.

(B) The director of the juvenile detention facility shall provide the written authorization described in subdivision (b)(2)(A) of this section for every twenty-four-hour period during which the juvenile remains in punitive isolation or solitary confinement after the initial twenty-four (24) hours.

(c)(1) A juvenile who has been placed or detained in a juvenile detention facility shall not be placed in solitary confinement if the juvenile:

(A) Is pregnant;

(B) Has delivered a child before or within thirty (30) days of being detained;

(C) Is breastfeeding;

(D) Is suffering from postpartum depression or another medically verifiable postpartum condition; or

(E) Is caring for a child in a juvenile detention facility.

(2) This subsection does not apply if:

(A) The juvenile has engaged in an act of violence while incarcerated or detained that either resulted in or was likely to result in serious physical injury or death to another person; or

(B) There is reasonable cause to believe that the use of solitary confinement is necessary to reduce a substantial risk of imminent serious physical injury or death to another person, as evidenced by the juvenile's recent conduct while incarcerated or detained.

SECTION 45. Arkansas Code § 12-9-113(d)(1), concerning training provided to law enforcement officers that relates to child abuse victim interview techniques, is amended to read as follows:

(d) Pertaining to child abuse victim interview techniques, the topics that shall be covered are:

(1) Current law, including the Child Maltreatment Act, § 12-18-101 et seq., and the ~~Arkansas Juvenile Code of 1989, § 9-27-301 et seq.~~ Arkansas Juvenile Code, § 9-35-101 et seq.;

(2) Child sexual abuse; and

(3) Physical and behavioral indicators.

SECTION 46. Arkansas Code § 12-12-1105(b), concerning what DNA records shall be maintained in the State DNA Data Base, is amended to read as follows:

(b) The data base shall have the capability provided by computer software and procedures administered by the laboratory to store and maintain DNA records related to:

(1) Crime scene evidence and forensic casework;

(2) Convicted offenders and juveniles adjudicated delinquent who are required to provide a DNA sample under this subchapter;

(3) Offenders who were required to provide a DNA sample under former § 12-12-1101 et seq.;

(4) Anonymous DNA records used for forensic validation, quality control, or establishment of a population statistics database;

(5) Unidentified persons or body parts;

(6) Missing persons and biological relatives of missing persons;

(7) Persons arrested for a felony offense who are required to provide a DNA sample under § 12-12-1006; and

(8) Juveniles adjudicated delinquent who are required to provide a DNA sample under ~~§ 9-27-357~~ § 9-35-435.

SECTION 47. Arkansas Code § 12-18-309 is amended to read as follows:

12-18-309. Reports alleging that a child is disrupting his or her adoption or is a dependent juvenile.

The Child Abuse Hotline shall accept telephone calls or other communications alleging that a child is at risk of disrupting or has disrupted his or her adoption or that a child is a dependent juvenile, as defined in ~~§ 9-27-303~~ § 9-35-102, and shall immediately refer this information to the Department of Human Services.

SECTION 48. Arkansas Code § 12-18-620(f), concerning release of information in a circuit court child custody case upon a pending investigation under the Child Maltreatment Act, § 12-18-101 et seq., is amended to read as follows:

(f) Information on a pending investigation, including protected health information, may be released to or disclosed in a circuit court child custody case or similar case if:

(1) No seventy-two-hour hold has been exercised under this chapter or pleadings filed pursuant to the ~~Arkansas Juvenile Code of 1989, § 9-27-301 et seq.~~ Arkansas Juvenile Code, § 9-35-101 et seq.;

(2) Written notice of intent to request release or disclosure is provided to the investigating agency at least five (5) days before the date for release or disclosure;

(3) The investigating agency has the opportunity to appear before the court and be heard on the issue of release or disclosure;

(4) The information gathered by the investigative agency is necessary for the determination of an issue before the court;

(5) Waiting until completion of the investigation will jeopardize the health or safety of the child in the custody case;

(6) A protective order is issued to prevent redisclosure of the information provided by the investigating agency or the information is

released or disclosed only to the court in camera; and

(7) Release or disclosure of the information will not compromise a criminal investigation.

SECTION 49. Arkansas Code § 12-18-710(f)(1), concerning release of information in a circuit court child custody case upon a true investigative determination under the Child Maltreatment Act, § 12-18-101 et seq., that is pending due process, is amended to read as follows:

(f) Information on a true investigative determination, including protected health information, may be released to or disclosed in a circuit court child custody case or similar case if:

(1) No seventy-two-hour hold has been exercised under this chapter or pleadings filed pursuant to the ~~Arkansas Juvenile Code of 1989, § 9-27-301 et seq.~~ Arkansas Juvenile Code, § 9-35-101 et seq.;

(2) Written notice of intent to request release or disclosure is provided to the investigating agency at least five (5) days before the date for release or disclosure;

(3) The investigating agency has the opportunity to appear before the court and be heard on the issue of release or disclosure;

(4) The information gathered by the investigative agency is necessary for the determination of an issue before the court;

(5) Waiting until completion of due process will jeopardize the health or safety of the child in the custody case;

(6) A protective order is issued to prevent redisclosure of the information provided by the investigating agency or the information is released or disclosed only to the court in camera; and

(7) Release or disclosure of the information will not compromise a criminal investigation.

SECTION 50. Arkansas Code § 12-18-1001(a), concerning when a child may be taken into protective custody under the Child Maltreatment Act, § 12-18-101 et seq., is amended to read as follows:

(a) A police officer, law enforcement, a juvenile division of circuit court judge during juvenile proceedings concerning the child or a sibling of the child, or a designated employee of the Department of Human Services may take a child into custody or any person in charge of a hospital or similar

institution or any physician treating a child may keep that child in his or her custody without the consent of the parent or the guardian, whether or not additional medical treatment is required, if:

(1) The child is subjected to neglect as defined under § 12-18-103(14)(B) and the department assesses the family and determines that the newborn and any other children, including siblings, under the custody or care of the mother are at substantial risk of serious harm such that the children need to be removed from the custody or care of the mother;

(2) The child is a dependent juvenile as defined in the ~~Arkansas Juvenile Code of 1989, § 9-27-301 et seq.~~ Arkansas Juvenile Code, § 9-35-101 et seq.; or

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

SECTION 51. Arkansas Code § 12-18-1005(a), concerning when a written order is not required for the Department of Human Services to take a seventy-two-hour hold of a child, is amended to read as follows:

(a) A school, residential facility, hospital, or similar institution where a child may be located shall not require a written order for the Department of Human Services to take a seventy-two-hour hold under this section, ~~or § 9-27-313~~ § 9-35-308, or § 9-35-409.

SECTION 52. Arkansas Code § 12-18-1008(a), concerning when the Department of Human Services is required to remove a child from his or her home, is amended to read as follows:

(a) If the Department of Human Services determines that custody under this subchapter is required, the Department of Human Services shall take steps to remove the child under custody as outlined in this chapter or ~~pursuant to~~ under the ~~Arkansas Juvenile Code of 1989, § 9-27-301 et seq.~~ Arkansas Juvenile Code, § 9-35-101 et seq.

SECTION 53. Arkansas Code § 12-18-1010(c), concerning when a child cannot remain safely in his or her home and must be removed from his or her home by the Department of Human Services, is amended to read as follows:

(c) If at any time during the protective services case the department determines that the child cannot safely remain at home, it shall take steps to remove the child under custody as outlined in this chapter or under the ~~Arkansas Juvenile Code of 1989, § 9-27-301 et seq.~~ Arkansas Juvenile Code, § 9-35-101 et seq.

SECTION 54. Arkansas Code § 12-27-151 is amended to read as follows:

12-27-151. Juvenile sex offender assessments.

The Division of Correction may enter into a cooperative agreement with a qualified state treatment and assessment agency to conduct assessments of juveniles in the custody of the division who are required to register as sex offenders under ~~§ 9-27-356~~ § 9-35-434 and pay for services upon receipt of invoice.

SECTION 55. Arkansas Code § 12-41-809(a), concerning when a juvenile detention center or juvenile detention facility shall provide pretrial detention and short term sanctions, is amended to read as follows:

(a) Juvenile detention centers or juvenile detention facilities shall operate to provide pretrial detention and short term sanctions as provided for in ~~§ 9-27-330~~ § 9-35-423.

SECTION 56. Arkansas Code § 13-4-302(1)(B), concerning the maintenance of juvenile division court records by a county, is amended to read as follows:

(B) The county shall maintain records of the juvenile division of circuit court, in accordance with ~~§ 9-27-309~~ § 9-35-204, § 9-35-304, § 9-35-405, and other provisions of Title 9 and the ~~Arkansas Juvenile Code of 1989, § 9-27-301 et seq.~~ Arkansas Juvenile Code, § 9-35-101 et seq.;

SECTION 57. Arkansas Code § 16-13-326 is amended to read as follows:

16-13-326. Circuit court juvenile division funds.

(a)(1) All court costs, payments of restitution, fines, and fees assessed by the juvenile division of circuit court shall be deposited and accounted for by the county in which they are received.

(2) The court shall have the authority to direct that the ~~fees,~~ court costs, payments of restitution, fees, and fines shall be collected by

either the juvenile officer, the sheriff, or the clerk of the juvenile division of circuit court or other person designated by the court for the county in which the ~~fees,~~ court costs, payments of restitution, fees, and fines are charged.

(b)(1) The officer designated by the court to collect juvenile ~~fees,~~ court costs, payments of restitution, fees, and fines shall deposit the ~~fees,~~ court costs, payments of restitution, fees, and fines into the appropriate fund and monthly deposit the ~~fees,~~ court costs, payments of restitution, fees, and fines into the fund in the county treasury of the county where the court costs, payment of restitution, fees, and fines are collected.

(2)(A) In a judicial district with multiple judges designated to hear juvenile cases in the district plan under Supreme Court Administrative Order No. 14, the majority of the judges shall determine who is to be in charge of the collection and accounting of ~~fees,~~ court costs, payments of restitution, fees, and fines.

(B) If there is no majority, the administrative judge is to determine who shall be in charge of the collection and accounting of ~~fees,~~ court costs, payments of restitution, fees, and fines as provided by this section.

(3)(A) However, in judicial districts having more than one (1) county, the majority of the judges or the administrative judge may designate the treasurer of one (1) of the counties in the district as the depository of all juvenile and diversion ~~fees,~~ court costs, payments of restitution, fees, and fines collected in the district.

(B) The treasurer so designated by the court shall maintain a separate account of the juvenile ~~fees,~~ court costs, payments of restitution, fees, and fines collected in each county in the district so that ~~fees,~~ court costs, payments of restitution, fees, and fines collected in a county are spent to support the juveniles and juvenile division court services and programs in that county.

(C) Money remaining at the end of the fiscal year shall not revert to any other fund but shall remain in the circuit court juvenile division fund and carry over to the next fiscal year.

(c) The funds derived from the collection of juvenile ~~fees,~~ court costs, fees, and fines shall be used by agreement of the judge or judges of the circuit court designated to hear juvenile cases in the district plan

under Supreme Court Administrative Order No. 14, originally issued April 6, 2001, and the quorum court of the county to provide services and supplies to juveniles and support court programs at the discretion of the juvenile division of circuit court, including without limitation:

(1) Juvenile drug courts;

(2) Teen courts;

(3) Volunteer probation programs;

(4) Court-appointed special advocates; and

(5) After-school and community-based programs.

(d) The funds derived from the collection of payments of restitution shall be remitted to the respective victims of those cases.

SECTION 58. Arkansas Code § 16-98-303(a)(3)(C), concerning the use of a juvenile drug court program or services in a dependency-neglect case, is amended to read as follows:

(C) A juvenile drug court program or services may be used in a dependency-neglect case under ~~§ 9-27-334~~ § 9-35-320.

SECTION 59. Arkansas Code § 16-122-102(d), concerning exceptions to the application of § 16-122-102, is amended to read as follows:

(d) This section does not apply to juveniles subject to the ~~Arkansas Juvenile Code of 1989, § 9-27-301 et seq.~~ Arkansas Juvenile Code, § 9-35-101 et seq.

SECTION 60. Arkansas Code § 20-6-102(5), concerning the definition of "emancipated minor" under the Arkansas Healthcare Decisions Act, § 20-6-101 et seq., is amended to read as follows:

(5) "Emancipated minor" means a minor who has been emancipated under ~~§ 9-27-362~~ § 9-35-109;

SECTION 61. Arkansas Code § 20-18-409(c)(2), concerning the identification of a parent in a dependency-neglect proceeding and the establishment of paternity, is amended to read as follows:

(2) Information obtained by the Division of Children and Family Services of the Department of Human Services under subdivision (c)(1)(A) of this section may be used in an action before a circuit court for the purpose

of identifying a parent in a dependency-neglect proceeding under ~~§ 9-27-303~~ § 9-35-102.

SECTION 62. Arkansas Code § 20-82-211(a)(5)—(b), concerning powers and duties of the Child Welfare Ombudsman, is amended to read as follows:

(5) The Child Welfare Ombudsman shall have the following powers and duties:

(A) The duty to work independently of the:

(i) Department of Human Services;

(ii) Administrative Office of the Courts;

(iii) Commission for Parent Counsel;

(iv) Attorney Ad Litem Program;

(v) Arkansas Public Defender Commission; and

(vi) Arkansas Court Appointed Special Advocates program;

(B) The duty to communicate with a:

(i) Juvenile after the approval of, and subject to the conditions set by, the:

(a) Dependency-neglect attorney ad litem appointed to the juvenile; or

(b) Attorney for the juvenile if the juvenile has an attorney other than a dependency-neglect attorney ad litem; and

(ii) Parent of a juvenile after the approval of, and subject to the conditions set by, the attorney for the parent if the parent has an attorney;

(C) The authority to access a record as allowed by law;

(D) The duty to review and recommend necessary changes to procedures under the ~~Arkansas Juvenile Code of 1989, § 9-27-301 et seq.~~ Arkansas Juvenile Code, § 9-35-101 et seq., the Child Maltreatment Act, § 12-18-101 et seq., and other laws relevant to the operation of the child welfare system that are applicable to the:

(i) Department of Human Services;

(ii) Division of Arkansas State Police;

(iii) Administrative Office of the Courts;

(iv) Attorney Ad Litem Program;

(v) Commission for Parent Counsel;

(vi) Arkansas Public Defender Commission; and

(vii) Arkansas Court Appointed Special Advocates program;

(E) The duty to review an issue or concern related to a court case or investigation of a juvenile if it appears that the juvenile, parent of the juvenile, foster parent of the juvenile, relative of the juvenile, or fictive kin of the juvenile may need assistance from the child welfare ombudsman;

(F) The duty to provide training and technical assistance if a request is received from:

(i) A member of the child welfare system;

(ii) The General Assembly; or

(iii) The office of the Governor;

(G) The duty to make the public aware of the Child Welfare Ombudsman Division and the contact information for the Child Welfare Ombudsman Division; and

(H)(i) The duty to prepare an annual report concerning the work of the Child Welfare Ombudsman Division, the operation of the child welfare system, and any recommendations related to the operation of the child welfare system.

(ii) The Child Welfare Ombudsman Division shall submit the annual report to the:

(a) Governor;

(b) Secretary of the Department of Human Services;

(c) Director of the Division of Arkansas State Police;

(d) Director of the Division of Children and Family Services;

(e) Director of the Administrative Office of the Courts;

(f) Commission for Parent Counsel;

(g) House Committee on Aging, Children and Youth, Legislative and Military Affairs; and

(h) Senate Interim Committee on Children and Youth.

(iii) The annual report shall not contain information that would identify a juvenile or the family of a juvenile.

(b) As used in this section, "juvenile" means a juvenile as defined in ~~§ 9-27-303~~ § 9-35-102 who is:

(1) A respondent in a dependency-neglect proceeding held under the ~~Arkansas Juvenile Code of 1989, § 9-27-301 et seq.~~ Arkansas Juvenile Code, § 9-35-101 et seq.; or

(2) The subject of a child maltreatment investigation under the Child Maltreatment Act, § 12-18-101 et seq.

SECTION 63. Arkansas Code § 21-6-416(f), concerning when technology fees shall not be charged by a circuit court clerk, is amended to read as follows:

(f) Fees under this section shall not be charged or collected in cases brought in the circuit court under the ~~Arkansas Juvenile Code of 1989, § 9-27-301 et seq.~~ Arkansas Juvenile Code, § 9-35-101 et seq., by a governmental entity or nonprofit corporation, including without limitation an attorney ad litem appointed in a dependency-neglect case or the Department of Human Services.

SECTION 64. Arkansas Code § 28-65-107(c)(1), concerning jurisdiction over a guardianship petition when a juvenile is the subject matter of an open case under the Arkansas Juvenile Code of 1989, § 9-27-301 et seq., is amended to read as follows:

(c)(1) If a juvenile is the subject matter of an open case filed under the ~~Arkansas Juvenile Code of 1989, § 9-27-301 et seq.~~ Arkansas Juvenile Code, § 9-35-101 et seq., the guardianship petition shall be filed in that case if the juvenile resides in Arkansas.

SECTION 65. Arkansas Code § 28-65-203(a)(2), concerning qualifications of a potential guardian for a minor when the potential guardian is a convicted and unpardoned felon, is amended to read as follows:

(2) Subject to the requirements in subdivision (a)(1) of this section, a convicted and unpardoned felon may:

(A) Be the guardian of the person for an adult;

(B) Be the guardian of the person for a minor who is not

subject to a dependency-neglect proceeding under the ~~Arkansas Juvenile Code of 1989, § 9-27-301 et seq.~~ Arkansas Juvenile Code, § 9-35-101 et seq., if the convicted and unpardoned felon is a relative or fictive kin as defined in § 9-28-402;

(C) Be the guardian of the person for a minor who is subject to a dependency-neglect proceeding under the ~~Arkansas Juvenile Code of 1989, § 9-27-301 et seq.~~ Arkansas Juvenile Code, § 9-35-101 et seq., if the convicted and unpardoned felon qualifies for guardianship under subsection (b) of this section; and

(D) Not be the guardian of the estate for any person.

SECTION 66. DO NOT CODIFY. Construction.

(a) The enactment and adoption of this act shall not expressly or impliedly repeal an act passed during the regular session of the Ninety-Fifth General Assembly.

(b) To the extent that a conflict exists between an act of the regular session of the Ninety-Fifth General Assembly and this act:

(1) The act of the regular session of the Ninety-Fifth General Assembly shall be treated as a subsequent act passed by the General Assembly for the purposes of:

(A) Giving the act of the regular session of the Ninety-Fifth General Assembly its full force and effect; and

(B) Amending or repealing the appropriate parts of the Arkansas Code of 1987; and

(2) Section 1-2-107 shall not apply.

SECTION 67. DO NOT CODIFY. Incorporation of legislation into recodified Arkansas Juvenile Code and related amendments.

(a) For purposes of incorporation into the recodified Arkansas Juvenile Code created by this act and related amendments to the Arkansas Code made in connection with the recodification of the Arkansas Juvenile Code, all references in the acts passed at the regular session of the Ninety-Fifth General Assembly to the Arkansas Juvenile Code of 1989 or to provisions of the Arkansas Code amended by this act in connection with the recodification of the Arkansas Juvenile Code shall be deemed to refer to the applicable or corresponding provisions contained in the recodified Arkansas Juvenile Code

and related amendments to the Arkansas Code made in connection with the recodification of the Arkansas Juvenile Code.

(b) The Bureau of Legislative Research, while assisting the Arkansas Code Revision Commission with the commission's powers and duties, shall:

(1) Incorporate acts passed in the regular session of the Ninety-Fifth General Assembly amending the Arkansas Juvenile Code of 1989 or to provisions of the Arkansas Code amended by this act in connection with the recodification of the Arkansas Juvenile Code into the appropriate provisions of the Arkansas Code so long as those revisions do not result in a change in the substance or meaning of a provision of the act; and

(2) Make technical changes to the Arkansas Code necessary to implement this act, including without limitation changes to citations in the Arkansas Code referencing provisions of Arkansas law amended by this act.

SECTION 68. DO NOT CODIFY. Technical revisions to Code of Arkansas Rules.

(a) The General Assembly finds that, as a result of the recodification of the Arkansas Juvenile Code and other amendments to the Arkansas Code under this act, multiple statutory references to the Arkansas Juvenile Code or other provisions of Arkansas law in the Code of Arkansas Rules will be incorrect and require revision to reflect the changes implemented by this act.

(b) It is the intent of the General Assembly that these provisions of the Code of Arkansas Rules be updated by the Bureau of Legislative Research as part of its maintenance of the Code of Arkansas Rules.

(c) The bureau shall update statutory references to the Arkansas Juvenile Code of 1989 or other provisions of Arkansas law in the Code of Arkansas Rules to reflect the proper citations under this act.

(d) Any person or state entity identifying one (1) or more citations contained in the Code of Arkansas Rules that require revision to implement this act may notify the Director of the Bureau of Legislative Research or his or her designee of the citations at issue.

SECTION 69. DO NOT CODIFY. Correction of technical errors related to implementation of recodification of the Arkansas Juvenile Code.

(a)(1) The General Assembly finds that:

(A) The implementation of this act involves a multitude of changes to existing Arkansas law;

(B) Many of the changes implemented by this act are highly technical and require careful study of the purpose and context of each Arkansas Code section, with the need for some of the changes not becoming apparent until after the implementation of this act;

(C) When implementing revisions as large and comprehensive as the changes under this act, it is inevitable that certain sections of the Arkansas Code requiring technical changes to follow the intent of this act will be either omitted or amended in a manner that is later found to be erroneous and unintentional;

(D) It is likewise inevitable that other acts enacted by the Ninety-Fifth General Assembly will not take into account the changes in this act, resulting in technical inconsistencies between newly passed laws; and

(E) If the correct statutory change to remedy an unintentional error or an inconsistency between this act and another act of the Ninety-Fifth General Assembly is readily apparent and consistent with the intent of this act, the unintentional error or inconsistency should be corrected as part of the codification process due to the technical nature of the unintentional error or inconsistency.

(2) It is the intent of the General Assembly to empower the Arkansas Code Revision Commission to correct technical errors identified in the Arkansas Code during the implementation of this act to allow this act to be fully implemented.

(b)(1)(A) Any person or state entity identifying one (1) or more sections of the Arkansas Code that require revision to implement the intent of this act may notify the Director of the Bureau of Legislative Research or his or her designee of the section or sections at issue.

(B) If the Bureau of Legislative Research, while assisting the commission with the commission's powers and duties, becomes aware of one (1) or more sections of the Arkansas Code that require revision to implement the intent of this act for which it appears that the bureau and the commission do not have authority to make the necessary revision under § 1-2-303(d), the bureau may notify the commission of the section or sections at issue.

(2) If the commission determines that the revision necessary to one (1) or more sections of the Arkansas Code under subdivision (b)(1) of this section is technical in nature, germane to the intent of this act, and consistent with this act's policy and purposes, the commission may make the revision to the Arkansas Code.

(3) The commission shall notify the publisher of the Arkansas Code of a revision to the Arkansas Code under subdivision (b)(2) of this section as soon as possible so that the revision may be reflected in the official hard copy version of the Arkansas Code and the official electronic version of the Arkansas Code.

(4)(A) Except as provided in subdivision (b)(4)(B) of this section, when the commission approves a revision to the Arkansas Code under subdivision (b)(2) of this section, the commission shall notify the following of the revision within thirty (30) days:

(i) The Speaker of the House of Representatives;

(ii) The President Pro Tempore of the Senate; and

(iii) The Legislative Council.

(B) The commission is not required to make a notification under subdivision (b)(4)(A) of this section if the revision is made under § 1-2-303(d).

(c) The authority granted to the commission under this section is supplemental to the commission's authority under § 1-2-303.

(d) This section shall expire on December 31, 2026.

/s/Irvin

APPROVED: 4/10/25