

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas  
89th General Assembly  
Regular Session, 2013

As Engrossed: S3/14/13  
**A Bill**

HOUSE BILL 1684

By: Representative Lampkin  
By: Senator J. Woods

### For An Act To Be Entitled

AN ACT TO ADD FICTIVE KIN AS A PLACEMENT OPTION FOR  
JUVENILES; TO DEFINE FICTIVE KIN; AND FOR OTHER  
PURPOSES.

### Subtitle

TO ADD FICTIVE KIN AS A PLACEMENT OPTION  
FOR JUVENILES; AND TO DEFINE FICTIVE KIN.

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

SECTION 1. Arkansas Code § 9-27-355(b)(3)(B), concerning the placement of juveniles, is amended to read as follows:

(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's~~ relative or fictive kin's home being opened as a regular foster home;

(ii) 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;

(iii) Until the ~~relative's~~ relative or fictive kin's home is opened as a regular foster home, the relative or fictive kin may ~~apply:~~

(a) Apply for and receive benefits ~~for which~~  
~~the~~ 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 ~~food stamps~~ Supplemental Nutrition Assistance Program (SNAP); 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's~~ 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's~~ relative or fictive kin's home and close the ~~relative's~~ 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.

SECTION 2. Arkansas Code § 9-28-108(a), concerning the placement of juveniles, is amended to read as follows:

(a) As used in this section:

(1) "Fictive kin" means a person not related to a child by blood or marriage, but who has a strong positive emotional tie to a child and has a positive role in the child's life, such as a godparent, neighbor, or family friend; and

(2) ~~"relative"~~ "Relative" means a person within the fifth degree of kinship by virtue of blood or adoption.

SECTION 3. Arkansas Code § 9-28-108(c)(4), concerning the placement of juveniles, is amended to read as follows:

(4)(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:

(i) The home is opened as a regular foster home;

(ii) The home is opened as a provisional foster home, if the person is a relative or fictive kin to one (1) of the children in the sibling group, including step-siblings; or

(iii) The court grants custody of the juvenile to the relative or ~~person~~ fictive kin after a written approved home study is presented to the court.

(B) For placement with a relative or fictive kin:

(i) The juvenile and his or her siblings or step-siblings may be placed in the home of a relative or fictive kin of the juvenile on a provisional basis no more than six (6) months pending the home of the relative or fictive kin being opened as a regular foster home;

(ii) If the relative or fictive kin chooses 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:

(a) The relative or fictive kin meets all of the foster home requirements; and

(b) The home of the relative or fictive kin is opened as a regular foster home;

(iii) The relative or fictive kin may apply for and receive benefits that the relative or fictive kin may be entitled to based on the placement of the juvenile in the home, such as benefits under the Transitional Employment Assistance Program, § 20-76-401, and ~~food-stamps~~ Supplemental Nutrition Assistance Program (SNAP), until the home of the relative or fictive kin is opened as a regular foster home; and

(iv) If the home of the relative or fictive kin is not fully licensed as a foster home after six (6) months of the placement of the juvenile and any siblings or step-siblings in the home:

(a) The department shall remove the juvenile and any siblings or step-siblings from the ~~relative's~~ relative or fictive kin's home and close the provisional foster home of the relative or fictive kin; or

(b) The court shall remove custody of the juvenile and any siblings or step-siblings from the department and grant custody to the relative or fictive kin subject to the limitations outlined in subdivision (c)(5) of this section.

SECTION 4. Arkansas Code § 9-28-402(15), concerning the definition of "provisional foster home", is amended to read as follows:

(15) "Provisional foster home" means a foster home opened for no

more than six (6) months by the Division of Children and Family Services of the Department of Human Services for a relative or fictive kin of a child in the custody of the division after it:

(A) Conducts a health and safety check, including a central registry check and a criminal background check or a check with local law enforcement, of the ~~relative's~~ relative or fictive kin's home; and

(B) Performs a visual inspection of the home of the relative or fictive kin to verify that the relative or fictive kin and the home will meet the standards for opening a regular foster home;

*/s/Lampkin*