

State of Arkansas
89th General Assembly
Regular Session, 2013

A Bill

HOUSE BILL 2029

By: Representative Vines

For An Act To Be Entitled

AN ACT CONCERNING THE DEFINITION OF "CUSTODIAN"; AND
CONCERNING WHO HAS A RIGHT TO COUNSEL IN DEPENDENCY-
NEGLECT PROCEEDINGS; AND FOR OTHER PURPOSES.

Subtitle

CONCERNING THE DEFINITION OF "CUSTODIAN";
AND CONCERNING WHO HAS A RIGHT TO COUNSEL
IN DEPENDENCY-NEGLECT PROCEEDINGS.

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

SECTION 1. Arkansas Code § 9-27-303(14), concerning the definition of custodian, is amended to read as follows:

(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;

SECTION 2. Arkansas Code § 9-27-316(h)(1), concerning who has a right to counsel in dependency-neglect proceedings, is amended to read as follows:

(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, the parent or custodian from



whom custody was removed shall have the right to be appointed counsel, and the court shall appoint counsel if the court makes a finding that the parent or custodian from whom custody was removed is indigent and counsel is requested by the parent or custodian.

(C) 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.

(D) 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.