

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

State of Arkansas
89th General Assembly
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As Engrossed: S3/5/13
A Bill

SENATE BILL 433

By: Senator R. Thompson
By: Representatives Fite, Vines

For An Act To Be Entitled

AN ACT CONCERNING PERMANENCY PLANNING HEARINGS; AND
FOR OTHER PURPOSES.

Subtitle

CONCERNING PERMANENCY PLANNING HEARINGS.

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

SECTION 1. Arkansas Code § 9-27-337(a) – (c), concerning the six-month review in cases of dependency-neglect or families in need of services, is amended to read as follows:

(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.



(b)~~(1)~~ 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.

~~(2)(A) If a court requires a case to be reviewed prior to the sixth month, the court shall announce the date, time, and place of hearing.~~

~~(B) In all other cases, it shall be the duty of the petitioner at least sixty (60) days prior to date the date of the required six month review to request that the court:~~

~~(i) Set the review hearing;~~

~~(ii) Provide reasonable notices; and~~

~~(iii) Serve notice on all parties in accordance with the Arkansas Rules of Civil Procedure.~~

(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.

SECTION 2. Arkansas Code § 9-27-338(c), concerning permanency goals at the permanency planning hearing, is amended to read as follows:

(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) Returning the juvenile to the parent, guardian, or custodian at the permanency planning hearing if it is in the best interest of the juvenile and the juvenile's health and safety can be adequately safeguarded if returned home~~ 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;~~

~~(2)(3) Authorizing a plan to return place custody of the juvenile to the~~ 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 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) A parent's, guardian's, or custodian's resumption of contact or overtures toward participating in the case plan or following the orders of the court in the months or weeks immediately preceding the permanency planning hearing are insufficient grounds for authorizing a plan to return or be placed in the home as the permanency plan.

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

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

(C) ~~The return~~ Placement of the juvenile ~~to~~ in the home of the parent, guardian, or custodian shall occur ~~within a time frame that is~~ 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;

~~(3)~~(4) Authorizing a plan for adoption with the department filing a petition for termination of parental rights unless:

(A) The juvenile is being cared for by a relative, ~~including a minor foster child caring for his or her own child who is in foster care, and termination of parental rights is not in the best interest of the juvenile; 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 such a petition 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, such 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;

~~(4)(5)~~ Authorizing a plan to obtain a guardian for the juvenile;

~~(5)(6)~~ Authorizing a plan to obtain a permanent custodian, including permanent custody with a fit and willing relative; or

~~(6)(A)(7)(A)~~ Authorizing a plan for another planned permanent living arrangement that ~~shall include~~ includes a permanent planned living arrangement and addresses the quality of services, including, but not limited to, independent living services, if age appropriate, and a plan for the supervision and nurturing the juvenile will receive.

(B) Another Planned Permanent Living Arrangement (APPLA) shall be selected only if 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)-~~(5)(7)~~ of this section.

/s/R. Thompson