

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

State of Arkansas
90th General Assembly
Regular Session, 2015

A Bill

HOUSE BILL 1625

By: Representative Tucker

By: Senator D. Johnson

For An Act To Be Entitled

AN ACT TO PROVIDE NOTICE OF PROCEEDINGS IN JUVENILE DEPENDENCY-NEGLECT CASES TO THE ATTORNEY AD LITEM; TO AUTHORIZE A COURT TO DETERMINE THE PRIMARY GOAL FOR JUVENILE DEPENDENCY-NEGLECT CASES; TO ADD NEW PROTECTIONS TO CHILDREN IN CUSTODY WITH REGARD TO JUVENILE DEPENDENCY-NEGLECT CASES; AND FOR OTHER PURPOSES.

Subtitle

TO PROVIDE NOTICE OF PROCEEDINGS IN JUVENILE DEPENDENCY-NEGLECT CASES TO THE ATTORNEY AD LITEM; AND TO ADD NEW PROTECTIONS TO CHILDREN IN CUSTODY WITH REGARD TO JUVENILE DEPENDENCY-NEGLECT CASES.

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

SECTION 1. Arkansas Code § 9-27-312 is amended to read as follows:
9-27-312. Notification to defendants.

(a) All juvenile defendants 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.

SECTION 2. Arkansas Code § 9-27-334(a), concerning the disposition of dependent-neglected cases generally, is amended to read as follows:

(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(12).

(C) All juveniles in shelters or awaiting foster care placement who are in the custody of the department are "homeless children and youth" as defined at 42 U.S.C. § 11434a(2), as in effect on February 1, 2005;

(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; and

(4) Determine the most appropriate goal of the case.

SECTION 3. Arkansas Code § 9-27-334(c), concerning the disposition of dependent-neglected cases generally, is amended to read as follows:

(c) The court may provide that any violation of its orders shall ~~subject the parent, both parents, the juvenile, the custodian, or the~~

~~guardian, any party in violation~~ to contempt sanctions.

SECTION 4. Arkansas Code § 9-27-342(a) and (b), concerning proceedings concerning illegitimate juveniles, is amended to read as follows:

(a) Absent orders of a circuit court or another court of competent jurisdiction to the contrary, the biological mother, whether adult or minor, of ~~an illegitimate~~ 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 ~~alleged to be illegitimate~~ for whom paternity has not been established.

SECTION 5. Arkansas Code § 9-27-353(b)(2), concerning the duties and responsibilities of a custodian in an open dependency-neglect proceeding, is amended to read as follows:

(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.

SECTION 6. Arkansas Code § 9-27-365(c), concerning proceedings concerning no reunification hearings, is amended to read as follows:

(c) An order terminating reunification services on a party and ending the Department of Human Services' duty 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, a guardian, or a custodian has subjected the child to aggravated circumstances that include:

(i) A child being abandoned;
(ii) A child being chronically abused;
(iii) A child being subjected to extreme or repeated cruelty or sexual abuse;

(iv) A determination by a circuit judge that there is little likelihood that services to the family will result in successful reunification; ~~or~~

(v) 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

(vi) A child or a sibling 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).