

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

State of Arkansas
90th General Assembly
Regular Session, 2015

As Engrossed: H3/12/15
A Bill

HOUSE BILL 1674

By: Representative Broadaway

For An Act To Be Entitled

AN ACT CONCERNING THE JURISDICTION OF A CIRCUIT COURT
OVER JUVENILE MATTERS; AND FOR OTHER PURPOSES.

Subtitle

CONCERNING THE JURISDICTION OF A CIRCUIT
COURT OVER JUVENILE MATTERS.

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

SECTION 1. Arkansas Code § 9-27-306 is amended to read as follows:
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 ~~but not limited to~~ 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 ~~prior to~~ 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 ~~prior to~~ 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 engaged in a course of instruction or



treatment, or is working at least eighty (80) hours a month toward gaining self-sufficiency.

(b) The court shall retain jurisdiction only if the juvenile remains or has a viable plan to remain in instruction or treatment, or is working at least eighty (80) hours a month toward gaining self-sufficiency.

(c) The court shall ~~dismiss jurisdiction upon request of the juvenile or when the juvenile completes or is dismissed from instruction or treatment~~ discontinue jurisdiction only after a hearing to determine whether:

(1) The juvenile knowingly and voluntarily is requesting to leave care or the juvenile has failed to be engaged in or have a viable plan to participate in a course of instruction or treatment or is not working at least eighty (80) hours per month toward gaining self-sufficiency; 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 to receive independent living or transitional services if the juvenile:

(a) Was adjudicated dependent or dependent-neglected;

(b) Was in foster care at eighteen (18) years of age;

(c) Left foster care but desires to submit to the jurisdiction of the court ~~prior to~~ before reaching twenty-one (21) years of age to benefit from independent living or transitional services; or

(d) Left foster care and decides to submit to the jurisdiction of the court and return to foster care to receive transitional services, ~~if funding is available;~~

(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 juvenile is engaged in a course of instruction or treatment, or is working at least eighty (80) hours a month towards self-sufficiency to receive independent living or transitional services;

(ii) The court shall retain jurisdiction only if the juvenile remains or has a viable plan to remain in instruction or treatment to receive independent living services; or

(iii) The court shall ~~dismiss~~ discontinue jurisdiction upon request of the juvenile or when the juvenile completes or is ~~dismissed~~ discontinued from the instruction or treatment 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 of Human Services;

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

(H) Proceedings for which a juvenile is transferred to the juvenile division from the criminal division 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, ~~any a~~ 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 ~~motion's being filed~~ 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 ~~pursuant to~~ 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 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.

(f) If a juvenile over eighteen (18) years of age who is allowed to reenter foster care fails to be engaged in or have a viable plan to participate in a course of instruction or treatment or is not working at least eighty (80) hours per month toward gaining self-sufficiency for more than sixty (60) days, the department may file a motion to discharge the juvenile from foster care.

/s/Broadaway