

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 1752

By: Representative House

For An Act To Be Entitled

AN ACT TO CLARIFY THE PREFERENCE FOR A RELATIVE OVER
A NONRELATIVE CAREGIVER FOR PLACEMENT OF A CHILD THAT
IS IN THE CUSTODY OF THE DEPARTMENT OF HUMAN
SERVICES; AND FOR OTHER PURPOSES.

Subtitle

TO CLARIFY THE PREFERENCE FOR A RELATIVE
OVER A NONRELATIVE CAREGIVER FOR
PLACEMENT OF A CHILD THAT IS IN THE
CUSTODY OF THE DEPARTMENT OF HUMAN
SERVICES.

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

SECTION 1. Arkansas Code § 9-9-102 is amended to read as follows:

9-9-102. Religious preference – Removal of barriers to inter-ethnic adoption – Preference to relative caregivers for a child in foster care and adoption.

(a)(1) In all custodial placements by the Department of Human Services in foster care or adoption, the court shall give preferential consideration to ~~an adult relative~~ a person related by blood or adoption over a nonrelated caregiver, provided that the ~~relative caregiver~~ person related by blood or adoption meets all relevant child protection standards and it is in the best interest of the child to be placed with the ~~relative caregiver~~ person related by blood or adoption.

(2) Preferential consideration under subdivision (a)(1) of this section:



(A) Shall be given in all placements of a child in the custody of the department and not just the initial placement;

(B) Continues after the termination of parental rights;

(C) Is not a defense to a petition to terminate parental rights; and

(D) Does not grant any rights to persons related by blood or adoption, including the right to intervene in any juvenile or adoption proceeding.

(b) If the genetic parent or parents of the child express a preference for placing the child in a foster home or an adoptive home of the same or a similar religious background to that of the genetic parent or parents, the court shall place the child with a family that meets the genetic parent's religious preference, or if a family is not available, to a family of a different religious background that is knowledgeable and appreciative of the child's religious background.

(c) The court shall not deny a petition for adoption on the basis of race, color, or national origin of the adoptive parent or the child involved.

SECTION 2. Arkansas Code § 9-9-223 is amended to read as follows:

9-9-223. Termination of rights of nonparental relatives.

(a) Except as provided in this subchapter with regard to parental rights, any rights to a child which a nonparental relative may derive through a parent or by court order may, if the best interests of the child so require, be terminated in connection with a proceeding for adoption or for termination of parental rights.

(b) A nonparental relative whose rights have been terminated shall not impact the obligation of the court and the Department of Human Services to give preferential consideration to a person related by blood or adoption over a nonrelated caregiver provided that:

(1) The relative caregiver meets all relevant child protection standards; and

(2) It is in the best interest of the child to be placed with the person related by blood or adoption.

(c) Preferential consideration to place a child in the care of a person related by blood or adoption over a nonrelated caregiver:

(1) Shall be given in all placements of a child in the custody

of the department and not just the initial placement;

(2) Continues after the termination of parental rights;

(3) Is not a defense to a petition to terminate parental rights;

and

(4) Does not grant any rights to persons related by blood or adoption, including the right to intervene in any juvenile or adoption proceeding.

SECTION 3. Arkansas Code § 9-27-341(a)(2), concerning the termination or a parent's rights to custody of a child, is amended to read as follows:

(2)(A) This section shall be used only in cases in which the department is attempting to clear a juvenile for permanent placement.

(B) A potential adoption, guardianship, permanent custody or placement of a child with a relative is not a defense by a parent in a proceeding to terminate parental rights.

SECTION 4. Arkansas Code § 9-27-355(b)(1), concerning the placement of a child with a relative, is amended to read as follows:

(b)(1)(A) A relative of a juvenile placed in the custody of the Department of Human Services shall be given preferential consideration for placement if the relative caregiver meets all relevant child protection standards and it is in the best interest of the juvenile to be placed with the relative caregiver.

(B) Preferential consideration to place a child in the care of a person related by blood or adoption over a nonrelated caregiver:

(i) Shall be given in all placements of a child in the custody of the department and not just the initial placement;

(ii) Continues after the termination of parental rights;

(iii) Is not a defense to a petition to terminate parental rights; and

(iv) Does not grant any rights to persons related by blood or adoption, including the right to intervene in any juvenile or adoption proceeding.

SECTION 5. Arkansas Code § 9-28-105 is amended to read as follows:

(a) In all custodial placements by the Department of Human Services in foster care or adoption, preferential consideration shall be given to an adult relative over a nonrelated caregiver, if:

(1) The relative caregiver meets all relevant child protection standards; and

(2) It is in the best interest of the child to be placed with the relative caregiver.

(b) Preferential consideration to place a child in the care of a person related by blood or adoption over a nonrelated caregiver:

(1) Shall be given in all placements of a child in the custody of the department and not just the initial placement;

(2) Continues after the termination of parental rights;

(3) Is not a defense to a petition to terminate parental rights;

and

(4) Does not grant any rights to persons related by blood or adoption, including the right to intervene in any juvenile or adoption proceeding.