

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

State of Arkansas
90th General Assembly
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As Engrossed: S3/16/15 S3/18/15
A Bill

SENATE BILL 987

By: Senator J. Woods
By: Representative Vaught

For An Act To Be Entitled

AN ACT TO IDENTIFY WHO MAY TAKE A JUVENILE INTO CUSTODY; TO REQUIRE NOTICE TO AN ATTORNEY AD LITEM WHEN A JUVENILE IS TAKEN INTO CUSTODY; TO MAKE TECHNICAL CORRECTIONS; AND FOR OTHER PURPOSES.

Subtitle

TO IDENTIFY WHO MAY TAKE A JUVENILE INTO CUSTODY; TO REQUIRE NOTICE TO AN ATTORNEY AD LITEM WHEN A JUVENILE IS TAKEN INTO CUSTODY.

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

SECTION 1. Arkansas Code § 9-27-313(a)(1)(C), concerning when a juvenile may be taken into police custody, is amended to read as follows:

(C) ~~By a law enforcement officer or by a duly authorized representative of the Department of Human Services if there are clear, reasonable grounds to conclude that the juvenile is in immediate danger and that removal is necessary to prevent serious harm from his or her surroundings or from illness or injury and if parents, guardians, or others with authority to act are unavailable or have not taken action necessary to protect the juvenile from the danger and there is not time to petition for and to obtain an order of the court before taking the juvenile into custody.~~
By a designated person under § 12-18-1001 et seq.

SECTION 2. Arkansas Code § 9-27-313(c), concerning when a juvenile may



be taken into police custody, is amended to read as follows:

(c) When a police officer, law enforcement ~~officer~~, or a representative designated employee of the ~~department~~ Department of Human Services, ~~or other authorized person~~ takes custody of a juvenile ~~alleged to be dependent neglected or under the Child Maltreatment Act, § 12-18-101 1 et seq., § 12-18-1001~~ he or she shall:

(1)(A) Notify the department and make every effort possible to notify the custodial parent, guardian, or custodian of the juvenile's location.

(B) The notification to the ~~parents~~ custodial parent, non-custodial parent, guardian, or custodian of the juvenile shall be in writing and shall include a notice:

(i) That the juvenile has been taken into foster care;

(ii) Of the name, location, and phone number of the person at the department whom ~~they~~ the custodial parent, non-custodial parent, guardian, or custodian of the juvenile can contact about the juvenile;

(iii) Of the ~~juvenile's and parents' rights~~ rights of the juvenile and the rights of the custodial parent, non-custodial parent, guardian, or custodian of the juvenile to receive a copy of any petition filed under this subchapter;

(iv) Of the location and telephone number of the court; and

(v) Of the procedure for obtaining a hearing; or

(2) Return the juvenile to his or her home.

SECTION 3. Arkansas Code § 9-27-314(c), concerning notice of an emergency order of custody of a juvenile, is amended to read as follows:

(c)(1) Immediate notice of the emergency order shall be given by the petitioner or by the court to ~~the parents, guardians, or custodian and the juvenile.~~ the:

(A) Custodial parent, non-custodial parent, guardian, or custodian of the juvenile; and

(B) Attorney ad litem who represents the juvenile respondent.

(2) All defendants shall be served with the emergency order according to Rules 4 or 5 of the Arkansas Rules of Civil Procedure or as otherwise provided by the court.

SECTION 4. Arkansas Code § 9-27-327(a)(1), concerning adjudication hearings under the Arkansas Juvenile Code, is amended to add additional subdivisions to read as follows:

(a)(1)(A) An adjudication hearing shall be held to determine whether the allegations in a petition are substantiated by the proof.

(B)(i) If the court finds that the juvenile is dependent-neglected, the court shall address whether a noncustodial parent contributed to the dependency-neglect and whether the noncustodial parent is a fit parent for purposes of custody or visitation.

(ii) If the court determines that the child cannot safely be placed in the custody of the noncustodial parent, the court shall make specific findings of fact regarding the safety factors that need to be corrected by the noncustodial parent before placement or visitation with the juvenile.

SECTION 5. Arkansas Code § 9-27-341(b)(3)(B)(i), concerning the permanent termination of parental rights, is amended to read as follows:

(i)(a) That a juvenile has been adjudicated by the court to be dependent-neglected and has continued to be out of the custody of the parent for twelve (12) months and, despite a meaningful effort by the department to rehabilitate the parent and correct the conditions that caused removal, those conditions have not been remedied by the parent.

(b) That a juvenile has been adjudicated by the court to be dependent-neglected and has continued out of the home of the noncustodial parent for twelve (12) months and, despite a meaningful effort by the department to rehabilitate the parent and correct the conditions that prevented the child from safely being placed in the parent's home, the conditions have not been remedied by the parent.

~~(b)(c)~~ It is not necessary that the twelve-month period referenced in subdivision (b)(3)(B)(i)(a) of this section immediately precede the filing of the petition for termination of parental rights or that it be for twelve (12) consecutive months;

SECTION 6. Arkansas Code § 9-27-341(b)(3)(B)(ix)(a)(3)(B), concerning the definition of "aggravated circumstances" regarding the termination of parental rights, is amended to read as follows:

(B) "Aggravated circumstances"

means:

(i) A juvenile has been abandoned, chronically abused, subjected to extreme or repeated cruelty, sexually abused, or a determination has been or is made by a judge that there is little likelihood that services to the family will result in successful reunification; ~~or~~

(ii) A juvenile has been removed from the custody of the parent or guardian and placed in foster care or in the custody of another person three (3) or more times in the last fifteen (15) months; or

(iii) A child or a sibling has been neglected or abused to the extent that the abuse or neglect could endanger the life of the child;

SECTION 7. Arkansas Code § 9-27-365(c)(2)(A), concerning grounds for a no reunification hearing, is amended to read as follows:

(A) A circuit court has determined that the parent, guardian, custodian, or non-custodial parent has subjected the child to aggravated circumstances that include:

(i) A child being abandoned;

(ii) A child being chronically abused;

(iii) A child being sexually exploited;

~~(iii)~~ (iv) A child being subjected to extreme or repeated cruelty or sexual abuse;

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

~~(v)~~ (vi) 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)~~ (vii) A child or a sibling being neglected or

*abused such that the abuse or neglect could endanger the life of the child;
or*

/s/J. Woods