

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

State of Arkansas
91st General Assembly
Regular Session, 2017

As Engrossed: H3/2/17 H3/9/17
A Bill

HOUSE BILL 1654

By: Representative Rushing

By: Senator Irvin

For An Act To Be Entitled

AN ACT CONCERNING THE RIGHTS OF GRANDPARENTS INVOLVED
WITH FOSTER CARE AND ADOPTION CASES; AND FOR OTHER
PURPOSES.

Subtitle

CONCERNING THE RIGHTS OF GRANDPARENTS
INVOLVED WITH FOSTER CARE AND ADOPTION
CASES.

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

SECTION 1. TEMPORARY LANGUAGE. DO NOT CODIFY. Legislative findings.

The General Assembly finds that:

(1) Approximately five thousand two hundred (5,200) children are in the foster care system in Arkansas;

(2) There is a shortage of foster homes in Arkansas, especially homes that can take multiple siblings;

(3) The shortage of foster homes creates the need to separate and place siblings in different homes;

(4) Children in foster care are at an increased risk of a variety of emotional, physical, behavioral, and academic problems;

(5) Many youths aging out of foster care end up homeless or incarcerated;

(6) Children in foster care are at a greater risk of not succeeding educationally as they enter foster care at various times during the school year and sometimes move frequently during their time in the foster



care system; and

(7) Children who enter the foster care system are placed at a disadvantage as they often change schools, which results in the hindrance of their ability to form peer networks and achieve educational success.

SECTION 2. TEMPORARY LANGUAGE. DO NOT CODIFY. Legislative intent.

Through the passage of this act, the General Assembly intends:

(1) To require preferential consideration to be given to an appropriate grandparent of a child if the biological parents of the child are unable to care for the child and there are no health or safety concerns regarding the placement of the child with the grandparent;

(2) For a grandparent to receive preferential consideration for adoption when the parental rights of the biological parents of the child are relinquished or terminated, regardless of the age of the grandparent;

(3) To reduce the stress experienced by a child who is placed in foster care;

(4) To provide continuity of care for a child who is placed in foster care; and

(5) To allow a family member of a child who is placed in foster care to raise the child.

SECTION 3. Arkansas Code § 9-27-355(b)(1), concerning preferential consideration that is given to a relative with regard to the placement of a juvenile, is amended to read as follows:

(b)(1) A relative, including a grandparent, of a juvenile placed in the custody of the Department of Human Services shall be given preferential consideration for placement in foster care or adoption over a person who is not a relative of the juvenile 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.

SECTION 4. Arkansas Code § 9-28-108(c)(1), concerning preferential consideration that is given to a relative with regard to the placement of a juvenile, is amended to read as follows:

(c)(1) A relative, including a grandparent, of a juvenile placed in the custody of the department shall be given preferential consideration for

placement in foster care or adoption over a person who is not a relative of the juvenile if:

(A) The relative meets all required child protection standards; and

(B) It is in the best interest of the juvenile to be placed with the relative.

SECTION 5. Arkansas Code § 9-28-402(16), concerning the definition of "provisional foster home" under the Child Welfare Agency Licensing Act, is amended to read as follows:

(16)(A) "Provisional foster home" means a foster home opened for no more than six (6) months by the Division of Children and Family Services of the Department of Human Services for a relative or fictive kin of a child in the custody of the Division of Children and Family Services of the Department of Human Services after it:

~~(A)(i)~~ Conducts a health and safety check, including a central registry check and a criminal background check or a check with local law enforcement, of the relative's home; and

~~(B)(ii)~~ Performs a visual inspection of the home of the relative to verify that the relative and the home will meet the standards for opening a regular foster home.

(B) "Provisional foster home" includes the home of a grandparent that qualifies under subdivision (16)(A) of this section;

/s/Rushing