

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: S3/7/17 S3/9/17
A Bill

SENATE BILL 15

By: Senator A. Clark
By: Representatives Gates, Hammer

For An Act To Be Entitled

AN ACT TO AMEND PROVISIONS CONCERNING JUVENILE COURTS
AND PROCEEDINGS; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND PROVISIONS CONCERNING JUVENILE
COURTS AND PROCEEDINGS.

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

SECTION 1. Arkansas Code § 9-27-325(1)(3), concerning hearings,
is amended to read as follows:

(3)(A) The court shall allow foster parents, preadoptive
parents, and relative caregivers an opportunity to be heard in any proceeding
held with respect to a child in their care.

(B) Foster parents, adoptive parents, and relative
caregivers shall not be made parties to the proceeding solely on the basis
that the persons are entitled to notice and the opportunity to be heard.

(C) ~~Foster parents, preadoptive parents, and relative
caregivers shall have the right to be heard in any proceeding~~ Foster parents,
adoptive parents, and relative caregivers shall not be made parties to the
proceeding when reunification remains the goal of the case.

SECTION 2. Arkansas Code § 9-27-327(a)(1)(B), concerning an
adjudication hearing, is amended to read as follows:

(B)(i) If the court finds that the juvenile is dependent-
neglected, the court shall ~~address~~ determine 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) A noncustodial parent in subdivision (a)(1)(B)(i) of this section is presumed to be a fit parent.

(iii)(a) If no prior court order has been entered into evidence concerning custody or visitation with the noncustodial parent of the juvenile subject to the dependency-neglect petition, the petitioner shall, and any party may, provide evidence to the court whether the noncustodial parent is unfit for purposes of custody or visitation.

(b) The petitioner shall provide evidence as to whether the noncustodial parent contributed to the dependency-neglect.

(iv)(a) The court may transfer temporary custody or permanent custody to the noncustodial parent after a review of evidence and a finding that it is in the best interest of the juvenile to transfer custody, or the court may order visitation with the noncustodial parent.

(b) An order of transfer of custody to the noncustodial parent does not relieve the Department of Human Services of the responsibility to provide services to the parent from whom custody was removed, unless the court enters an order to relieve the department of the responsibility.

~~(ii)(v)~~ (v) 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 3. Arkansas Code § 9-27-329(d), concerning disposition hearings, is amended to read as follows:

(d) In initially considering the disposition alternatives and at any subsequent hearing, the court shall give preference to the least restrictive disposition consistent with the best interests and welfare of the juvenile and the public.

SECTION 4. Arkansas Code § 9-27-337(e), concerning six-month reviews, is amended to read as follows:

(e)(1)~~(A)~~ In each case in which a juvenile has been placed in an out-

of-home placement, the court shall conduct a hearing to review the case sufficiently to determine the future status of the juvenile based upon the best interest of the juvenile.

~~(B)(i)(2)(A)~~ The court shall determine and ~~shall~~ include in its orders the following:

~~(a)(i)~~ Whether the case plan, services, and placement meet the special needs and best interest of the juvenile, with the juvenile's health, safety, and educational needs specifically addressed;

~~(b)(ii)~~ Whether the state has made reasonable efforts to provide family services;

(iii) Whether the parent or parents or person from whom custody was removed have demonstrated progress towards the goals of the case plan and whether completion of the goals has benefited the parent in remedying the issues that prevent the safe return of the juvenile;

~~(e)(iv)~~ Whether the case plan is moving ~~towards toward~~ an appropriate permanency plan ~~pursuant to~~ under § 9-27-338 for the juvenile; ~~and~~

~~(d)(v)~~ Whether the visitation plan is appropriate for the juvenile, the parent or parents, and any siblings, if separated; and

(vi)(a) Whether the juvenile should be returned to his or her parent or parents and whether or not the juvenile's health and safety can be protected by his or her parent or parents if returned home, either permanently or for a trial placement.

(b) At any time the court determines that the health and safety of the child can be adequately protected and it is in the best interest of the child, the court shall return the child to a parent or parents from whom custody was removed.

~~(ii)(a)(B)(i)~~ The court may order any studies, evaluations, or post-disposition reports, if needed.

~~(b)(ii)~~ All studies, evaluations, or post-disposition reports shall be provided in writing to all parties and counsel at least two (2) days ~~prior to~~ before the review hearing.

~~(e)(iii)~~ All parties shall be given a fair opportunity to controvert any part of a study, evaluation, or post-disposition report.

~~(C)~~(3)(A) In making its findings, the court shall consider the following:

(i) The extent of compliance with the case plan, including, ~~but not limited to,~~ without limitation a review of the department's care for the health, safety, and education of the juvenile while he or she has been in an out-of-home placement;

(ii) The extent of progress that has been made *toward alleviating or mitigating the causes of the out-of-home placement;*

(iii) *Whether the juvenile should be returned to his or her parent or parents and whether or not the juvenile's health and safety can be protected by his or her parent or parents if returned home; and*

(iv) *An appropriate permanency plan ~~pursuant to~~ under § 9-27-338 for the juvenile, including concurrent planning.*

(B) Incompletion of the case plan under subdivision (e)(3)(A)(i) of this section is an insufficient reason by itself to deny the juvenile's return to the family home.

~~(2)~~(f) Each six-month review hearing shall be completed, and ~~a~~ the written order under subsection (e) of this section shall be filed by the court or by a party or a party's attorney as designated by the court and distributed to the parties within thirty (30) days of the date of the hearing or ~~prior to~~ before the next hearing, whichever is sooner.

/s/A. Clark