

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

State of Arkansas
91st General Assembly
Regular Session, 2017

A Bill

SENATE BILL 17

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

For An Act To Be Entitled

AN ACT TO AMEND PROVISIONS IN THE CHILD MALTREATMENT ACT; TO AMEND PROVISIONS IN THE JUVENILE CODE; TO AMEND PROVISIONS CONCERNING THE PLACEMENT OF JUVENILES; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND PROVISIONS IN THE CHILD MALTREATMENT ACT; TO AMEND PROVISIONS IN THE JUVENILE CODE; AND TO AMEND PROVISIONS CONCERNING THE PLACEMENT OF JUVENILES.

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

SECTION 1. Arkansas Code § 9-27-313(c), concerning taking a juvenile into custody, is amended to read as follows:

(c) When a police officer, law enforcement, or designated employee of the Department of Human Services takes custody of a juvenile under § 12-18-1001, he or she shall:

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

(B) When the department is notified under subdivision (c)(1)(A) of this section, the assigned caseworker shall be informed by the person who initiated the investigation under § 12-18-602 of the reasons for removal of the juvenile from the home of the custodial parent, noncustodial



parent, guardian, or custodian.

~~(B)~~(C) The notification to the custodial parent, noncustodial parent, guardian, or custodian of the juvenile under subdivision (c)(1)(A) of this section 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 the custodial parent, noncustodial parent, guardian, or custodian of the juvenile can contact about the juvenile;

(iii) Of the rights of the juvenile and the rights of the custodial parent, noncustodial 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 2. Arkansas Code § 9-27-314(a)(3), concerning emergency orders, is amended to read as follows:

(3) In any case in which there is probable cause to believe that a juvenile is a dependent juvenile as defined in this subchapter, the court shall issue an ex parte order for emergency custody placing custody of the dependent juvenile with the department or an adult relative or fictive kin under § 9-27-355(b).

SECTION 3. Arkansas Code § 9-28-105 is amended to read as follows:

9-28-105. Preference to relative caregivers for a child in foster care.

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

(1) The ~~relative caregiver~~ adult relative or fictive kin meets all relevant child protection standards; and

(2) It is in the best interest of the child to be placed with the ~~relative caregiver~~ adult relative or fictive kin.

SECTION 4. Arkansas Code § 9-28-111(d), concerning case plans, is repealed.

~~(d) The case plan is subject to court review and approval.~~

SECTION 5. Arkansas Code § 12-18-1001(c), concerning protective custody generally, is amended to add additional subdivisions to read as follows:

(c)(1) If the department assesses the health and safety of a child and determines that there is an immediate danger to the health or physical well-being of the child in the care, custody, or control of the legal parent, guardian, or custodian, the department shall place the child into protective custody ~~and shall not direct or allow the legal parent, guardian, or custodian to place the child in the care, custody, or control of another person.~~

(2) The legal parent, guardian, or custodian of the child who is placed into protective custody under subdivision (c)(1) of this section may request that the child be placed in the temporary custody of an adult relative or fictive kin of the child under § 9-27-355(b), and the department shall comply with the request if:

(A) The adult relative or fictive kin meets all relevant child protection standards; and

(B) It is in the best interest of the child to be placed with the adult relative or fictive kin.

(3) If a child is placed into protective custody under subdivision (c)(1) of this section, the person who initiated the investigation under § 12-18-602 shall meet with the assigned caseworker within twenty-four (24) hours to discuss the reasons for the removal of the child from the home of the legal parent, guardian, or custodian.

SECTION 6. Arkansas Code § 12-18-1001(d), concerning protective custody generally, is amended to add an additional subdivision to read as follows:

(d)(1) If the department assesses the health and safety of a child and determines that the child cannot safely remain in the care, custody, or control of the legal parent, guardian, or custodian without the implementation of a protection plan, the department shall file a petition for

dependency-neglect.

(2) If the department determines under subdivision (d)(1) of this section that the implementation of a protection plan is necessary, the department is not required to seek court approval of the protection plan.

SECTION 7. Arkansas Code § 12-18-1008 is amended to read as follows:
12-18-1008. Removal from home – Procedure.

(a) If an investigation under this chapter determines that the child cannot safely remain at home, the Department of Human Services shall take steps to remove the child under custody as outlined in this chapter or pursuant to the Arkansas Juvenile Code of 1989, § 9-27-301 et seq.

(b) After the Department of Human Services has removed the child, the child shall be placed in a licensed or approved foster home, shelter, or facility, ~~or~~ an exempt child welfare agency as defined at § 9-28-402(12), or the home of an adult relative or fictive kin under § 9-28-105 or § 9-27-355(b).

(c)(1) ~~No one~~ An individual or entity, including the family of a child, the Department of Human Services, the Department of Arkansas State Police, or local law enforcement shall not allow a child to be placed in a nonapproved or nonlicensed foster home, shelter, or facility.

(2) Subdivision (c)(1) of this section does not prohibit the placement of a child in the home of an adult relative or fictive kin under § 9-28-105 or § 9-27-355(b).