

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

State of Arkansas
93rd General Assembly
Regular Session, 2021

As Engrossed: H3/31/21
A Bill

HOUSE BILL 1736

By: Representative Furman
By: Senator K. Hammer

For An Act To Be Entitled

AN ACT TO AMEND THE LAW CONCERNING THE RIGHT OF A
JUVENILE TO REMAIN IN FOSTER CARE AFTER REACHING THE
AGE OF MAJORITY; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND THE LAW CONCERNING THE RIGHT OF
A JUVENILE TO REMAIN IN FOSTER CARE AFTER
REACHING THE AGE OF MAJORITY.

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

SECTION 1. Arkansas Code § 9-27-306(a)(1)(B)(ii), concerning the jurisdiction of the court under the Arkansas Juvenile Code of 1989, is amended to read as follows:

(ii) A juvenile may contact his or her attorney ad litem to petition the court to return to the court's jurisdiction ~~to receive independent living or transitional services~~ if the juvenile:

(a) Was adjudicated dependent or dependent-neglected;

(b) Was in foster care at eighteen (18) years of age; and

(c) Left foster care but desires to submit to the jurisdiction of the court before reaching twenty-one (21) years of age to benefit from ~~independent living or transitional services~~ extended foster care; ~~or~~

~~(d) Left foster care and decides to submit to~~



~~the jurisdiction of the court and return to foster care to receive transitional services;~~

SECTION 2. Arkansas Code § 9-27-306(f), concerning the jurisdiction of the court under the Arkansas Juvenile Code of 1989, is amended to read as follows:

(f) If a juvenile over eighteen (18) years of age who is allowed to reenter extended foster care fails to be engaged in or have a viable plan to ~~participate in a course of instruction or treatment or is not working at least eighty (80) hours per month toward gaining self-sufficiency~~ meet the requirements in subdivision (a)(1)(B)(i)(a) of this section or have a viable plan to meet the requirements of subdivision (a)(1)(B)(i)(a) of this section for more than sixty (60) days, the department may file a motion to terminate the jurisdiction of the court and discharge the juvenile from foster care.

SECTION 3. Arkansas Code § 9-27-337(a), concerning required six-month reviews of dependency-neglect or families in need of services cases, is amended to add an additional subdivision to read as follows:

(3) A six-month review hearing shall not be required for a juvenile who:

(A) Is over eighteen (18) years of age; and

(B) Has elected to remain in extended foster care or to return to extended foster care under § 9-27-306(a)(1)(B)(ii).

SECTION 4. Arkansas Code § 9-27-363(b)(2), concerning foster youth transition under the Arkansas Juvenile Code of 1989, is amended to read as follows:

(2) The plan shall include without limitation written information and confirmation concerning:

(A) The juvenile's right to stay in foster care after reaching eighteen (18) years of age for education, treatment, or work and specific programs and services, including without limitation the John H. Chafee Foster Care Program for Successful Transition to Adulthood ~~and other transitional services; and~~

(B) The juvenile's right to remain in extended foster care after reaching eighteen (18) years of age if the juvenile:

(i) Is completing secondary education or a program leading to an equivalent credential;

(ii) Is enrolled in an institution that provides post-secondary or vocational education;

(iii) Is participating in a program or activity designed to promote or remove barriers to employment;

(iv) Is employed for at least eighty (80) hours per month;

(v) Has a viable plan to meet the requirements of subdivisions (b)(2)(B)(i)-(iv) of this section; or

(vi) Is incapable of doing one (1) or more of the activities listed in subdivisions (b)(2)(B)(i)-(v) of this section due to a medical condition, which incapability is supported by regularly updated information in the case plan of the juvenile; and

(C) The juvenile's case, including his or her biological family, foster care placement history, tribal information, if applicable, and the whereabouts of siblings, if any, unless a court determines that release of information pertaining to a sibling would jeopardize the safety or welfare of the sibling.

SECTION 5. Arkansas Code § 9-28-114(a)(3), concerning foster youth transition, is amended to add additional subdivisions to read as follows:

(F) Offer an extended foster care program that provides:

(i) Case management services and supports; and

(ii) Financial assistance with room and board costs

for a juvenile who:

(a) Was adjudicated dependent or dependent-neglected;

(b) Was in foster care at eighteen (18) years of age but is not yet twenty-one (21) years of age or such other age as may be required under federal law;

(c) Wishes to participate in extended foster care to benefit from the program; and

d) Either:

(1) Is completing secondary education or a program leading to an equivalent credential;

(2) Is enrolled in an institution that provides post-secondary or vocational education;

(3) Is participating in a program or activity designed to promote or remove barriers to employment;

(4) Is employed for at least eighty (80) hours per month;

(5) Has a viable plan to meet the requirements of subdivisions (a)(3)(F)(ii)(d)(1)-(4) of this section; or

(6) Incapable of doing any of the activities listed in subdivisions (a)(3)(F)(ii)(d)(1)-(5) of this section due to a medical condition, which incapability is supported by regularly updated information in the case plan of the juvenile;

(G)(i) Allow a juvenile described in subdivisions (a)(3)(F)(ii)(a)-(d) of this section who left foster care to reenter the extended foster care program if the juvenile submits a request in writing or in person to the department for his or her return to foster care.

(ii) The department may discharge a juvenile from extended foster care program if the juvenile:

(a) Is over eighteen (18) years of age;

(b) Reenters extended foster care after having his or her request to reenter foster care approved; and

(c) Fails to engage in or have a viable plan to meet the requirements listed in subdivision (a)(3)(F)(ii)(d) of this section or have a viable plan to meet the requirements listed in subdivision (a)(3)(F)(ii)(d) of this section for more than sixty (60) days; and

(H) Recognize that participation in extended foster care does not impede or otherwise alter any right afforded to the youth by virtue of his or her age of majority including without limitation the right to consent to medical treatment or enter into contracts.

SECTION 6. Arkansas Code § 9-28-114(b)(2)(A), concerning foster youth transition, is amended to read as follows:

(A) The juvenile's right to stay in extended foster care after reaching eighteen (18) years of age ~~for education, treatment, or work and specific~~ in order to participate in specific transitional programs and services, including without limitation the John H. Chafee Foster Care Program

for Successful Transition to Adulthood ~~and other transitional services~~; and

/s/Furman