

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

State of Arkansas
94th General Assembly
Regular Session, 2023

As Engrossed: H2/9/23 H2/16/23
A Bill

HOUSE BILL 1153

By: Representative Vaught
By: Senator K. Hammer

For An Act To Be Entitled

AN ACT TO INCREASE YOUTH VOICE REGARDING FOSTER CARE PLACEMENTS AND FAMILY TIME; TO ALLOW A JUVENILE'S PREFERENCES CONCERNING FOSTER CARE PLACEMENTS AND FAMILY TIME TO BE CONSIDERED REGARDLESS OF THE JUVENILE'S CHRONOLOGICAL AGE IF THE JUVENILE IS OF A SUFFICIENT AGE AND CAPACITY TO REASON; TO AMEND THE LAW CONCERNING THE ROLE OF THE ATTORNEY AD LITEM IN A PROCEEDING ARISING UNDER THE ARKANSAS JUVENILE CODE OF 1989; TO ESTABLISH SAMANTHA'S LAW; AND FOR OTHER PURPOSES.

Subtitle

TO INCREASE YOUTH VOICE AND ALLOW A JUVENILE'S PREFERENCES CONCERNING FOSTER CARE PLACEMENTS AND FAMILY TIME TO BE CONSIDERED REGARDLESS OF AGE IF HE OR SHE IS OF SUFFICIENT AGE AND CAPACITY TO REASON; AND TO ESTABLISH SAMANTHA'S LAW.

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

SECTION 1. DO NOT CODIFY. Title.

This act shall be known and may be cited as "Samantha's Law".

SECTION 2. Arkansas Code § 9-27-325(o)(2)(D), concerning supervised or unsupervised visitation that the court may order in a dependency-neglect



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hearing, is amended to read as follows:

(o)(2)(D) The court may consider the preferences of the juvenile if the juvenile is of a sufficient age and capacity to reason, regardless of the juvenile's chronological age.

(E)(i) If the court orders supervised ~~visitation~~ family time, the parent from whom custody of the juvenile has been removed shall receive a minimum of four (4) hours of supervised ~~visitation~~ family time per week.

(ii) The court may order less than four (4) hours of supervised ~~visitation~~ family time if the court determines that the supervised ~~visitation~~ family time:

(a) Is not in the best interest of the juvenile; or

(b) Will impose an extreme hardship on one (1) of the parties.

SECTION 3. Arkansas Code § 9-27-355(b), concerning actions taken by the Department of Human Services and the juvenile division of a circuit court when the department takes custody of a juvenile, is amended to add an additional subdivision to read as follows:

(5) In an action under this subsection concerning placement of a juvenile, the circuit court may consider the preferences of the juvenile if the juvenile is of a sufficient age and capacity to reason, regardless of the juvenile's chronological age.

SECTION 4. Arkansas Code § 9-28-108(e), concerning who is considered the legal custodian of a juvenile when a juvenile is released from the custody of the Department of Human Services, is amended to read as follows:

(e) In an action under this subsection concerning placement of a juvenile, the circuit court may consider the preferences of the juvenile if the juvenile is of a sufficient age and capacity to reason, regardless of the juvenile's chronological age.

(f) When a juvenile leaves the custody of the department and the court grants custody to the parent or another person, the department shall not be the legal custodian of the juvenile, even if the juvenile division of circuit court retains jurisdiction.

/s/Vaught