

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

State of Arkansas
94th General Assembly
Regular Session, 2023

A Bill

HOUSE BILL 1639

By: Representative McCollum
By: Senator C. Penzo

For An Act To Be Entitled

AN ACT TO CREATE THE BEST INTEREST ARKANSAS CHILDREN ACT OF 2023; TO AMEND THE LAW CONCERNING THE BEST INTEREST STANDARD IN DEPENDENCY-NEGLECT CASES; AND FOR OTHER PURPOSES.

Subtitle

TO CREATE THE BEST INTEREST ARKANSAS CHILDREN ACT OF 2023; AND TO AMEND THE LAW CONCERNING THE BEST INTEREST STANDARD IN DEPENDENCY-NEGLECT CASES.

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 the "Best Interest Arkansas Children Act of 2023".

SECTION 2. DO NOT CODIFY. Legislative findings and intent.

(a) The General Assembly finds that:

(1) The State of Arkansas has an interest in:

(A) Preserving family integrity;

(B) Protecting children;

(C) Ensuring timely permanency decisions are made in foster care cases; and

(D) Guiding children to become self-sufficient adults;

(2) Establishing specific guiding principles for the best



interest of a child through statute can help the State of Arkansas achieve its goals for Arkansas children and families; and

(3) The State of Arkansas has an obligation to ensure the best interest of a child is clearly defined and adhered to.

(b) Therefore, the General Assembly declares that the State of Arkansas, in passing this act, intends to statutorily define guiding principles for the best interest of a child.

SECTION 3. Arkansas Code § 9-28-104, concerning the best interest standard applicable in a juvenile court proceeding, is amended to add additional subsections to read as follows:

(c) When determining the best interest of a child, the department and the juvenile court having proper jurisdiction over a child in a dependency-neglect case shall give precedence to the importance of:

(1) Family integrity and the general preference for avoiding the removal of the child from his or her home;

(2) The health, safety, and protection of the child;

(3) Timely permanency decisions;

(4) The availability of a relative caregiver; and

(5) The goal of the child to become a self-sufficient adult.

(d) The department may promulgate rules to implement subsection (c) of this section.