

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 1716

By: Representative Womack

By: Senator Crowell

For An Act To Be Entitled

AN ACT TO AMEND THE LAW CONCERNING THE GOAL OF A CASE IN A DEPENDENCY-NEGLECT ACTION WHEN THE JUVENILE OR THE MOTHER TESTED POSITIVE FOR AN ILLEGAL SUBSTANCE AT THE TIME OF THE JUVENILE'S BIRTH; TO REQUIRE THE DEPARTMENT OF HUMAN SERVICES TO DOCUMENT IN THE CASE PLAN A COMPELLING REASON WHY ALTERNATIVE GOALS TO REUNIFICATION ARE NOT IN THE JUVENILE'S BEST INTEREST IN A DEPENDENCY-NEGLECT ACTION WHEN THE JUVENILE WAS REMOVED FROM THE PARENT'S CUSTODY DUE TO NEGLECT BECAUSE OF THE JUVENILE OR THE MOTHER TESTING POSITIVE FOR AN ILLEGAL SUBSTANCE AT THE TIME OF THE JUVENILE'S BIRTH; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND THE LAW CONCERNING THE GOAL OF A CASE IN A DEPENDENCY-NEGLECT ACTION WHEN THE JUVENILE OR THE MOTHER TESTED POSITIVE FOR AN ILLEGAL SUBSTANCE AT THE TIME OF THE JUVENILE'S BIRTH.

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

SECTION 1. Arkansas Code § 9-28-111(c), concerning the description of the permanency goal that is included in a case plan in a dependency-neglect case, is amended to read as follows:

(c) When a juvenile is receiving services in an out-of-home placement,



the case plan must include the requirements in subsections (a) and (b) of this section and:

(1)(A) A description of the permanency goal.

(B) If adoption is not the goal at the permanency planning and fifteenth-month hearing, the department shall document in the case plan a compelling reason why filing a petition to terminate parental rights is not in the best interest of the juvenile.

(C)(i) If the department recommends reunification as the goal at the disposition hearing in a case in which a child was removed from the custody of the parent due to neglect because the child was born with an illegal substance present in the child's bodily fluids or bodily substances as a result of the pregnant mother's knowingly using an illegal substance before the birth of the child, or because at the time of the birth of the child, the mother tested positive for the presence of an illegal substance in her bodily fluids or bodily substances as a result of the pregnant mother's knowingly using an illegal substance before the birth of the child, the department shall document in the case plan a compelling reason why the following goals are not in the best interest of the juvenile:

(a) Placement of custody of the juvenile with the noncustodial parent;

(b) Guardianship or adoption with a fit and willing relative or fictive kin; or

(c) Adoption with the department's filing of a petition for termination of parental rights.

(ii) For the purpose of subdivision (c)(1)(C)(i) of this section, "illegal substance" means a drug that is prohibited to be used or possessed without a prescription under the Arkansas Criminal Code, § 5-1-101 et seq.;