

1 State of Arkansas
2 93rd General Assembly
3 Regular Session, 2021
4

As Engrossed: H3/31/21

A Bill

HOUSE BILL 1736

5 By: Representative Furman
6 By: Senator K. Hammer
7

For An Act To Be Entitled

9 AN ACT TO AMEND THE LAW CONCERNING THE RIGHT OF A
10 JUVENILE TO REMAIN IN FOSTER CARE AFTER REACHING THE
11 AGE OF MAJORITY; AND FOR OTHER PURPOSES.
12
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Subtitle

15 TO AMEND THE LAW CONCERNING THE RIGHT OF
16 A JUVENILE TO REMAIN IN FOSTER CARE AFTER
17 REACHING THE AGE OF MAJORITY.
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
21

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

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

28 (a) Was adjudicated dependent or dependent-
29 neglected;

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

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

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



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

3
4 SECTION 2. Arkansas Code § 9-27-306(f), concerning the jurisdiction of
5 the court under the Arkansas Juvenile Code of 1989, is amended to read as
6 follows:

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

15
16 SECTION 3. Arkansas Code § 9-27-337(a), concerning required six-month
17 reviews of dependency-neglect or families in need of services cases, is
18 amended to add an additional subdivision to read as follows:

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

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

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

24
25 SECTION 4. Arkansas Code § 9-27-363(b)(2), concerning foster youth
26 transition under the Arkansas Juvenile Code of 1989, is amended to read as
27 follows:

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

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

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

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

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

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

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

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

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

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

20
 21 SECTION 5. Arkansas Code § 9-28-114(a)(3), concerning foster youth
 22 transition, is amended to add additional subdivisions to read as follows:

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

24 (i) Case management services and supports; and

25 (ii) Financial assistance with room and board costs

26 for a juvenile who:

27 (a) Was adjudicated dependent or dependent-
 28 neglected;

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

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

34 d) Either:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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3 /s/Furman

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6 **APPROVED: 4/20/21**

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