

1 State of Arkansas As Engrossed: S3/11/19 H3/27/19

2 92nd General Assembly

A Bill

3 Regular Session, 2019

SENATE BILL 84

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5 By: Senator A. Clark

6 By: Representative Capp

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For An Act To Be Entitled

9 AN ACT TO AMEND THE LAW REGARDING PERMANENCY GOALS
10 THAT ARE AUTHORIZED BY THE COURT AT A PERMANENCY
11 PLANNING HEARING; AND FOR OTHER PURPOSES.

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Subtitle

15 TO AMEND THE LAW REGARDING PERMANENCY
16 GOALS THAT ARE AUTHORIZED BY THE COURT AT
17 A PERMANENCY PLANNING HEARING.

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

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22 SECTION 1. Arkansas Code § 9-27-338(c)(3)(A), concerning a court's
23 authorization of a plan to place custody of a juvenile with a parent,
24 guardian, or custodian, is amended to read as follows:

25 (A)(i)~~(a)~~ The parent, guardian, or custodian is complying
26 with the established case plan and orders of the court, making significant
27 and measurable progress toward achieving the goals established in the case
28 plan and diligently working toward reunification or placement in the home of
29 the parent, guardian, or custodian.

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31 ~~(b)(ii) The court shall consider all relevant~~
32 ~~factors that may include without limitation whether the parent, guardian, or~~
33 ~~custodian maintained consistent contact with the department, participated in~~
34 ~~the case plan, followed the orders of the court, and visited the juvenile for~~
35 ~~a substantial period of time before the permanency planning hearing~~

36 Regardless of when the effort was made, the court shall consider all evidence
of an effort made by the parent, guardian, or custodian to remedy the



1 conditions that led to the removal of the juvenile from the custody of the
 2 parent, guardian, or custodian and give the evidence the appropriate weight
 3 and consideration in relation to the safety, health, and well-being of the
 4 juvenile.

5 ~~(e)(iii) A parent's, guardian's, or~~
 6 ~~custodian's resumption of contact or overtures toward participating in the~~
 7 ~~case plan or following the orders of the court in the time period immediately~~
 8 ~~preceding the permanency planning hearing are insufficient grounds for~~
 9 ~~authorizing a plan for the juvenile to return to or to be placed in the home~~
 10 ~~as the permanency plan.~~

11 ~~(d)~~ The burden is on the parent, guardian, or
 12 custodian to demonstrate genuine, sustainable investment in completing the
 13 requirements of the case plan and following the orders of the court in order
 14 to authorize a plan to return or be placed in the home as the permanency
 15 goal;

16
 17 SECTION 2. Arkansas Code § 9-27-338(c)(4)-(6), concerning the court's
 18 authorization of a permanency goal plan for adoption or to obtain a guardian
 19 or permanent custodian, are amended to read as follows:

20 (4) Authorizing a plan to obtain a guardianship or adoption with
 21 a fit and willing relative;

22 ~~(4)(5)~~ Authorizing a plan for adoption with the department's
 23 filing a petition for termination of parental rights unless:

24 (A) The juvenile is being cared for by a relative and the
 25 court finds that:

26 (i) Either:

27 (a) The relative has made a long-term
 28 commitment to the child and the relative is willing to pursue guardianship or
 29 permanent custody; or

30 (b) The juvenile is being cared for by his or
 31 her minor parent who is in foster care; and

32 (ii) Termination of parental rights is not in the
 33 best interest of the juvenile;

34 (B) The department has documented in the case plan a
 35 compelling reason why filing ~~such~~ a petition for termination of parental
 36 rights is not in the best interest of the juvenile and the court approves the

1 compelling reason as documented in the case plan; or

2 (C)(i) The department has not provided to the family of
3 *the juvenile, consistent with the time period in the case plan, such the*
4 *services as the department deemed necessary for the safe return of the*
5 *juvenile to the juvenile's home if reunification services were required to be*
6 *made to the family.*

7 (ii) If the department has failed to provide
8 services as outlined in the case plan, the court shall schedule another
9 *permanency planning hearing for no later than six (6) months;*

10 ~~(5)~~(6) *Authorizing a plan to obtain a guardian for the juvenile;*
11 ~~(6)~~(7) *Authorizing a plan to obtain a permanent custodian,*
12 *including permanent custody with a fit and willing relative; or*

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15 /s/A. Clark
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18 **APPROVED: 4/15/19**
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