Stricken language would be deleted from and underlined language would be added to present law. Act 1024 of the Regular Session

1 2	State of Arkansas As Engrossed: $S3/16/15$ $S3/18/15$ 90th General Assembly As Engrossed:
3	Regular Session, 2015 SENATE BILL 987
4	221,712,2122,70
5	By: Senator J. Woods
6	By: Representative Vaught
7	
8	For An Act To Be Entitled
9	AN ACT TO IDENTIFY WHO MAY TAKE A JUVENILE INTO
10	CUSTODY; TO REQUIRE NOTICE TO AN ATTORNEY AD LITEM
11	WHEN A JUVENILE IS TAKEN INTO CUSTODY; TO MAKE
12	TECHNICAL CORRECTIONS; AND FOR OTHER PURPOSES.
13	
14	
15	Subtitle
16	TO IDENTIFY WHO MAY TAKE A JUVENILE INTO
17	CUSTODY; TO REQUIRE NOTICE TO AN ATTORNEY
18	AD LITEM WHEN A JUVENILE IS TAKEN INTO
19	CUSTODY.
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21	
22	BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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24	SECTION 1. Arkansas Code § 9-27-313(a)(1)(C), concerning when a
25	juvenile may be taken into police custody, is amended to read as follows:
26	(C) By a law enforcement officer or by a duly authorized
27	representative of the Department of Human Services if there are clear,
28	reasonable grounds to conclude that the juvenile is in immediate danger and
29	that removal is necessary to prevent serious harm from his or her
30	surroundings or from illness or injury and if parents, guardians, or others
31	with authority to act are unavailable or have not taken action necessary to
32	protect the juvenile from the danger and there is not time to petition for
33	and to obtain an order of the court before taking the juvenile into custody.
34	By a designated person under § 12-18-1001 et seq.
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36	SECTION 2. Arkansas Code § 9-27-313(c), concerning when a juvenile may

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     be taken into police custody, is amended to read as follows:
 2
           (c) When a police officer, law enforcement officer, or a
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     representative designated employee of the department Department of Human
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     Services, or other authorized person takes custody of a juvenile alleged to
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     be dependent neglected or under the Child Maltreatment Act, § 12-18-101 1 et
 6
     seq., § 12-18-1001 he or she shall:
 7
                 (1)(A) Notify the department and make every effort possible to
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     notify the custodial parent, guardian, or custodian of the juvenile's
9
     location.
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                       (B) The notification to the parents custodial parent, non-
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     custodial parent, guardian, or custodian of the juvenile shall be in writing
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     and shall include a notice:
13
                             (i)
                                  That the juvenile has been taken into foster
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     care;
15
                                   Of the name, location, and phone number of the
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     person at the department whom they the custodial parent, non-custodial
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     parent, guardian, or custodian of the juvenile can contact about the
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     juvenile;
19
                             (iii) Of the juvenile's and parents' rights rights
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     of the juvenile and the rights of the custodial parent, non-custodial parent,
     guardian, or custodian of the juvenile to receive a copy of any petition
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22
     filed under this subchapter;
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                             (iv) Of the location and telephone number of the
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     court; and
25
                             (v) Of the procedure for obtaining a hearing; or
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                 (2) Return the juvenile to his or her home.
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           SECTION 3. Arkansas Code § 9-27-314(c), concerning notice of an
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     emergency order of custody of a juvenile, is amended to read as follows:
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           (c)(l) Immediate notice of the emergency order shall be given by the
     petitioner or by the court to the parents, guardians, or custodian and the
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32
     <del>juvenile.</del> the:
33
                       (A) Custodial parent, non-custodial parent, guardian, or
34
     custodian of the juvenile; and
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                       (B) Attorney ad litem who represents the juvenile
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     respondent.
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1	(2) All defendants shall be served with the emergency order
2	according to Rules 4 or 5 of the Arkansas Rules of Civil Procedure or as
3	otherwise provided by the court.
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5	SECTION 4. Arkansas Code \S 9-27-327(a)(1), concerning adjudication
6	hearings under the Arkansas Juvenile Code, is amended to add additional
7	subdivisions to read as follows:
8	(a)(1) $\underline{(A)}$ An adjudication hearing shall be held to determine whether
9	the allegations in a petition are substantiated by the proof.
10	(B)(i) If the court finds that the juvenile is dependent-
11	neglected, the court shall address whether a noncustodial parent contributed
12	to the dependency-neglect and whether the noncustodial parent is a fit parent
13	for purposes of custody or visitation.
14	(ii) If the court determines that the child cannot
15	safely be placed in the custody of the noncustodial parent, the court shall
16	make specific findings of fact regarding the safety factors that need to be
17	corrected by the noncustodial parent before placement or visitation with the
18	juvenile.
19	
20	SECTION 5. Arkansas Code $\S 9-27-341(b)(3)(B)(i)$, concerning the
21	permanent termination of parental rights, is amended to read as follows:
22	(i)(a) That a juvenile has been adjudicated by the
23	court to be dependent-neglected and has continued to be out of the custody of
24	the parent for twelve (12) months and, despite a meaningful effort by the
25	department to rehabilitate the parent and correct the conditions that caused
26	removal, those conditions have not been remedied by the parent.
27	(b) That a juvenile has been adjudicated by
28	the court to be dependent-neglected and has continued out of the home of the
29	noncustodial parent for twelve (12) months and, despite a meaningful effort
30	by the department to rehabilitate the parent and correct the conditions that
31	prevented the child from safely being placed in the parent's home, the
32	conditions have not been remedied by the parent.
33	(b)(c) It is not necessary that the twelve-
34	month period referenced in subdivision $(b)(3)(B)(i)(a)$ of this section
35	immediately precede the filing of the petition for termination of parental
36	rights or that it be for twelve (12) consecutive months:

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2	SECTION 6. Arkansas Code § $9-27-341(b)(3)(B)(ix)(a)(3)(B)$, concerning
3	the definition of "aggravated circumstances" regarding the termination of
4	parental rights, is amended to read as follows:
5	(B) "Aggravated circumstances"
6	means:
7	(i) A juvenile has been
8	abandoned, chronically abused, subjected to extreme or repeated cruelty,
9	sexually abused, or a determination has been or is made by a judge that there
10	is little likelihood that services to the family will result in successful
11	reunification; or
12	(ii) A juvenile has been
13	removed from the custody of the parent or guardian and placed in foster care
14	or in the custody of another person three (3) or more times in the last
15	fifteen (15) months; <u>or</u>
16	(iii) A child or a sibling
17	has been neglected or abused to the extent that the abuse or neglect could
18	endanger the life of the child;
19	
20	SECTION 7. Arkansas Code \S 9-27-365(c)(2)(A), concerning grounds for a
21	no reunification hearing, is amended to read as follows:
22	(A) A circuit court has determined that the parent,
23	guardian, custodian, or non-custodial parent has subjected the child to
24	aggravated circumstances that include:
25	(i) A child being abandoned;
26	(ii) A child being chronically abused;
27	(iii) A child being sexually exploited;
28	(iii)(iv) A child being subjected to extreme or
29	repeated cruelty or sexual abuse;
30	$\frac{(iv)(v)}{(v)}$ A determination by a circuit judge that
31	there is little likelihood that services to the family will result in
32	successful reunification; or
33	$\frac{(v)}{(vi)}$ A child has been removed from the custody of
34	the parent or guardian and placed in foster care or the custody of another
35	person three (3) or more times in the past fifteen (15) months; or
36	(vii) A child or a sibling being neglected or

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abused such that the abuse or neglect could endanger the life of the child;
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 2
     or
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                                        /s/J. Woods
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                                   APPROVED: 04/02/2015
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