

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

1 State of Arkansas
2 91st General Assembly
3 Regular Session, 2017
4

As Engrossed: H3/2/17 H3/9/17

A Bill

HOUSE BILL 1654

5 By: Representative Rushing
6 By: Senator Irvin
7

For An Act To Be Entitled

9 AN ACT CONCERNING THE RIGHTS OF GRANDPARENTS INVOLVED
10 WITH FOSTER CARE AND ADOPTION CASES; AND FOR OTHER
11 PURPOSES.
12
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Subtitle

15 CONCERNING THE RIGHTS OF GRANDPARENTS
16 INVOLVED WITH FOSTER CARE AND ADOPTION
17 CASES.
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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22 *SECTION 1. TEMPORARY LANGUAGE. DO NOT CODIFY. Legislative findings.*

23 *The General Assembly finds that:*

24 *(1) Approximately five thousand two hundred (5,200) children are*
25 *in the foster care system in Arkansas;*

26 *(2) There is a shortage of foster homes in Arkansas, especially*
27 *homes that can take multiple siblings;*

28 *(3) The shortage of foster homes creates the need to separate*
29 *and place siblings in different homes;*

30 *(4) Children in foster care are at an increased risk of a*
31 *variety of emotional, physical, behavioral, and academic problems;*

32 *(5) Many youths aging out of foster care end up homeless or*
33 *incarcerated;*

34 *(6) Children in foster care are at a greater risk of not*
35 *succeeding educationally as they enter foster care at various times during*
36 *the school year and sometimes move frequently during their time in the foster*



1 care system; and

2 (7) Children who enter the foster care system are placed at a
3 disadvantage as they often change schools, which results in the hindrance of
4 their ability to form peer networks and achieve educational success.

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6 SECTION 2. TEMPORARY LANGUAGE. DO NOT CODIFY. Legislative intent.

7 Through the passage of this act, the General Assembly intends:

8 (1) To require preferential consideration to be given to an
9 appropriate grandparent of a child if the biological parents of the child are
10 unable to care for the child and there are no health or safety concerns
11 regarding the placement of the child with the grandparent;

12 (2) For a grandparent to receive preferential consideration for
13 adoption when the parental rights of the biological parents of the child are
14 relinquished or terminated, regardless of the age of the grandparent;

15 (3) To reduce the stress experienced by a child who is placed in
16 foster care;

17 (4) To provide continuity of care for a child who is placed in
18 foster care; and

19 (5) To allow a family member of a child who is placed in foster
20 care to raise the child.

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22 SECTION 3. Arkansas Code § 9-27-355(b)(1), concerning preferential
23 consideration that is given to a relative with regard to the placement of a
24 juvenile, is amended to read as follows:

25 (b)(1) A relative, including a grandparent, of a juvenile placed in
26 the custody of the Department of Human Services shall be given preferential
27 consideration for placement in foster care or adoption over a person who is
28 not a relative of the juvenile if the relative caregiver meets all relevant
29 child protection standards and it is in the best interest of the juvenile to
30 be placed with the relative caregiver.

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32 SECTION 4. Arkansas Code § 9-28-108(c)(1), concerning preferential
33 consideration that is given to a relative with regard to the placement of a
34 juvenile, is amended to read as follows:

35 (c)(1) A relative, including a grandparent, of a juvenile placed in
36 the custody of the department shall be given preferential consideration for

1 placement in foster care or adoption over a person who is not a relative of
2 the juvenile if:

3 (A) The relative meets all required child protection
4 standards; and

5 (B) It is in the best interest of the juvenile to be
6 placed with the relative.

7
8 SECTION 5. Arkansas Code § 9-28-402(16), concerning the definition of
9 "provisional foster home" under the Child Welfare Agency Licensing Act, is
10 amended to read as follows:

11 (16)(A) "Provisional foster home" means a foster home opened for
12 no more than six (6) months by the Division of Children and Family Services
13 of the Department of Human Services for a relative or fictive kin of a child
14 in the custody of the Division of Children and Family Services of the
15 Department of Human Services after it:

16 ~~(A)(i)~~ Conducts a health and safety check, including
17 a central registry check and a criminal background check or a check with
18 local law enforcement, of the relative's home; and

19 ~~(B)(ii)~~ Performs a visual inspection of the home of
20 the relative to verify that the relative and the home will meet the standards
21 for opening a regular foster home.

22 (B) "Provisional foster home" includes the home of a
23 grandparent that qualifies under subdivision (16)(A) of this section;

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25 /s/Rushing
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