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2 95th General Assembly
3 Regular Session, 2025
4

As Engrossed: S3/12/25

A Bill

SENATE BILL 326

5 By: Senator A. Clark
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For An Act To Be Entitled

9 AN ACT TO AMEND THE ARKANSAS JUVENILE CODE OF 1989;
10 TO AMEND THE CHILD MALTREATMENT ACT; TO MODIFY
11 GUIDELINES FOR A JUDGMENT MADE IN THE BEST INTEREST
12 OF A CHILD; TO AMEND PROCEDURES AROUND REPORTING IN
13 CHILD MALTREATMENT, DEPENDENCY-NEGLECT, AND FAMILY-
14 IN-NEED-OF-SERVICES MATTERS; TO AMEND PROCEDURES
15 REGARDING SCREENINGS FOR CHILD MALTREATMENT; AND FOR
16 OTHER PURPOSES.

Subtitle

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19 TO AMEND THE ARKANSAS JUVENILE CODE OF
20 1989 AND THE CHILD MALTREATMENT ACT; TO
21 MODIFY GUIDELINES FOR A JUDGMENT MADE IN
22 THE BEST INTEREST OF A CHILD; AND TO
23 AMEND PROCEDURES AROUND REPORTING CHILD
24 MALTREATMENT.
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27 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
28

29 SECTION 1. Arkansas Code § 9-27-102 is amended to read as follows:
30 9-27-102. Best interest of child.

31 (a)(1) The General Assembly recognizes; ~~that~~

32 (A) The importance of family and child protection;

33 (B) That children are defenseless; ~~and that~~

34 (C) That there is no greater moral obligation upon the
35 General Assembly than to provide for the protection of our children; ~~and that~~

36 (D) That our child welfare system needs to be strengthened



1 by establishing a clear policy of the state that the best interests of the
 2 children must be paramount and shall have precedence at every stage of
 3 juvenile court proceedings;

4 (E) That when a child can safely remain with his or her
 5 family, that child should remain with his or her family;

6 (F) If a child is removed from his or her family for a
 7 single act, government intervention should be temporary; and

8 (G) A child should return to his or her family when it is
 9 safe for the child to do so.

10 (2) The best interest of the child shall: be

11 (A) Be the standard for juvenile court determinations as
 12 to whether a child should be: reunited

13 (i) Reunited with his or her family; or removed

14 (ii) Removed from or remain in a home wherein the
 15 child has been abused or neglected; and

16 (B) Include consideration of the following without
 17 limitation:

18 (i) Family integrity;

19 (ii) The health and safety of the child;

20 (iii) Timely permanency decisions; and

21 (iv) Ensuring that the child will become a self-
 22 sufficient adult.

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 24 SECTION 2. Arkansas Code § 9-27-303(37), concerning the definition of
 25 "neglect" under the Arkansas Juvenile Code of 1989, is amended to read as
 26 follows:

27 (37)(A) "Neglect" means ~~those~~ a pattern of acts or omissions of
 28 a parent, guardian, custodian, foster parent, or any person who is entrusted
 29 with the juvenile's care by a parent, custodian, guardian, or foster parent,
 30 including, ~~but not limited to,~~ without limitation an agent or employee of a
 31 public or private residential home, childcare facility, public or private
 32 school, or any person legally responsible under state law for the juvenile's
 33 welfare, that constitute:

34 (i) Failure or refusal to prevent the abuse of the
 35 juvenile when the person knows or has reasonable cause to know the juvenile
 36 is or has been abused;

1 (ii) Failure or refusal to provide the necessary
2 food, clothing, shelter, or medical treatment necessary for the juvenile's
3 well-being, except when the failure or refusal is caused primarily by the
4 financial inability of the person legally responsible and no services for
5 relief have been offered;

6 (iii) Failure to take reasonable action to protect
7 the juvenile from abandonment, abuse, sexual abuse, sexual exploitation, or
8 neglect when the existence of this condition was known or should have been
9 known, and, if for abuse or neglect, the failure to take reasonable action to
10 protect the juvenile causes the juvenile serious bodily injury;

11 (iv) Failure or irremediable inability to provide for
12 the essential and necessary physical, or mental, ~~or emotional~~ needs of the
13 juvenile, including failure to provide a shelter that does not pose a risk to
14 the health or safety of the juvenile;

15 (v) Failure to provide for the juvenile's care and
16 maintenance, ~~proper or necessary support~~, or medical, or surgical, ~~or other~~
17 ~~necessary~~ care;

18 (vi) Failure, although able, to assume responsibility
19 for the care and custody of the juvenile or to participate in a plan to
20 assume the responsibility;

21 (vii) Failure to appropriately supervise the juvenile
22 that results in the juvenile's being left alone:

23 (a) At an inappropriate age, creating a
24 dangerous situation; or

25 (b) In inappropriate circumstances, creating a
26 dangerous situation;

27 (viii) Failure to appropriately supervise the
28 juvenile that results in the juvenile being placed in inappropriate
29 circumstances, creating a dangerous situation; or

30 (ix)(a) Failure to ensure a child between six
31 (6) years of age and seventeen (17) years of age is enrolled in school or is
32 being legally ~~home-schooled~~ homeschooled; or

33 (b) As a result of an act or omission by the
34 parent, custodian, foster parent, or guardian of a child, the child is
35 habitually and without justification absent from school.

36 (B)(i) "Neglect" shall also include acts or omissions of a

1 parent, guardian, custodian, foster parent, or any person who is entrusted
 2 with the juvenile's care by a parent, custodian, guardian, or foster parent,
 3 including without limitation an agent or employee of a public or private
 4 residential home, childcare facility, public or private school, or any person
 5 legally responsible under state law for the juvenile's welfare, that causes:

6 (a) ~~Causing a~~ A child to be born with an
 7 illegal substance present in the child's bodily fluids or bodily substances
 8 as a result of the pregnant mother's knowingly using an illegal substance
 9 before the birth of the child; or

10 (b) At the time of the birth of a child, the
 11 presence of an illegal substance in the mother's bodily fluids or bodily
 12 substances as a result of the pregnant mother's knowingly using an illegal
 13 substance before the birth of the child.

14 (ii) For the purposes of this subdivision (37)(B),
 15 "illegal substance" means a drug that is prohibited to be used or possessed
 16 without a prescription under the Arkansas Criminal Code, § 5-1-101 et seq.

17 (iii) A test of the child's bodily fluids or bodily
 18 substances may be used as evidence to establish neglect under subdivision
 19 (37)(B)(i)(a) of this section.

20 (iv) A test of the mother's bodily fluids or bodily
 21 substances or the child's bodily fluids or bodily substances may be used as
 22 evidence to establish neglect under subdivision (37)(B)(i)(b) of this
 23 section~~+~~.

24 (C) "Neglect" under this section requires a persistent
 25 pattern of family functioning where the caregiver has not met or sustained
 26 the basic needs of a child and that results in harm to the child.

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 28 SECTION 3. Arkansas Code § 9-27-310(b)(3), concerning persons who may
 29 file a petition for dependency-neglect or family in need of services, is
 30 amended to read as follows:

31 (3) Petitions for dependency-neglect or family in need of
 32 services may be filed by~~+~~

33 ~~(A) Any adult; or~~

34 ~~(B) Any member ten (10) years of age or older of the~~
 35 ~~immediate family alleged to be in need of services~~ a parent, guardian,
 36 custodian, relative, counselor, school principal, or the designee of a school

1 principal.

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3 SECTION 4. Arkansas Code § 9-27-310 is amended to add an additional
4 subsection to read as follows:

5 (h) In a family in need of services matter, a judge of a circuit court
6 may initiate a seventy-two-hour hold of a child if the judge believes that
7 the circumstances or conditions of the child are such that continuing in his
8 or her place of residence or in the care and custody of his or her parent,
9 guardian, custodian, or caretaker presents an immediate danger to the health
10 or physical well-being of the child.

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12 SECTION 5. Arkansas Code § 9-27-332(a)(2), concerning possible
13 dispositions of a family in need of services case, is amended to read as
14 follows:

15 (2)(A) If it is in the best interest of the juvenile, transfer
16 custody of juvenile family members to another licensed agency responsible for
17 the care of juveniles or to a relative or other individual.

18 ~~(B) If it is in the best interest of the juvenile and~~
19 ~~because of acts or omissions by the parent, guardian, or custodian, removal~~
20 ~~is necessary to protect the juvenile's health and safety, transfer custody to~~
21 ~~the department.~~

22 ~~(C)~~ A juvenile in the custody of the department is
23 "awaiting foster care placement", as that term is used in the definition of
24 "homeless children and youths" in the McKinney-Vento Homeless Assistance Act,
25 42 U.S.C. § 11434a(2), if the juvenile:

26 (i) Is placed in a shelter, facility, or other
27 short-term placement with a plan of moving the juvenile within ninety (90)
28 days;

29 (ii) Is transferred to an emergency placement to
30 protect the juvenile's health or welfare;

31 (iii) Is placed in a provisional foster home as
32 defined by § 9-28-402;

33 (iv) Has experienced three (3) or more placements
34 within a twelve-month period; or

35 (v) Is placed in a regular foster home or other
36 placement that is not directly related to the permanency goal identified in

1 the case plan required under § 9-28-111;

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3 SECTION 6. Arkansas Code § 9-28-104 is amended to read as follows:
4 9-28-104. Best interest of ~~the~~ child.

5 (a) The General Assembly recognizes; ~~that~~

6 (1) The importance of family and child protection;

7 (2) That children are defenseless; ~~and that~~

8 (3) That there is no greater moral obligation upon the General
9 Assembly than to provide for the protection of our children; ~~and that~~

10 (4) That our child welfare system needs to be strengthened by
11 establishing a clear policy of the state that the best interests of the
12 children must be paramount and shall have precedence at every stage of
13 juvenile court proceedings;

14 (5) That when a child can safely remain with his or her family,
15 that child should remain with his or her family;

16 (6) If a child is removed from his or her family, government
17 intervention should be temporary; and

18 (7) A child should return to his or her family when it is safe
19 for the child to do so.

20 (b) The best interest of the child shall; ~~be~~

21 (1) Be the standard for recommendations made by employees of the
22 Department of Human Services as to whether a child should be; ~~reunited~~

23 (A) Reunited with his or her family; ~~or removed~~

24 (B) Removed from or remain in a home wherein the child has
25 been abused or neglected; ~~and~~

26 (2) Include consideration of the following without limitation:

27 (i) Family integrity;

28 (ii) The health and safety of the child;

29 (iii) Timely permanency decisions; and

30 (iv) Ensuring that the child will become a self-
31 sufficient adult.

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33 SECTION 7. Arkansas Code § 12-18-103(14)(A), concerning the definition
34 of "neglect" under the Child Maltreatment Act, is amended to read as follows:

35 (14)(A) "Neglect" means ~~those~~ a pattern of acts or omissions of
36 a parent, guardian, custodian, foster parent, or any person who is entrusted

1 with the child's care by a parent, custodian, guardian, or foster parent,
2 including, ~~but not limited to,~~ without limitation an agent or employee of a
3 public or private residential home, childcare facility, public or private
4 school, or any person legally responsible under state law for the child's
5 welfare, but excluding the spouse of a minor and the parents of the married
6 minor, which constitute:

7 (i) Failure or refusal to prevent the abuse of the
8 child when the person knows or has reasonable cause to know the child is or
9 has been abused;

10 (ii) Failure or refusal to provide necessary food,
11 clothing, shelter, or medical treatment necessary for the child's well-being,
12 except when the failure or refusal is caused primarily by the financial
13 inability of the person legally responsible and no services for relief have
14 been offered;

15 (iii) Failure to take reasonable action to protect
16 the child from abandonment, abuse, sexual abuse, sexual exploitation, or
17 neglect when the existence of the condition was known or should have been
18 known, and, if for abuse or neglect, the failure to take reasonable action to
19 protect the juvenile causes the juvenile serious bodily injury;

20 (iv) Failure or irremediable inability to provide for
21 the essential and necessary physical, or mental, ~~or emotional~~ needs of the
22 child, including the failure to provide a shelter that does not pose a risk
23 to the health or safety of the child;

24 (v) Failure to provide for the child's care and
25 maintenance, ~~proper or necessary support,~~ or medical, or surgical, ~~or other~~
26 ~~necessary~~ care;

27 (vi) Failure, although able, to assume responsibility
28 for the care and custody of the child or to participate in a plan to assume
29 such responsibility;

30 (vii) Failure to appropriately supervise the child
31 that results in the child's being left alone:

32 (a) At an inappropriate age creating a
33 dangerous situation; or

34 (b) In inappropriate circumstances creating a
35 dangerous situation;

36 (viii) Failure to appropriately supervise the child

1 that results in the child's being placed in inappropriate circumstances
2 creating a dangerous situation;

3 (ix) Failure to ensure a child between six (6) years
4 of age and seventeen (17) years of age is enrolled in school or is being
5 legally homeschooled; or

6 (x) An act or omission by the parent, custodian, or
7 guardian of the child that results in the child's being habitually and
8 without justification absent from school.

9

10 SECTION 8. Arkansas Code § 12-18-303(a), concerning minimum
11 requirements for a report of alleged child maltreatment to be accepted by the
12 Child Abuse Hotline under the Child Maltreatment Act, is amended to read as
13 follows:

14 (a)(1) Except as otherwise provided in this section, the Child Abuse
15 Hotline shall accept a report if:

16 ~~(1)(A)~~ The report is of:

17 ~~(A)(i)~~ An allegation of child maltreatment or
18 suspected child maltreatment, ~~that if found to be true,~~ would constitute
19 child maltreatment as defined under this chapter;

20 ~~(B)(ii)~~ The death of a child who died suddenly and
21 unexpectedly; or

22 ~~(C)(iii)~~ The death of a child reported by a coroner
23 or county sheriff under § 20-15-502;

24 ~~(2)(B)~~ Sufficient identifying information is provided to
25 identify and locate the child or the child's family; and

26 ~~(3)(C)~~ The child or the child's family is present in
27 Arkansas or the incident occurred in Arkansas.

28 (2)(A) As a part of accepting a report under subdivision (a)(1)
29 of this section, the Child Abuse Hotline shall evaluate whether there is a
30 risk of harm to a child by the child's parent or caregiver using a
31 standardized assessment tool that considers the following without limitation:

32 (i) Family history;

33 (ii) The age of the child;

34 (iii) The relationship of the reporter to the child;

35 and

36 (iv) The risk of harm posed to the child.

1 (B) The Child Abuse Hotline shall collect data from the
2 standardized assessment tool and use the data to evaluate the consistency of
3 screening decisions.

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5 SECTION 9. Arkansas Code § 12-18-1001(a), concerning circumstances
6 under which a child may be taken into custody without the consent of the
7 parent or guardian, is amended to read as follows:

8 (a) A police officer, law enforcement, a juvenile division of circuit
9 court judge during juvenile proceedings concerning the child or a sibling of
10 the child, or a designated employee of the Department of Human Services may
11 take a child into custody or any person in charge of a hospital or similar
12 institution or any physician treating a child may keep that child in his or
13 her custody without the consent of the parent or the guardian, whether or not
14 additional medical treatment is required, if:

15 (1) The child is subjected to neglect as defined under § 12-18-
16 103(14)(B) and the department assesses the family and determines that the
17 health or physical well-being of the newborn and any other children,
18 including siblings, under the custody or care of the mother are ~~at~~
19 ~~substantial risk of serious harm in immediate danger that cannot be mitigated~~
20 with the provision of services and support such that the children need to be
21 removed from the custody or care of the mother;

22 (2) The child is a dependent juvenile as defined in the Arkansas
23 Juvenile Code of 1989, § 9-27-301 et seq.; or

24 (3)(A) Circumstances or conditions of the child are such that
25 continuing in his or her place of residence or in the care and custody of the
26 parent, guardian, custodian, or caretaker presents an immediate danger to the
27 health or physical well-being of the child.

28 (B) A child shall not be placed in protective custody
29 under this section if:

30 (i) The child maltreatment allegation is for neglect
31 as defined in § 12-18-103, and there is not an immediate danger to the health
32 or physical well-being of the child;

33 (ii) There is a risk of harm to the child that can
34 be mitigated with services and support; or

35 (iii) The basis of the placement in protective
36 custody under this section is:

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- (a) Poor school attendance;
- (b) That the parent, guardian, or custodian is unable to provide food, clothing, or shelter due to financial inability; or
- (c) For the child to receive behavioral health or developmental disability services.

/s/A. Clark