

1 State of Arkansas
2 94th General Assembly
3 Regular Session, 2023
4

A Bill

HOUSE BILL 1716

5 By: Representative Womack
6 By: Senator Crowell
7

For An Act To Be Entitled

9 AN ACT TO AMEND THE LAW CONCERNING THE GOAL OF A CASE
10 IN A DEPENDENCY-NEGLECT ACTION WHEN THE JUVENILE OR
11 THE MOTHER TESTED POSITIVE FOR AN ILLEGAL SUBSTANCE
12 AT THE TIME OF THE JUVENILE'S BIRTH; TO REQUIRE THE
13 DEPARTMENT OF HUMAN SERVICES TO DOCUMENT IN THE CASE
14 PLAN A COMPELLING REASON WHY ALTERNATIVE GOALS TO
15 REUNIFICATION ARE NOT IN THE JUVENILE'S BEST INTEREST
16 IN A DEPENDENCY-NEGLECT ACTION WHEN THE JUVENILE WAS
17 REMOVED FROM THE PARENT'S CUSTODY DUE TO NEGLECT
18 BECAUSE OF THE JUVENILE OR THE MOTHER TESTING
19 POSITIVE FOR AN ILLEGAL SUBSTANCE AT THE TIME OF THE
20 JUVENILE'S BIRTH; AND FOR OTHER PURPOSES.
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Subtitle

23 TO AMEND THE LAW CONCERNING THE GOAL OF A
24 CASE IN A DEPENDENCY-NEGLECT ACTION WHEN
25 THE JUVENILE OR THE MOTHER TESTED
26 POSITIVE FOR AN ILLEGAL SUBSTANCE AT THE
27 TIME OF THE JUVENILE'S BIRTH.
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31 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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33 SECTION 1. Arkansas Code § 9-28-111(c), concerning the description of
34 the permanency goal that is included in a case plan in a dependency-neglect
35 case, is amended to read as follows:

36 (c) When a juvenile is receiving services in an out-of-home placement,



1 the case plan must include the requirements in subsections (a) and (b) of
 2 this section and:

3 (1)(A) A description of the permanency goal.

4 (B) If adoption is not the goal at the permanency planning
 5 and fifteenth-month hearing, the department shall document in the case plan a
 6 compelling reason why filing a petition to terminate parental rights is not
 7 in the best interest of the juvenile.

8 (C)(i) If the department recommends reunification as the
 9 goal at the disposition hearing in a case in which a child was removed from
 10 the custody of the parent due to neglect because the child was born with an
 11 illegal substance present in the child's bodily fluids or bodily substances
 12 as a result of the pregnant mother's knowingly using an illegal substance
 13 before the birth of the child, or because at the time of the birth of the
 14 child, the mother tested positive for the presence of an illegal substance in
 15 her bodily fluids or bodily substances as a result of the pregnant mother's
 16 knowingly using an illegal substance before the birth of the child, the
 17 department shall document in the case plan a compelling reason why the
 18 following goals are not in the best interest of the juvenile:

19 (a) Placement of custody of the juvenile with
 20 the noncustodial parent;

21 (b) Guardianship or adoption with a fit and
 22 willing relative or fictive kin; or

23 (c) Adoption with the department's filing of a
 24 petition for termination of parental rights.

25 (ii) For the purpose of subdivision (c)(1)(C)(i) of
 26 this section, "illegal substance" means a drug that is prohibited to be used
 27 or possessed without a prescription under the Arkansas Criminal Code, § 5-1-
 28 101 et seq.;