

1 State of Arkansas  
2 93rd General Assembly  
3 Regular Session, 2021  
4

As Engrossed: S3/2/21

# A Bill

HOUSE BILL 1358

5 By: Representative Barker  
6 By: Senator G. Stubblefield  
7

## For An Act To Be Entitled

9 AN ACT TO AMEND THE LAW CONCERNING CERTAIN  
10 DISCLOSURES OF INFORMATION BY CHILDREN; CONCERNING  
11 FOSTER YOUTH TRANSITIONS; AND FOR OTHER PURPOSES.  
12  
13

### Subtitle

15 TO AMEND THE LAW CONCERNING CERTAIN  
16 DISCLOSURES OF INFORMATION PERMITTED  
17 UNDER THE CHILD WELFARE AGENCY LICENSING  
18 ACT; AND CONCERNING FOSTER YOUTH  
19 TRANSITIONS.  
20  
21

22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
23

24 SECTION 1. Arkansas Code § 9-27-306(a)(1)(B), concerning jurisdiction  
25 under the Arkansas Juvenile Code of 1989, is amended to read as follows:

26 (B) Proceedings in which a juvenile is alleged to be  
27 dependent or dependent-neglected from birth to eighteen (18) years of age,  
28 except for the following:

29 (i)(a) A juvenile who has been adjudicated dependent  
30 or dependent-neglected before eighteen (18) years of age may request the  
31 court to continue jurisdiction over the juvenile until twenty-one (21) years  
32 of age so long as the juvenile is ~~engaged in a course of instruction or~~  
33 ~~treatment;~~

34 (1) Completing secondary education or a  
35 program leading to an equivalent credential;

36 (2) Enrolled in an institution providing



1 post-secondary or vocational education;

2 (3) Participating in a program or  
3 activity designed to promote or remove barriers to employment;

4 (4) ~~or is working~~ Employed for at least  
5 eighty (80) hours a per month; or

6 (5) Incapable of completing school or  
7 work requirements due to a documented medical condition ~~toward gaining self-~~  
8 sufficiency.

9 (b) The court shall retain jurisdiction only  
10 if the juvenile ~~remains or has a viable plan to remain in instruction or~~  
11 ~~treatment, or is working at least eighty (80) hours a month toward gaining~~  
12 ~~self-sufficiency~~ meets the requirements of subdivision (a)(1)(B)(i)(a) of  
13 this section or has a viable plan to meet the requirements.

14 (c) The court shall discontinue jurisdiction  
15 only after a hearing to determine whether:

16 (1) The juvenile;

17 (A) knowingly ~~Knowingly~~ and  
18 voluntarily is requesting to leave care;

19 (B) ~~or the juvenile has~~ Has failed  
20 to be engaged in or have a viable plan to participate in a course of  
21 instruction or treatment or is not working at least eighty (80) hours per  
22 month toward gaining self-sufficiency meet the requirements of subdivision  
23 (a)(1)(B)(i)(a) of this section; or

24 (C) Does not have a viable plan to  
25 meet the requirements; and

26 (2) The Department of Human Services has  
27 fully complied with §§ 9-27-363 and 9-28-114; or

28 (ii) A juvenile may contact his or her attorney ad  
29 litem to petition the court to return to the court's jurisdiction to receive  
30 ~~independent living or~~ transitional services if the juvenile:

31 (a) Was adjudicated dependent or dependent-  
32 neglected;

33 (b) Was in foster care at eighteen (18) years  
34 of age; and

35 (c) Left foster care but desires to submit to  
36 the jurisdiction of the court before reaching twenty-one (21) years of age to

1 benefit from ~~independent living or~~ transitional services; ~~or~~  
2 ~~(d) Left foster care and decides to submit to~~  
3 ~~the jurisdiction of the court and return to foster care to receive~~  
4 ~~transitional services;~~

5  
6 SECTION 2. Arkansas Code § 9-27-363(b)(2), concerning foster youth  
7 transitions under the Arkansas Juvenile Code of 1989, is amended to read as  
8 follows:

9 (2) The plan shall include without limitation written  
10 information and confirmation concerning:

11 (A) ~~The juvenile's right to stay in foster care after~~  
12 ~~reaching eighteen (18) years of age for education, treatment, or work and~~  
13 ~~specific programs and services, A description of the programs and services~~  
14 ~~which will help the juvenile prepare for transition from foster care to a~~  
15 ~~successful adulthood, including without limitation the John H. Chafee Foster~~  
16 ~~Care Program for Successful Transition to Adulthood and other transitional~~  
17 ~~services; and~~

18 (B) The right of the juvenile to remain in extended foster  
19 care after reaching eighteen (18) years of age if the juvenile is:

20 (i) Completing secondary education or a program  
21 leading to an equivalent credential;

22 (ii) Enrolled in an institution providing post-  
23 secondary or vocational education;

24 (iii) Participating in a program or activity  
25 designed to promote or remove barriers to employment;

26 (iv) Employed for at least eighty (80) hours per  
27 month; or

28 (v) Incapable of performing the activities described  
29 in subdivisions (b)(2)(B)(i)-(iv) of this section due to a documented medical  
30 condition; and

31 (C) The juvenile's case, including his or her biological  
32 family, foster care placement history, tribal information, if applicable, and  
33 the whereabouts of siblings, if any, unless a court determines that release  
34 of information pertaining to a sibling would jeopardize the safety or welfare  
35 of the sibling.

36

1 SECTION 3. Arkansas Code § 9-28-114(e), concerning foster youth  
2 transition, is amended to read as follows:

3 (e)(1) If a juvenile does not have the capacity to successfully  
4 transition into adulthood without the assistance of the ~~Adult Protective~~  
5 ~~Services Unit of the Department of Human Services~~ Office of Public Guardian  
6 for Adults, the Division of Children and Family Services shall make a  
7 referral to the ~~unit~~ office no later than six (6) months before the juvenile  
8 reaches eighteen (18) years of age or upon entering foster care, whichever  
9 occurs later.

10 (2) A representative from the ~~unit~~ office shall attend and  
11 participate in the transitional youth staffing, and information shall be  
12 provided to all of the parties about what services are available and how to  
13 access services for the youth after reaching the age of majority.  
14

15 SECTION 4. Arkansas Code § 9-28-114, concerning foster youth  
16 transition, is amended to add an additional subsection to read as follows:

17 (j) Nothing in this subchapter prohibits a child in the custody of the  
18 department from sharing at his or her discretion information concerning his  
19 or her experience with the department after consultation with his or her  
20 assigned attorney ad litem.  
21  
22  
23  
24

25 /s/Barker  
26  
27

28 **APPROVED: 3/10/21**  
29  
30  
31  
32  
33  
34  
35  
36