

1 State of Arkansas
2 95th General Assembly
3 Regular Session, 2025
4

As Engrossed: S3/12/25

A Bill

SENATE BILL 325

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 AMEND THE LAW
11 REGARDING REINSTATEMENT OF PARENTAL RIGHTS; TO AMEND
12 THE LAW REGARDING THE CHILD MALTREATMENT CENTRAL
13 REGISTRY; AND FOR OTHER PURPOSES.
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Subtitle

17 TO AMEND THE ARKANSAS JUVENILE CODE OF
18 1989; TO AMEND THE CHILD MALTREATMENT
19 ACT; TO AMEND THE LAW REGARDING
20 REINSTATEMENT OF PARENTAL RIGHTS; AND TO
21 AMEND THE LAW REGARDING THE CHILD
22 MALTREATMENT CENTRAL REGISTRY.
23

24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
25

26 SECTION 1. Arkansas Code § 9-27-369(a) and (b), concerning the filing
27 of a motion to resume services for a parent whose parental rights were
28 previously terminated, are amended to read as follows:

29 (a) The Department of Human Services, ~~or~~ an attorney ad litem, or a
30 parent whose parental rights were previously terminated may file a motion to
31 resume services for a parent whose parental rights were previously terminated
32 under this subchapter if:

33 (1) The child:

34 (A) Is currently in the custody of the department;

35 (B) Is not in an adoptive placement, a pre-adoptive
36 placement, or under another permanent placement and there is some evidence



1 that the juvenile is not likely to achieve permanency within a reasonable
2 period of time as viewed from the child's perspective; or

3 (C) Was previously adopted, appointed a permanent
4 guardian, or placed in the permanent custody of another individual and the
5 adoption, guardianship, or custodial placement was disrupted or otherwise
6 dissolved; and

7 (2)(A) The order terminating the parental rights of the parent
8 who is the subject of a motion filed under this section was entered at least
9 ~~three~~ (2) years before the date on which the motion to resume
10 services was filed.

11 (B) The ~~three-year~~ two-year waiting period may be waived
12 if ~~it~~ the waiver is in the best interest of the child.

13 (b)(1) A motion filed under this section shall identify and name as a
14 party the parent for whom services would resume.

15 ~~(2) A parent shall not be named as a party to a motion filed~~
16 ~~under this section.~~

17 ~~(3) The petitioner shall serve the parent who is the subject of~~
18 ~~a motion filed under this section with the motion.~~

19 ~~(4) A parent who is the subject of a motion filed under this~~
20 ~~section shall have the right to be heard at a hearing on the motion.~~

21 (2) The court may appoint an attorney to represent the parent
22 subject to the resumption of services motion.

23

24 SECTION 2. Arkansas Code § 9-27-369(d)(2), regarding permissive orders
25 by a court when a motion for resumption of services for a parent whose
26 parental rights were terminated is granted, is amended to read as follows:

27 (2) If the court grants a motion filed under this section, the
28 court:

29 (A)(i) May order family services for the purposes of
30 assisting reunification between the child and a fit parent who is the subject
31 of the motion.

32 (ii) The court may order the parent to pay for some
33 or all of the costs associated with court-ordered family services;

34 (B)(i) May order studies, evaluations, home studies, or
35 post-disposition reports.

36 (ii) ~~A written home study on the parent who is the~~

1 ~~subject of the motion shall be submitted to the court before the court may~~
 2 ~~order unsupervised visitation or placement of the juvenile with the parent~~
 3 The court may order unsupervised visitation or placement of the juvenile with
 4 the parent without a written home study on the parent.

5 (iii) If a study, evaluation, or home study is
 6 performed before a hearing on a motion filed under subsection (a) of this
 7 section, the results of the study, evaluation, or home study shall be served
 8 on the parent, attorney ad litem, court-appointed special advocate, and any
 9 other party to the motion at least two (2) business days before the hearing;
 10 and

11
 12 SECTION 3. Arkansas Code § 9-27-370 is amended to read as follows:
 13 9-27-370. Reinstatement of parental rights.

14 (a) The Department of Human Services, ~~or~~ an attorney ad litem, or a
 15 parent whose parental rights were previously terminated may file a petition
 16 to reinstate the parental rights of a parent whose parental rights have been
 17 terminated under this subchapter if the:

18 (1) Court has granted a motion to resume services under § 9-27-
 19 369;

20 (2) Services have continued for at least ~~one hundred eighty~~
 21 ~~(180)~~ ninety (90) days following the date on which the court entered the
 22 order granting a motion to resume services under § 9-27-369; and

23 (3) Parent for whom reinstatement of parental rights is sought
 24 has substantially complied with the orders of the court and with the case
 25 plan developed under § 9-27-369.

26 (b)(1) A petition to reinstate parental rights shall be filed in the
 27 circuit court that: ~~had~~

28 (A) Had jurisdiction over the petition to terminate the
 29 parental rights of the parent who is the subject of the petition to reinstate
 30 parental rights; or

31 (B) Has an open dependency-neglect case concerning the
 32 child subject to the petition for reinstatement of parental rights.

33 (2) If the petition under subdivision (b)(1) of this section is
 34 filed in the court with the pending dependency-neglect case, the court may
 35 communicate with the court that terminated the parent's parental rights.

36 (c) A petition filed under this section shall be served on the:

- 1 (1) Attorney ad litem;
- 2 (2) Department;
- 3 (3) Parent who is the subject of the petition;
- 4 (4) Court Appointed Special Advocate Program Director, if
- 5 applicable; and
- 6 (5) Child's tribe, if applicable.

7 (d) At least seven (7) business days before a hearing on a petition
8 filed under this section, the department shall provide the parent, parent's
9 counsel, attorney ad litem, court-appointed special advocate, and any other
10 party to the petition with a written report that includes information on:

11 (1) The efforts made by the department to achieve adoption or
12 another permanent placement for the child, including without limitation any
13 barriers to the adoption or permanent placement of the child;

14 (2) The extent to which the parent who is the subject of the
15 petition has complied with the case plan and orders of the court as of the
16 date on which services were ordered to be resumed under § 9-27-369;

17 (3) The impact of the resumed services on the parent and on the
18 health, safety, and well-being of the child; and

19 (4) Any recommendations of the department.

20 (e)(1) The court may grant custody of the child to the parent whose
21 parental rights were terminated if the court finds an award of custody to be
22 in the best interest of the child, regardless of whether a home study was
23 conducted on the parent whose parental rights were terminated or whether the
24 court:

25 (A) Finds that the parent shall continue services; or

26 (B) Has not yet reinstated the parental rights of the
27 parent whose parental rights were terminated.

28 (2) If a court grants custody under subdivision (e)(1) of this
29 section, a home evaluation shall be conducted on the parent whose parental
30 rights were previously terminated in lieu of a traditional home study.

31 ~~(e)(f)~~ Parental rights may be reinstated under this section if the
32 court finds by clear and convincing evidence that:

33 (1)~~(A)~~ Reinstatement of parental rights is in the best
34 interest of the child; and

35 ~~(2)(B)~~ There has been a material change in circumstances
36 as to the parent who is the subject of the petition since the date on which

1 the order terminating the parental rights of the parent was entered; or

2 (2) The child of the parent whose parental rights were
3 terminated:

4 (A) Was in foster care at the time he or she reached
5 eighteen (18) years of age;

6 (B) Is between the age of eighteen (18) years of age and
7 twenty-one (21) years of age; and

8 (C) Is currently in foster care and is under the court's
9 jurisdiction under § 9-27-306.

10 ~~(f)~~(g) The court shall consider the following factors when determining
11 whether a reinstatement of parental rights is in the best interest of the
12 child:

13 (1) The likelihood of the child achieving permanency through
14 adoption or another permanent placement;

15 (2) The age, maturity, and preference of the child concerning
16 the reinstatement of parental rights;

17 (3) The parent's fitness and whether the parent has remedied the
18 conditions that existed at the time of the termination of his or her parental
19 rights; and

20 (4) The effect that the reinstatement of parental rights would
21 have on the health, safety, and well-being of the child.

22 ~~(g)~~(h) A court may deny a petition filed under this section if the
23 court finds by a preponderance of the evidence that the parent engaged in
24 conduct that interfered with the child's ability to achieve permanency.

25 ~~(h)~~(i) An order reinstating the parental rights of the parent who is
26 the subject of a petition filed under this section restores all rights,
27 powers, privileges, immunities, duties, and obligations of the parent as to
28 the child, including without limitation custody, control, and support of the
29 child.

30 ~~(i)~~(j) If the child is placed with a parent whose parental rights are
31 reinstated under this section, the court shall not close the case until the
32 child has resided with the parent for no less than six (6) months.

33 ~~(j)~~(k) A written order shall be filed by the court, a party, or the
34 attorney of a party as designated by the court within thirty (30) days of the
35 date of the hearing on the motion to reinstate parental rights or before the
36 next hearing, whichever is sooner.

1 ~~(k)~~(l) An order reinstating parental rights under this section does
2 not:

3 (1) Vacate or affect the validity of a previous order
4 terminating the parental rights of the parent who is the subject of the
5 petition; and

6 (2) Restore or impact the rights of a parent who is not the
7 subject of a petition filed under this section.

8 ~~(l)~~(m) This section is retroactive and applies to a child who is under
9 the jurisdiction of a court at the time of a hearing on a petition to
10 terminate parental rights, regardless of the date on which parental rights
11 were terminated by court order.

12
13 SECTION 4. Arkansas Code § 12-18-902 is amended to read as follows:
14 12-18-902. Contents.

15 (a)(1) *The Child Maltreatment Central Registry shall contain records*
16 *of cases on all true investigative determinations of: ~~child maltreatment~~*

17 (A) Abuse;

18 (B) Sexual abuse;

19 (C) Sexual exploitation; and

20 (D) Neglect, if the neglect is an act or omission by a:

21 (i) Teacher;

22 (ii) Teacher's aide;

23 (iii) Substitute teacher;

24 (iv) School principal;

25 (v) Employee of a child welfare agency;

26 (vi) Foster parent;

27 (vii) Employee of a juvenile detention facility;

28 (viii) Employee of a psychiatric residential
29 treatment facility;

30 (ix) Employee of a hospital;

31 (x) Nurse;

32 (xi) Nurse's aide;

33 (xii) Licensed social worker;

34 (xiii) Doctor;

35 (xiv) Therapist; or

36 (ix) Any individual who works directly with a

1 vulnerable population in a professional or caretaking capacity.

2 (2) For an act or omission constituting neglect to be included
3 in the registry, the subject of the neglect must have been a child for whom
4 the offender was in a caretaker role or standing in loco parentis to due to
5 employment in one (1) or more of the roles listed in subdivision (a)(1)(D) of
6 this section.

7 (3) Neglect by a person in one (1) or more of the roles listed
8 in subdivision (a)(1)(D) of this section shall not qualify for placement on
9 the registry if the victim of the neglect is the biological or adopted child
10 of the offender.

11 (b) The Child Maltreatment Central Registry shall not contain records
12 of cases on investigative determinations of neglect or abandonment.

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14 /s/A. Clark
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