

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

# A Bill

SENATE BILL 325

4  
5 By: Senator A. Clark  
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7

## For An Act To Be Entitled

8  
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.  
14

## Subtitle

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

25 (2) If the court grants a motion filed under this section, the  
26 court:

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

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

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

34 (ii) ~~A written home study on the parent who is the~~  
35 ~~subject of the motion shall be submitted to the court before the court may~~  
36 ~~order unsupervised visitation or placement of the juvenile with the parent~~

1 The court may order unsupervised visitation or placement of the juvenile with  
 2 the parent without a written home study on the parent.

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

9  
 10 SECTION 3. Arkansas Code § 9-27-370 is amended to read as follows:

11 9-27-370. Reinstatement of parental rights.

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

16 (1) Court has granted a motion to resume services under § 9-27-  
 17 369;

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

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

24 (b) A petition to reinstate parental rights shall be filed in the  
 25 circuit court that had jurisdiction over the petition to terminate the  
 26 parental rights of the parent who is the subject of the petition to reinstate  
 27 parental rights.

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

29 (1) Attorney ad litem;

30 (2) Department;

31 (3) Parent who is the subject of the petition;

32 (4) Court Appointed Special Advocate Program Director, if  
 33 applicable; and

34 (5) Child's tribe, if applicable.

35 (d) At least seven (7) business days before a hearing on a petition  
 36 filed under this section, the department shall provide the parent, parent's

1 counsel, attorney ad litem, court-appointed special advocate, and any other  
2 party to the petition with a written report that includes information on:

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

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

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

11 (4) Any recommendations of the department.

12 (e)(1) The court may grant custody of the child to the parent whose  
13 parental rights were terminated if the court finds an award of custody to be  
14 in the best interest of the child, regardless of whether a home study was  
15 conducted on the parent whose parental rights were terminated or whether the  
16 court:

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

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

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

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

25 (1)(A) Reinstatement of parental rights is in the best  
26 interest of the child; and

27 ~~(2)(B)~~ There has been a material change in circumstances  
28 as to the parent who is the subject of the petition since the date on which  
29 the order terminating the parental rights of the parent was entered; or

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

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

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

36 (C) Is currently in foster care and is under the court's

1 jurisdiction under § 9-27-306.

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

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

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

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

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

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

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

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

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

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

31 (1) Vacate or affect the validity of a previous order  
32 terminating the parental rights of the parent who is the subject of the  
33 petition; and

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

36 ~~(l)~~(m) This section is retroactive and applies to a child who is under

1 the jurisdiction of a court at the time of a hearing on a petition to  
2 terminate parental rights, regardless of the date on which parental rights  
3 were terminated by court order.

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5 SECTION 4. Arkansas Code § 12-18-902 is amended to read as follows:  
6 12-18-902. Contents.

7 (a) The Child Maltreatment Central Registry shall contain records of  
8 cases on all true investigative determinations of ~~child maltreatment~~ abuse,  
9 sexual abuse, and sexual exploitation.

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

12  
13 SECTION 5. Arkansas Code § 12-18-903(b), concerning criteria for  
14 placement of an offender's name on the Child Maltreatment Central Registry,  
15 is amended to read as follows:

16 (b)(1) In addition to the requirements of subsection (a) of this  
17 section, the name of an offender shall be placed on the Child Maltreatment  
18 Central Registry only if the Department of Human Services determines under §  
19 12-18-702 that the offender may pose a risk of maltreatment to a vulnerable  
20 population that includes without limitation children, the elderly, persons  
21 with a disability, and persons with a mental health illness.

22 (2)(A) If more than five (5) years have passed between the  
23 investigative determination of true and when the offender receives notice of  
24 the true determination, the offender may request that the Director of the  
25 Division of Children and Family Services review the investigation and  
26 determination if the individual still poses a risk to a vulnerable population  
27 or if the division will decline to move forward defending the investigative  
28 determination.

29 (B) If the investigative determination of true is upheld  
30 by the administrative law judge after going through the process outlined in  
31 subdivision (b)(2)(A), the offender's name shall be placed on the registry.