

State of Arkansas As Engrossed: S3/12/25 S3/20/25

95th General Assembly

## A Bill

Regular Session, 2025

SENATE BILL 325

By: Senator A. Clark

### For An Act To Be Entitled

AN ACT TO AMEND THE ARKANSAS JUVENILE CODE OF 1989;  
TO AMEND THE CHILD MALTREATMENT ACT; TO AMEND THE LAW  
REGARDING REINSTATEMENT OF PARENTAL RIGHTS; TO AMEND  
THE LAW REGARDING THE CHILD MALTREATMENT CENTRAL  
REGISTRY; AND FOR OTHER PURPOSES.

### Subtitle

TO AMEND THE ARKANSAS JUVENILE CODE OF  
1989; TO AMEND THE CHILD MALTREATMENT  
ACT; TO AMEND THE LAW REGARDING  
REINSTATEMENT OF PARENTAL RIGHTS; AND TO  
AMEND THE LAW REGARDING THE CHILD  
MALTREATMENT CENTRAL REGISTRY.

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

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

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

(1) ~~The child~~ Department of Human Services;

~~(A) Is not currently in the custody of the department;~~

~~(B) Is not in an adoptive placement, a pre-adoptive~~



1 ~~placement, or under another permanent placement and there is some evidence~~  
2 ~~that the juvenile is not likely to achieve permanency within a reasonable~~  
3 ~~period of time as viewed from the child's perspective; or~~

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

8 ~~(2)(A) The order terminating the parental rights of the parent~~  
9 ~~who is the subject of a motion filed under this section was entered at least~~  
10 ~~three (3) years before the date on which the motion to resume services was~~  
11 ~~filed An attorney ad litem; or~~

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

14 (3) A parent whose parental rights were previously terminated,  
15 if the Executive Director of the Arkansas Commission for Parent Counsel  
16 believes there is good cause to resume services and assign court-appointed  
17 counsel to represent the parent.

18 ~~(b)(1) A motion may be filed under this section ~~shall identify and name~~~~  
19 ~~as a party the parent for whom services would resume if the child:~~

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

21 (B) Is not in an adoptive placement, a pre-adoptive  
22 placement, or under another permanent placement and there is some evidence  
23 that the juvenile is not likely to achieve permanency within a reasonable  
24 period of time as viewed from the child's perspective; or

25 (C) Was previously adopted, appointed a permanent  
26 guardian, or placed in the permanent custody of another individual and the  
27 adoption, guardianship, or custodial placement was disrupted or otherwise  
28 dissolved; and

29 ~~(2)(A) A parent shall not be named as a party to a motion filed~~  
30 ~~under this section The order terminating the parental rights of the parent~~  
31 ~~who is the subject of a motion filed under this section was entered at least~~  
32 ~~two (2) years before the date on which the motion to resume services was~~  
33 ~~filed.~~

34 (B) The two-year waiting period may be waived if the  
35 waiver is in the best interest of the child.

36 ~~(3) The petitioner shall serve the parent who is the subject of~~

~~a motion filed under this section with the motion.~~

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

(c)(1) A motion filed under this section shall:

(A) Be filed as a new juvenile case;

(B) Identify and name as a party the parent for whom services would resume.

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

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

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

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

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

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

~~(ii) A written home study on the parent who is the subject of the motion shall be submitted to the court before the court may order unsupervised visitation or placement of the juvenile with the parent.~~  
The court may order unsupervised visitation or placement of the juvenile with the parent without a written home study on the parent.

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

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

1           (a) *The Department of Human Services, ~~or~~ an attorney ad litem, or a*  
2 *parent who is represented by parent counsel under § 9-27-369(a) may file a*  
3 *petition to reinstate the parental rights terminated under this subchapter if*  
4 *the:*

5                   (1) Court has granted a motion to resume services under § 9-27-  
6 369;

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

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

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

15                           (A) Had jurisdiction over the petition to terminate the  
16 parental rights of the parent who is the subject of the petition to reinstate  
17 parental rights; or

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

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

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

24                   (1) Attorney ad litem;

25                   (2) Department;

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

27                   (4) Court Appointed Special Advocate Program Director, if  
28 applicable; and

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

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

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

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

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

6 (4) Any recommendations of the department.

7 (e)(1) The court may grant custody of the child to the parent whose  
8 parental rights were terminated if the court finds an award of custody to be  
9 in the best interest of the child, regardless of whether a home study was  
10 conducted on the parent whose parental rights were terminated or whether the  
11 court:

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

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

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

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

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

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

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

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

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

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

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

36 (1) The likelihood of the child achieving permanency through

1 adoption or another permanent placement;

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

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

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

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

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

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

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

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

26 (1) Vacate or affect the validity of a previous order  
27 terminating the parental rights of the parent who is the subject of the  
28 petition; and

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

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

35  
36 SECTION 4. Arkansas Code § 12-18-902 is amended to read as follows:

12-18-902. Contents.

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

(A) Abuse;

(B) Sexual abuse;

(C) Sexual exploitation; and

(D) Neglect, if the neglect occurred in the course of employment as a:

(i) Teacher;

(ii) Teacher's aide;

(iii) Substitute teacher;

(iv) School principal;

(v) Employee of a child welfare agency;

(vi) Foster parent;

(vii) Employee of a juvenile detention facility;

(viii) Employee of a psychiatric residential treatment facility;

(ix) Employee of a hospital;

(x) Nurse;

(xi) Nurse's aide;

(xii) Licensed social worker;

(xiii) Doctor;

(xiv) Therapist; or

(ix) Any individual who works directly with a vulnerable population in a professional or caretaking capacity; and

(E)(i) Neglect, when a court finds the child to be a dependent-neglected juvenile because of the neglect.

(ii) Should reunification be achieved, the parent shall be removed from the registry if there are no additional true investigative determinations and it has been more than one (1) year since reunification.

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

/s/A. Clark