

1 State of Arkansas
2 91st General Assembly
3 Regular Session, 2017
4

A Bill

HOUSE BILL 1654

5 By: Representative Rushing
6

For An Act To Be Entitled

8 AN ACT CONCERNING THE RIGHTS OF GRANDPARENTS INVOLVED
9 WITH FOSTER CARE AND ADOPTION CASES; AND FOR OTHER
10 PURPOSES.
11

Subtitle

12 CONCERNING THE RIGHTS OF GRANDPARENTS
13 INVOLVED WITH FOSTER CARE AND ADOPTION
14 CASES.
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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21 SECTION 1. TEMPORARY LANGUAGE. DO NOT CODIFY. Legislative findings.

22 (a) The General Assembly finds that:

23 (1) More than four thousand six hundred (4,600) children are in
24 the foster care system in Arkansas awaiting placement in a home;

25 (2) There is a shortage of foster homes in Arkansas, especially
26 homes that can take multiple siblings, creating the need to separate siblings
27 and send them to different homes;

28 (3) Children in foster care are at an increased risk of a
29 variety of emotional, physical, behavioral, and academic problems;

30 (4) Many youths aging out of foster care end up in jail or on
31 public assistance, creating an economic cost for the community;

32 (5) Within three (3) months of placement in foster care, many
33 children exhibit signs of depression, aggression, or withdrawal;

34 (6) Children in foster care are placed at greater risk
35 educationally as they enter foster care at all times during a school year and
36 are sometimes moved frequently during their time in the foster care system;



1 (7) Research shows that close to one-third (1/3) of children in
2 foster care have math and reading skills below grade level and thirty PERCENT
3 (30%) to forty percent (40%) of youth in foster care are in special
4 education; and

5 (8) Children are often forced to change schools when entering
6 the foster care system, which places them at a disadvantage by hindering
7 their ability to form peer networks and support system, causes them to feel
8 stigmatized due to their foster care status, and forces them to resolve
9 different curricula and varying educational expectations.

10 (b) Through the passage of this act, the General Assembly intends:

11 (1) To require preferential consideration for temporary custody
12 to be given to the grandparents of a child if the biological parents of the
13 child are unable to care for the child and the grandparents have no felony
14 convictions;

15 (2) For the Department of Human Services to work closely with
16 the Department of Arkansas State Police for the purpose of processing an
17 immediate background check for grandparents seeking temporary custody of a
18 child following the transfer of the child into the custody of the state under
19 the supervision of the Department of Human Services;

20 (3) For grandparents to receive adoption consideration when
21 parental rights are relinquished, regardless of the age of the grandparents;

22 (4) To lessen the stress on a child who is placed in foster care
23 and to provide continuity of care for the child;

24 (5) To allow the family members of a child placed in foster care
25 to raise the child; and

26 (6) To lessen the burden of care on the state.

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28 SECTION 2. Arkansas Code Title 9, Chapter 28, Subchapter 1, is amended
29 to add an additional section to read as follows:

30 9-28-121. Rights of grandparents.

31 (a) A grandparent of a child who enters the foster care system shall
32 be given rights as a parent of the child for the purpose of receiving:

33 (1) Guardianship of the child; or

34 (2) Adoption consideration if the parental rights of the parent
35 of the child are relinquished.

36 (b) The Division of Children and Family Services of the Department of

1 Human Services may place a child in foster care with the grandparent of the
2 child if the:

3 (1) Parents of the child are unable to take temporary custody of
4 the child before the child enters the foster care system; and

5 (2) Grandparent does not have a felony conviction.

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7 SECTION 3. EFFECTIVE DATE. This act shall be effective on and after
8 July 1, 2017.