

Arkansas - Child Welfare Reform bill - SB15

From Senator Alan Clark

My first Child Welfare Reform bill passed the legislature today. SB15 passed the Senate 30-0 and the House 77-0. Each of these bills may not appear to do much, but together they should make a huge difference. It is gratifying after a 2 year process to see real change happening.

Here is what SB15 does in a nutshell.

- It presumes a noncustodial parent is fit unless DCFS proves otherwise. (Instead of the parent having to prove they are fit.)
- It removes unnecessary roadblocks to placing a child with a noncustodial parent in a dependency neglect case and does the same for returning a child to their home.
- It requires the least restrictive disposition throughout a dependency neglect case.
- Makes clear that a judge may return a child to their parent's home without finishing every intervention prescribed.
- Clarifies that the courts must return a child to their home if there is no longer a risk of harm.
- Requires parents are informed throughout the process whether they are satisfactorily meeting requirements.

This took an incredible amount of work by all parties but in the end it was agreed to by all relevant agencies.

DCFS
CACD
Ad Litem
Parent Council
AOC

Juvenile Judges
Trial lawyers
CASA
Governor's office
Appellate Division

MORE DETAILED EXPLANATION:

SB 15 amends provisions in the Juvenile Code governing dependency-neglect proceedings to reform the operation of the child welfare system in Arkansas and protect the rights of all parents involved in that system.

Details, by Section

Section 1 - provides that foster parents, potential adoptive parents, and relative caregivers cannot be made parties to a dependency-neglect when the goal of the case is still reunification. (They may still be heard by the court.) This ensures that reunification with the parents is not undermined until the court determines that the goal of the case should be something other than reunifying with the parents.

Section 2 - provides that a noncustodial parent is presumed to be fit for receiving custody or visitation with his or her child. That presumption is then only overcome if the petitioner in the dependency-neglect proceeding proves that the noncustodial parent is unfit. This change reflects the noncustodial parent's constitutional right to parent his or her child unless he or she is found to be unfit.

Section 3 - clarifies that the court must give a preference to the least restrictive disposition at all hearings throughout the dependency-neglect case.

Section 4 - requires a court to consider whether the parent or parents in a case have actually benefited from the family services provided in a case. This is important because it is not fair to a parent to not let them know how they are doing throughout the case and then try to terminate their parental rights at the end of the case by saying that the parents have not benefited from the services. The court should tell them whether it believes they are benefiting from services throughout the case.

Finally, section 4 clarifies that a court must return a child home if the child would no longer be at risk of harm if returned home. This should always have been the law, but this section makes that requirement clear where the child's health and safety can be protected if returned home. Section 4 also makes it clear that the incompleteness of some parts of a case plan is not a sufficient reason to keep a child from going home if the child would be safe.

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Special thanks to my JPR Co-chair Representative Kim Hammer who backed me all the way, the House sponsor Mickey Gates, my wife, Jana, who has listened and cried with me as these families have called for help, Joe Churchwell who started me in the right direction and whose fire never dims, Doc Washburn, Dave Elswick and all of the members of the press that have been so helpful, all of the families and agency employees who came forward, the senate JPR team that NEVER took no for an answer, and all of the members of JPR and other legislators who have worked shoulder to shoulder to make this happen. Thank you all. There are more bills coming through in the next 2 weeks.