

1 State of Arkansas
2 90th General Assembly
3 Regular Session, 2015
4

A Bill

HOUSE BILL 1671

5 By: Representative Broadway
6

For An Act To Be Entitled

8 AN ACT CONCERNING FOSTER YOUTH TRANSITIONS; AND FOR
9 OTHER PURPOSES.
10

Subtitle

11 CONCERNING FOSTER YOUTH TRANSITIONS.
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16 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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18 SECTION 1. Arkansas Code § 9-27-363 is amended to read as follows:
19 9-27-363. Foster youth transition.

20 (a) The General Assembly finds that:

21 (1) A juvenile in foster care should have a family for a
22 lifetime, but too many juveniles in foster care reach the age of majority
23 without being successfully reunited with their biological families and
24 without the security of permanent homes;

25 (2) A juvenile in foster care who is approaching the age of
26 majority shall be provided the opportunity to be actively engaged in the
27 planning of his or her future;

28 (3) The Department of Human Services shall:

29 (A) Include the juvenile in the process of developing a
30 plan to transition the child into adulthood;

31 (B) Empower the juvenile with information about all of the
32 options and services available;

33 (C) Provide the juvenile with the opportunity to
34 participate in services tailored to his or her individual needs and designed
35 to enhance his or her ability to receive the skills necessary to enter
36 adulthood;



1 (D) Assist the juvenile in developing and maintaining
 2 healthy relationships with nurturing adults who can be a resource and
 3 positive guiding influences in his or her life after he or she leaves foster
 4 care; and

5 (E) Provide the juvenile with basic information and
 6 documentation regarding his or her biological family and personal history.

7 (b)~~(1)~~ The department shall ~~develop a transitional plan with every~~
 8 ~~juvenile in foster care not later than the juvenile's seventeenth birthday or~~
 9 ~~within ninety (90) days of entering a foster care program for juveniles who~~
 10 ~~enter foster care at seventeen (17) years of age or older~~ assist a juvenile
 11 in foster care or entering foster care with the development of a transitional
 12 life plan when the juvenile turns fourteen (14) years of age or within ninety
 13 (90) days of his or her fourteenth birthday, whichever occurs first.

14 (2) The plan shall include without limitation written
 15 information and confirmation concerning:

16 ~~(1)~~(A) The juvenile's right to stay in foster care after
 17 reaching eighteen (18) years of age for education, treatment, or work and
 18 specific programs and services, including without limitation the John H.
 19 Chafee Foster Care Independence Program and other transitional services; and

20 ~~(2)~~(B) The juvenile's case, including his or her
 21 biological family, foster care placement history, tribal information, if
 22 applicable, and the whereabouts of siblings, if any, unless a court
 23 determines that release of information pertaining to a sibling would
 24 jeopardize the safety or welfare of the sibling.

25 (c) The department shall assist the juvenile with:

26 (1) Completing applications for:

27 (A) ARKids First, Medicaid, or assistance in obtaining
 28 other health insurance;

29 (B) Referrals to transitional housing, if available, or
 30 assistance in securing other housing; and

31 (C) Assistance in obtaining employment or other financial
 32 support;

33 (2) Applying for admission to a college or university, to a
 34 vocational training program, or to another educational institution and in
 35 obtaining financial aid, when appropriate; and

36 (3) Developing and maintaining relationships with individuals

1 who are important to the juvenile and who may serve as resources ~~to the~~
 2 ~~juvenile based on his or her~~ that are based on the best interest of the
 3 juvenile.

4 (d) A juvenile and his or her attorney shall fully participate in the
 5 development of his or her transitional plan, to the extent that the juvenile
 6 is able to participate medically and developmentally.

7 (e)(1) If a juvenile does not have the capacity to successfully
 8 transition into adulthood without the assistance of the Adult Protective
 9 Services Unit of the Department of Human Services, the Division of Children
 10 and Family Services of the Department of Human Services shall make a referral
 11 to the unit no later than six (6) months before the juvenile reaches eighteen
 12 (18) years of age or upon entering foster care, whichever occurs later.

13 (2) A representative from the unit shall attend and participate
 14 in the transitional youth staffing, and information shall be provided to all
 15 of the parties about what services are available and how to access services
 16 for the juvenile after reaching the age of majority.

17 ~~(e)(f)~~ Before closing a case, the department shall provide a juvenile
 18 in foster care who reaches eighteen (18) years of age or before leaving
 19 foster care, whichever is later, his or her:

20 (1) Social ~~security~~ Security card;

21 (2) Certified birth certificate or verification of birth record,
 22 if available or if it should have been available to the department;

23 (3) Family photos in the possession of the department;

24 (4)(A) All of the juvenile's health records for the time the
 25 juvenile was in foster care and other medical records that were available or
 26 should have been available to the department.

27 (B) A juvenile who reaches eighteen (18) years of age and
 28 remains in foster care shall not be prevented from requesting that his or her
 29 health records remain private; and

30 (5) All of the juvenile's educational records for the time the
 31 juvenile was in foster care and any other educational records that were
 32 available or should have been available to the department.

33 ~~(f)(g)~~ Within thirty (30) days after the juvenile leaves foster care,
 34 the department shall provide the juvenile a full accounting of all funds held
 35 by the department to which he or she is entitled, information on how to
 36 access the funds, and when the funds will be available.

1 ~~(g)~~(h) The department shall not request a circuit court to close a
 2 family in need of services case or dependency-neglect case involving a
 3 juvenile in foster care until the department complies with this section.

4 ~~(h)~~(i) The department shall provide notice to the juvenile and his or
 5 her attorney before a hearing in which the department or another party
 6 requests a court to close the case is held.

7 ~~(i)~~(j) A circuit court shall continue jurisdiction over a juvenile who
 8 has reached eighteen (18) years of age to ensure compliance with § 9-28-114.

9 ~~(j)~~(k) This section does not limit the discretion of a circuit court
 10 to continue jurisdiction for other reasons as provided for by law.

11 ~~(k) A court may terminate jurisdiction upon a showing that:~~
 12 ~~(1) The department has complied with this section; or~~
 13 ~~(2) The juvenile has refused the services.~~

14
 15 SECTION 2. Arkansas Code § 9-28-114 is amended to read as follows:
 16 9-28-114. Foster youth transition.

17 (a) The General Assembly finds that:

18 (1) Each juvenile in foster care should have a family for a
 19 lifetime, but too many juveniles in foster care reach the age of majority
 20 without being successfully reunited with their biological families and
 21 without the security of permanent homes;

22 (2) A child in foster care who is approaching the age of
 23 majority shall be provided the opportunity to be actively engaged in the
 24 planning of his or her future;

25 (3) The Department of Human Services shall:

26 (A) Include the child in the process of developing a plan
 27 to transition the child into adulthood;

28 (B) Empower the child with information about all of the
 29 options and services available;

30 (C) Provide the child with the opportunity to participate
 31 in services tailored to his or her individual needs and designed to enhance
 32 his or her ability to receive the skills necessary to enter adulthood;

33 (D) Assist the child in developing and maintaining healthy
 34 relationships with nurturing adults who can be resources and positive guiding
 35 influences in his or her life after he or she leaves foster care; and

36 (E) Provide the child with basic information and

1 documentation regarding his or her biological family and personal history.

2 (b)(1) The department shall ~~develop a transitional plan with every~~
 3 ~~juvenile in foster care not later than the juvenile's seventeenth birthday or~~
 4 ~~within ninety (90) days of entering a foster care program for juveniles who~~
 5 ~~enter foster care at seventeen (17) years of age or older~~ assist a juvenile
 6 in foster care or entering foster care with the development of a transitional
 7 life plan when the juvenile turns fourteen (14) years of age or within ninety
 8 (90) days of his or her fourteenth birthday, whichever occurs first.

9 (2) The plan shall include without limitation written
 10 information and confirmation concerning:

11 ~~(1)(A)~~ The juvenile's right to stay in foster care after
 12 reaching eighteen (18) years of age for education, treatment, or work and
 13 specific programs and services, including without limitation the John H.
 14 Chafee Foster Care Independence Program and other transitional services; and

15 ~~(2)(B)~~ The juvenile's case, including his or her
 16 biological family, foster care placement history, tribal information, if
 17 applicable, and the whereabouts of siblings, if any, unless a court
 18 determines that release of information pertaining to a sibling would
 19 jeopardize the safety or welfare of the sibling.

20 (c) The department shall assist the juvenile with:

21 (1) Completing applications for:

22 (A) ARKids First, Medicaid, or assistance in obtaining
 23 other health insurance;

24 (B) Referrals to transitional housing, if available, or
 25 assistance in securing other housing; and

26 (C) Assistance in obtaining employment or other financial
 27 support;

28 (2) Applying for admission to a college or university, to a
 29 vocational training program, or to another educational institution and in
 30 obtaining financial aid, when appropriate; and

31 (3) Developing and maintaining relationships with individuals
 32 who are important to the juvenile and who may serve as resources ~~to the~~
 33 ~~juvenile based on his or her best interest~~ based on the best interest of the
 34 juvenile.

35 (d) A juvenile and his or her attorney shall fully participate in the
 36 development of his or her transitional plan, to the extent that the juvenile

1 is able to participate medically and developmentally.

2 (e)(1) If a juvenile does not have the capacity to successfully
3 transition into adulthood without the assistance of the Adult Protective
4 Services Unit of the Department of Human Services, the Division of Children
5 and Family Services of the Department of Human Services shall make a referral
6 to the unit no later than six (6) months before the juvenile reaches eighteen
7 (18) years of age or upon entering foster care, whichever occurs later.

8 (2) A representative from the unit shall attend and participate
9 in the transitional youth staffing, and information shall be provided to all
10 of the parties about what services are available and how to access services
11 for the youth after reaching the age of majority.

12 ~~(e)~~(f) Before closing a case, the department shall provide a juvenile
13 in foster care who reaches eighteen (18) years of age or before leaving
14 foster care, whichever is later, his or her:

15 (1) Social Security card;

16 (2) Certified birth certificate or verification of birth record,
17 if available or if should have been available to the department;

18 (3) Family photos in the possession of the department;

19 (4)(A) All of the juvenile's health records for the time the
20 juvenile was in foster care and any other medical records that were available
21 or should have been available to the department.

22 (B) A juvenile who reaches eighteen (18) years of age and
23 remains in foster care shall not be prevented from requesting that his or her
24 health records remain private; and

25 (5) All of the juvenile's educational records for the time the
26 juvenile was in foster care and any other educational records that were
27 available or should have been available to the department.

28 ~~(f)~~(g) Within thirty (30) days after the juvenile leaves foster care,
29 the department shall provide the juvenile a full accounting of all funds held
30 by the department to which he or she is entitled, information on how to
31 access the funds, and when the funds will be available.

32 ~~(g)~~(h) The department shall not request a circuit court to close a
33 family in need of services case or dependency-neglect case involving a
34 juvenile in foster care until the department complies with this section.

35 ~~(h)~~(i) The department shall provide notice to the juvenile and his or
36 her attorney before a hearing in which the department or another party

1 requests a court to close the case is held.

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