

1 State of Arkansas
2 89th General Assembly
3 Regular Session, 2013
4

A Bill

HOUSE BILL 2029

5 By: Representative Vines
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For An Act To Be Entitled

8 AN ACT CONCERNING THE DEFINITION OF "CUSTODIAN"; AND
9 CONCERNING WHO HAS A RIGHT TO COUNSEL IN DEPENDENCY-
10 NEGLECT PROCEEDINGS; AND FOR OTHER PURPOSES.
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Subtitle

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13 CONCERNING THE DEFINITION OF "CUSTODIAN";
14 AND CONCERNING WHO HAS A RIGHT TO COUNSEL
15 IN DEPENDENCY-NEGLECT PROCEEDINGS.
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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21 SECTION 1. Arkansas Code § 9-27-303(14), concerning the definition of
22 custodian, is amended to read as follows:

23 (14)(A) "Custodian" means a person other than a parent or legal
24 guardian who stands in loco parentis to the juvenile or a person, agency, or
25 institution to whom a court of competent jurisdiction has given custody of a
26 juvenile by court order.

27 (B) For the purposes of who has a right to counsel under § 9-27-
28 316(h), "custodian" includes a person to whom a court of competent
29 jurisdiction has given custody, including a legal guardian;
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31 SECTION 2. Arkansas Code § 9-27-316(h)(1), concerning who has a right
32 to counsel in dependency-neglect proceedings, is amended to read as follows:

33 (h)(1)(A) All parents and custodians have a right to counsel in all
34 dependency-neglect proceedings.

35 (B) In all dependency-neglect proceedings that set out to
36 remove legal custody from a parent or custodian, the parent or custodian from



1 whom custody was removed shall have the right to be appointed counsel, and
2 the court shall appoint counsel if the court makes a finding that the parent
3 or custodian from whom custody was removed is indigent and counsel is
4 requested by the parent or custodian.

5 (C) Parents and custodians shall be advised in the
6 dependency-neglect petition or the ex parte emergency order, whichever is
7 sooner, and at the first appearance before the court, of the right to counsel
8 and the right to appointed counsel, if eligible.

9 (D) All parents shall have the right to be appointed
10 counsel in termination of parental rights hearings, and the court shall
11 appoint counsel if the court makes a finding that the parent is indigent and
12 counsel is requested by the parent.

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15 **APPROVED: 04/04/2013**
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