

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

Act 1685 of the Regular Session

1 State of Arkansas
2 85th General Assembly
3 Regular Session, 2005

As Engrossed: H3/16/05 H3/23/05

A Bill

HOUSE BILL 2790

4
5 By: Representative Matayo
6 By: Senator Womack

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9 **For An Act To Be Entitled**

10 AN ACT TO STREAMLINE ADOPTIONS OF CHILDREN IN THE
11 CUSTODY OF THE DEPARTMENT OF HUMAN SERVICES; AND
12 FOR OTHER PURPOSES.

13 **Subtitle**

14 THE STREAMLINE ADOPTION ACT.

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

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19 SECTION 1. Arkansas Code Title 9, Chapter 28, Subchapter 4 is amended
20 to add an additional section to read as follows:

21 9-28-411. Streamlined adoptions by the Department of Human Services.

22 (a)(1) A family who adopts a child from the Department of Human
23 Services shall be eligible for the streamlined adoption process if the family
24 chooses to adopt another child from the department.

25 (2) The adoptive family is not eligible for the streamlined
26 adoption process if more than five (5) years have passed since the adoptive
27 family finalized the adoption of a child placed by the department in the
28 adoptive home.

29 (b)(1) One (1) year after the placement of a child in the adoptive
30 home and except as provided in subsection (b)(2) of this section, the
31 adoptive family shall be eligible for placement of a subsequent child in the
32 adoptive home for the purposes of adoption.

33 (2) When the subsequent child to be placed in the adoptive home
34 is the sibling of a child already placed in the adoptive home, the adoptive
35 family may be immediately eligible for adoption of the sibling.



1 (c) Upon contact by the adoptive family and if one (1) year has passed
2 since placement of a child in the adoptive home, the department shall:

3 (1)(A) Obtain a copy of the original home study completed on the
4 adoptive family.

5 (B) If needed, the department shall unseal the adoption
6 file from the previous adoption pursuant to § 9-9-217(a) in order to obtain a
7 copy of the original home study on the adoptive family; and

8 (2) Complete an update to the original home study within forty-
9 five (45) business days from contact by the adoptive family.

10 (d) The adoptive family shall be required to obtain updated criminal
11 background checks and central registry checks as outlined in this chapter.

12 (e) The department shall not require the adoptive family to attend
13 training.

14 (f) The department shall place the adoptive family in the pool of
15 waiting adoptive families eligible to adopt a child from the department
16 upon:

17 (1) Completion of the updated home study that is favorable; and

18 (2) Receipt of the:

19 (A) Criminal background check; and

20 (B) Central registry check.

21 (g)(1) A family who has a foster child in their home who was placed by
22 the department shall be eligible for the streamlined adoption process if the
23 department selects the family to be the adoptive parents of the foster child.

24 (2) Upon selection, the department shall complete the adoptive
25 home study within forty-five (45) business days.

26 (3) The department shall not require the foster family to attend
27 training.

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29 SECTION 2. Arkansas Code § 9-9-217(a), regarding the confidentiality
30 of hearing and records for adoptions, is amended to read as follows:

31 (a) Notwithstanding any other law concerning public hearings and
32 records:

33 (1) All hearings held in proceedings under this subchapter shall
34 be held in closed court without admittance of any person other than essential
35 officers of the court, the parties, their witnesses, counsel, persons who
36 have not previously consented to the adoption but are required to consent,

1 and representatives of the agencies present to perform their official
2 duties.

3 (2)(A) Adoption records shall be closed, confidential, and
4 sealed unless authority to open them is provided by law or by order of the
5 court for good cause shown.

6 (B)(i) When an adoption is filed or heard pursuant to §§
7 9-27-301 – 9-27-345, any portion of the court file relating to the adoption
8 shall be maintained separately from the file of other pending juvenile
9 matters concerning the juvenile who is the subject of the adoption or the
10 family of the juvenile.

11 (ii) Once final disposition is made in the adoption
12 proceedings, the adoption file shall be transferred from the clerk who is the
13 custodian of juvenile records to the clerk who is the custodian of records.

14 (iii) The entry of the adoption decree will be
15 entered by the clerk in the book containing adoption records.

16 (iv) The clerk shall assign the file a docket
17 number, shall prepare an application for a new birth record as provided in
18 this section, and shall maintain the file as if the case had originated as an
19 adoption case.

20 (v) No filing fee shall be assessed by the clerk
21 upon the transfer and creation of the new adoption file.

22 (vi) Any adoption record shall be handled as
23 provided in this section.

24 (C)(i) In the event an adoption record is randomly
25 selected to be audited for determination of compliance with requirements
26 found in federal laws pertaining to periodic and dispositional review of
27 foster care cases, the Administrator of Adoptions of the Department of Human
28 Services is authorized to open such file notwithstanding any section in this
29 subchapter prohibiting disclosure of adoption records.

30 (ii) It shall be the responsibility of the
31 administrator to procure and provide from said file all records pertinent to
32 the federal requirements under review.

33 (iii) The remainder of the record shall remain
34 sealed. Such portions of the record which may be removed shall be returned to
35 the sealed file upon completion of the federal audit.

36 (iv) No one shall be permitted to review the removed

1 portion of the record except in an official capacity, and, except for uses
2 required by the federal audit in compliance with state and federal statutes
3 and regulations, such person shall be bound to keep the contents of such
4 records confidential.

5 (D)(i) In the event the department has the opportunity to
6 enhance its federal funding by a review of its adoptions records, then the
7 administrator is authorized to open such files notwithstanding any section in
8 this subchapter.

9 (ii) It shall be the responsibility of the
10 administrator to procure and provide from said file all records pertinent to
11 the review.

12 (iii) The remainder of the record shall remain
13 sealed.

14 (iv) Such portion of the record that may be removed
15 shall be returned to the sealed file upon completion of the review.

16 (v) No one shall be permitted to review the removed
17 portion of the record except in an official capacity, and, except for uses
18 required to provide for the enhancement of possible federal funding in
19 compliance with state and federal statutes and regulations, such person shall
20 be bound to keep the contents of such records confidential.

21 (E)(i) In the event that an adoptive family contacts the
22 department and indicates a desire for the placement of a subsequent child and
23 no more than five (5) years have lapsed since the adoptive file has been
24 sealed, the department is authorized to unseal the adoption file
25 notwithstanding any section in this subchapter.

26 (ii) It shall be the responsibility of the
27 administrator to remove the home study from the file and make a copy of the
28 home study.

29 (iii) The remainder of the file shall remain sealed.

30 (iv) The administrator shall return the home study
31 to the file which shall then be resealed.

32 (v) The department shall be permitted to use a copy
33 of the original home study.

34 (vi) The adoptive family shall be permitted to use a
35 copy of the original home study with a petition to adopt a subsequent child
36 from the department if the original home study is accompanied by a update.

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/s/ Matayo

APPROVED: 4/05/2005

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