

1 State of Arkansas As Engrossed: H3/16/15 H3/18/15

2 90th General Assembly

# A Bill

3 Regular Session, 2015

HOUSE BILL 1648

4

5 By: Representatives Leding, M. Hodges

6 By: Senator Irvin

7

8

## For An Act To Be Entitled

9

*AN ACT TO ENSURE THAT POST-ADOPTIVE SERVICES ARE*

10

*PROVIDED TO PREVENT REHOMING; AND FOR OTHER PURPOSES.*

11

12

13

## Subtitle

14

*TO ENSURE THAT POST-ADOPTIVE SERVICES ARE*

15

*PROVIDED TO PREVENT RE-HOMING OF ADOPTED*

16

*CHILDREN.*

17

18

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

20

21 *SECTION 1. Arkansas Code § 9-9-405 is amended to read as follows:*

22

*9-9-405. Promulgation of ~~regulations~~ rules.*

23

*(a) The Department of Human Services ~~may promulgate regulations~~ shall adopt rules consistent with this subchapter.*

24

25

*(b) The department shall adopt rules to ensure that post-adoptive services are provided to adoptive parents who seek the assistance of the department to prevent the adoption from being disrupted.*

26

27

28

*SECTION 2. Arkansas Code § 9-9-410(a), concerning subsidized adoption agreements, is amended to add an additional subdivision to read as follows:*

29

*(a)(1) The subsidy agreement shall be binding and constitute an*

30

*obligation against the State of Arkansas until the adopted child reaches the*

31

*age of eighteen (18) years or the benefits available to him or her under the*

32

*subsidy agreement are provided by other state or federal programs or the*

33

*adoptive parents no longer qualify for a subsidy under the current rules ~~and~~*

34

*~~regulations~~ for subsidized adoptions.*



1           (2)(A) The adoptive parents shall immediately notify the  
2 Department of Human Services when the adoptive child is no longer under the  
3 care of the adoptive parents.

4           (B) The Department of Human Services shall review the  
5 adoption subsidy agreement and determine if the adoption subsidy shall be  
6 terminated when the adoptive parent is no longer legally responsible for  
7 providing care and support for the adoptive child.

8           SECTION 3. Arkansas Code § 9-9-411(a)(1), concerning the renewal,  
9 termination, or modification of subsidized adoption agreements is amended to  
10 read as follows:

11           (a)(1)(A) When subsidies are for more than one (1) year, the adoptive  
12 parents shall present an annual sworn certification that the adoptive child  
13 remains under their care and that the condition that caused the child to be  
14 certified continues to exist.

15           (B) An adoptive parent commits the offense of providing a  
16 false statement if the adoptive parent certifies that the adoptive child  
17 remains under the adoptive parent's care knowing the certification to be  
18 false.

19           (C) Providing a false statement under this subsection is a Class  
20 A misdemeanor.

21  
22           SECTION 4. Arkansas Code § 28-65-203, concerning the qualifications of  
23 guardians, is amended to add additional subsections to read as follows:

24           (1)(1) A circuit court of this state shall not appoint an unrelated  
25 person, a related person that is not related within the fifth degree of  
26 consanguinity, or an institution as a permanent custodian or permanent  
27 guardian of the person or estate of an adopted juvenile unless at least  
28 twenty (20) days before the hearing the prospective guardian files a written  
29 home study that has been conducted by a licensed certified social worker.

30           (2)(A) The home study shall include a state-of-residence  
31 criminal background check, if available, and a national fingerprint-based  
32 criminal background check performed by the Federal Bureau of Investigation in  
33 compliance with federal law and regulation on the prospective guardian and  
34 all household members eighteen (18) years of age and older.

35           (B) If a prospective guardian has lived in another state  
36 for at least six (6) years immediately prior to guardianship, then only a

1 state-of-residence criminal background check is required.

2 (C) The home study shall address whether the home is a  
3 suitable home and shall include a recommendation as to the approval of the  
4 petitioner as a guardian.

5 (D) The home study shall contain an evaluation of the  
6 guardian with a recommendation as to the granting of the petition for  
7 guardianship and any other information the court requires regarding the  
8 petitioner or the person.

9 (m) The department shall not be ordered by any court to conduct a  
10 guardianship home study, unless:

11 (1) The court has first determined the responsible party to be  
12 indigent; and

13 (2) The person to be studied lives in the State of Arkansas.

14  
15 /s/Leding

16  
17  
18 **APPROVED: 04/02/2015**

19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36