

1 State of Arkansas
2 94th General Assembly
3 Regular Session, 2023
4

A Bill

SENATE BILL 408

5 By: Senator C. Penzo
6 By: Representative Burkes
7

For An Act To Be Entitled

9 AN ACT TO AMEND VARIOUS LAWS CONCERNING ADOPTION; TO
10 AMEND CERTAIN ADOPTION LAWS TO DIFFERENTIATE BETWEEN
11 MINOR AND ADULT ADOPTIONS; TO AMEND THE REQUIREMENTS
12 CONCERNING WITHDRAWAL OF CONSENT TO ADOPTION; TO
13 AMEND THE REQUIREMENTS CONCERNING THE DESCRIPTION AND
14 ESTIMATE OF VALUE OF PROPERTY OWNED BY AN INDIVIDUAL
15 TO BE ADOPTED; TO AMEND THE REQUIREMENTS FOR A HOME
16 STUDY IN AN ADOPTION CASE; TO AMEND THE REQUIREMENTS
17 FOR A HEALTH, GENETIC, AND SOCIAL HISTORY IN AN
18 ADOPTION CASE; TO AMEND THE LAW CONCERNING THE
19 TERMINATION OF RIGHTS OF NONPARENTAL RELATIVES; TO
20 AMEND THE REQUIREMENTS FOR CHECKING THE PUTATIVE
21 FATHER REGISTRY IN AN ADOPTION CASE; AND FOR OTHER
22 PURPOSES.
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Subtitle

25 TO AMEND VARIOUS LAWS CONCERNING
26 ADOPTION; AND TO AMEND CERTAIN ADOPTION
27 LAWS TO DIFFERENTIATE BETWEEN MINOR AND
28 ADULT ADOPTIONS.
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32 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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34 SECTION 1. DO NOT CODIFY. Legislative intent.

35 (a)(1) The General Assembly finds that Act 889 of 1995 amended § 9-9-
36 215(a)(1) as follows:



1 (A) A decree of adoption has the effect, "[e]xcept with
 2 respect to a spouse of the petitioner and relatives of the spouse, . . . to
 3 terminate all legal relationships between the adopted individual and his or
 4 her biological relatives".

5 (2) § 9-9-215(a)(1) permits a court to grant visitation rights
 6 to parents of the deceased biological parent of the child in certain
 7 circumstances, the legal relationship between the parties remains terminated.

8 (3)(A) Section 4 of Act 889 of 1995 repealed all laws and parts
 9 of laws in conflict with the act.

10 (B)(i) § 9-9-223 grants a court the discretion to
 11 terminate rights of nonparental relatives in an adoption, except as provided
 12 in Title 9, Chapter 9, Subchapter 2.

13 (ii) Under Act 889 of 1995, Title 9, Chapter 9,
 14 Subchapter 2 terminates all legal relationships with parents and nonparental
 15 relatives by operation of law.

16 (b) Therefore, based on this conflict, § 9-9-223 should be repealed,
 17 and is repealed in Section 8 of this act.

18
 19 SECTION 2. Arkansas Code § 9-9-209(c)(2), concerning withdrawal of
 20 consent to adoption, is amended to read as follows:

21 (2) The period for filing a withdrawal of consent under
 22 subsection (b) of this section does not apply to:

23 (A) An agency as defined in ~~§9-9-202~~ § 9-9-202; ~~or~~

24 (B) A minor:

25 (i) Who is over twelve (12) years of age; and

26 (ii) Whose consent to adoption is required;

27 (C) An adult to be adopted; or

28 (D) The spouse of an adult to be adopted.

29
 30 SECTION 3. Arkansas Code § 9-9-210(a)(7), concerning the description
 31 and estimate of value of any property of an individual to be adopted that
 32 must be stated in the petition for adoption, is amended to read as follows:

33 (7) A description and estimate of value of any property of the
 34 ~~individual~~ minor to be adopted;

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 36 SECTION 4. Arkansas Code § 9-9-212(c)(1), concerning when a home study

1 is not required for an adoption to be granted, is amended to read as follows:

2 (c)(1) Unless directed by the court, a home study is not required in
3 cases in which the person to be adopted is an adult. The court may also waive
4 the requirement for a home study when a stepparent is the petitioner or the
5 petitioner and the minor are related to each other in the ~~second~~ third degree
6 of consanguinity as defined in § 28-9-212.

7
8 SECTION 5. Arkansas Code § 9-9-212(g)(1)(A), concerning when a
9 detailed, written health history and genetic and social history of a child to
10 be adopted must be provided to the prospective adoptive parents, is amended
11 to read as follows:

12 (g)(1)(A) Except as provided under subdivision (g)(2) of this section,
13 before placement for adoption, the licensed adoption agency or, when an
14 agency is not involved, the person, entity, or organization handling the
15 adoption shall compile and provide to the prospective adoptive parents a
16 detailed, written health history and genetic and social history of the child
17 that ~~may excludes~~ exclude information that would identify birth parents or
18 members of a birth parent’s family.

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20 SECTION 6. Arkansas Code § 9-9-212(g)(2)(C), concerning the exemption
21 to a detailed, written health history and genetic and social history being
22 required to be provided to a petitioner when the petitioner is related to a
23 child to be adopted within the second degree of consanguinity, is amended to
24 read as follows:

25 (C) The petitioner and the child to be adopted are related
26 to each other within the ~~second~~ third degree of consanguinity as defined in §
27 28-9-212.

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29 SECTION 7. Arkansas Code § 9-9-213, concerning residency requirements
30 for a petition for adoption of a minor to be granted, is amended to add an
31 additional subsection to read as follows:

32 (c) This section does not apply to a minor who is:

33 (1) Less than six (6) months of age at the time the petition for
34 adoption is filed; and

35 (2) Not in the custody of the Department of Human Services.

1 SECTION 8. Arkansas Code § 9-9-223, concerning the termination of
2 rights of nonparental relatives, is repealed.

3 ~~9-9-223. Termination of rights of nonparental relatives.~~

4 ~~Except as provided in this subchapter with regard to parental rights,~~
5 ~~any rights to a child which a nonparental relative may derive through a~~
6 ~~parent or by court order may, if the best interests of the child so require,~~
7 ~~be terminated in connection with a proceeding for adoption or for termination~~
8 ~~of parental rights.~~

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10 SECTION 9. Arkansas Code § 9-9-224, concerning the procedure that
11 applies in an adoption case involving a child born to a mother unmarried at
12 the time of the child's birth, is amended to add an additional subsection to
13 read as follows:

14 (d) This section does not apply to an adoption when:

15 (1) An order terminating the rights of the minor's parents has
16 been entered by a court of competent jurisdiction in this or any other state
17 before the filing of the petition for adoption, regardless of whether the
18 parents consented to termination of parental rights; or

19 (2) The minor was adopted in a separate adoption proceeding
20 before the filing of the current petition for adoption.