

1 **State of Arkansas**  
2 **78th General Assembly**  
3 **Regular Session, 1991**

**A BILL ACT 657 OF 1991**  
**HOUSE BILL 1653**

4 **By: Representatives Flanagan, Goodwin and Pollan**

5

6

7

**For An Act To Be Entitled**

8 "AN ACT TO PLACE RESTRICTIONS ON THE USE OF FACILITIES  
9 THAT ARE NOT LICENSED OR APPROVED BY THE CHILD CARE  
10 FACILITY REVIEW BOARD OR REGISTERED WITH THE DEPARTMENT OF  
11 HUMAN SERVICES; AND FOR OTHER PURPOSES."

12

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

14

15 SECTION 1. Beginning July 1, 1991, the Department of Human Services  
16 shall not expend any state or federal funds for child care services to any  
17 child care facility unless that facility is licensed or approved by the Child  
18 Care Facility Review Board, or registered with the Department of Human  
19 Services, except where care is provided by a relative in a setting otherwise  
20 exempt from licensure.

21

22 SECTION 2. (a) The provisions of this act shall not apply until  
23 January 1, 1992 to any facility which is currently exempt and which is  
24 providing child care services to participants in the Project Success Program.

25 (b) Prior to that time, such facilities may apply for licensure, or  
26 become registered with the Department of Human Services.

27 (c) After January 1, 1992, the facility must either be licensed or  
28 registered to qualify for state or federal funds.

29

30 SECTION 3. All provisions of this act of a general and permanent nature  
31 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
32 Revision Commission shall incorporate the same in the Code.

33

34 SECTION 4. If any provision of this act or the application thereof to  
35 any person or circumstance is held invalid, such invalidity shall not affect  
36 other provisions or applications of the act which can be given effect without

1 the invalid provision or application, and to this end the provisions of this  
2 act are declared to be severable.

3

4 SECTION 5. All laws and parts of laws in conflict with this act are  
5 hereby repealed.

6

7 SECTION 6. EMERGENCY. It is hereby found and determined by the  
8 Seventy-Eighth General Assembly that the effectiveness of this act on July 1,  
9 1991 is essential to the effective operation of child care facilities and the  
10 operation of the Department of Human Services and that in the event of an  
11 extension of the Regular Session, the delay in the effective date of this act  
12 beyond July 1, 1991 could work irreparable harm upon the proper administration  
13 and provision of essential governmental programs. Therefore, an emergency is  
14 hereby declared to exist and this act being necessary for the immediate  
15 preservation of the public peace, health and safety shall be in full force and  
16 effect from and after July 1, 1991.

17

18

APPROVED: 3-20-91

19

20

21

22

23

24

25

26

27

28

29

30

31

32

33

34

35

1 nn

*As Engrossed: 3/13/91*

2

3

4 **State of Arkansas**

5 **78th General Assembly**

6 **Regular Session, 1991**

7 **By: Representatives Flanagin and Goodwin**

8

9

**A BILL ACT 658 OF 1991**  
**HOUSE BILL 1654**

10

**For An Act To Be Entitled**

11

"AN ACT TO AMEND TITLE 9, CHAPTER 9, SUBCHAPTER 2 OF THE  
ARKANSAS CODE OF 1987 TO ESTABLISH MINIMUM CONTACTS WITH  
THE STATE FOR ADOPTIONS IN THIS STATE; AND FOR OTHER  
PURPOSES."

12

13

14

15

16

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

17

18

*SECTION 1. Arkansas Code §9-9-205 is hereby amended to read as follows:*

19

20

21

22

23

24

25

26

27

28

*"(a) Jurisdiction of adoption of minors: The petitioner(s) or legal parent(s) must have been physically present (resided) in the State of Arkansas for at least thirty (30) days immediately preceding the filing of a petition for adoption, relinquishment of parental rights, or execution of consent to termination of parental rights or adoption. Provided, however, that when the parental rights of the legal parent(s) have been relinquished or terminated more than thirty (30) days prior to the filing of an adoption petition, or the consent of the legal parent(s) is not required under other laws relating to adoption, physical presence of the petitioner(s) or the individual to be adopted shall be sufficient to confer subject matter jurisdiction.*

29

30

31

*(b) Jurisdiction of Adoption of Adults: Physical presence of the petitioner(s) or the individual to be adopted shall be sufficient to confer subject matter jurisdiction.*

32

33

34

35

*(c) Venue:  
(1) Proceedings for adoption must be brought in the county in which, at the time of filing or granting the petition, the petitioner(s), any person required to consent to the adoption, or the individual to be adopted*

1 resides or is in military service or in which the agency having the care,  
2 custody, or control of the minor is located.

3 (2) If the court finds in the interest of substantial justice  
4 that the matter should be heard in another forum, the court may transfer,  
5 stay, or dismiss the proceedings in whole or in part on any conditions that  
6 are just.

7 (3) The caption of a petition for adoption shall be styled  
8 substantially 'In the Matter of the Adoption.....'. The person  
9 to be adopted shall be designated in the caption under the name by which he is  
10 to be known if the petition is granted. If the child is placed for adoption  
11 by an agency, any name by which the child was previously known shall not be  
12 disclosed in the petition, the notice of hearing, or in the decree of  
13 adoption."

14  
15 SECTION 2. This act shall not apply retrospectively, and shall apply  
16 only to adoption petitions filed after the effective date hereof.

17  
18 SECTION 3. All provisions of this act of a general and permanent nature  
19 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
20 Revision Commission shall incorporate the same in the Code.

21  
22 SECTION 4. If any provision of this act or the application thereof to  
23 any person or circumstance is held invalid, such invalidity shall not affect  
24 other provisions or applications of the act which can be given effect without  
25 the invalid provision or application, and to this end the provisions of this  
26 act are declared to be severable.

27  
28 SECTION 5. All laws and parts of laws in conflict with this act are  
29 hereby repealed.

30

31 /s/ Pat Flanagan and Larry Goodwin

32

33 APPROVED: 3-20-91

34

35

