

1 **State of Arkansas**  
2 **79th General Assembly**  
3 **Regular Session, 1993**  
4 **By: Representative Pryor**

# A Bill

**ACT 758 OF 1993**  
**HOUSE BILL 1330**

## For An Act To Be Entitled

8 "AN ACT TO AMEND VARIOUS SECTIONS OF THE ARKANSAS CODE TO  
9 AUTHORIZE ALL ADOPTION RECORDS TO BE KEPT BY THE PROBATE  
10 CLERK; AND FOR OTHER PURPOSES."

## Subtitle

13 "AN ACT TO AUTHORIZE ALL ADOPTION RECORDS TO BE KEPT BY  
14 THE PROBATE CLERK."

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

18 SECTION 1. Arkansas Code Annotated § 28-1-106 is amended by adding a  
19 new subsection as follows:

20 "(d) The probate clerk shall be the custodian of all adoption records  
21 and documents whether the adoption is filed in probate court or in the  
22 juvenile division of chancery court pursuant to Arkansas Code Annotated § 9-  
23 27-306 (b) (6)."

25 SECTION 2. Arkansas Code Annotated § 9-9-202 (2) is amended to read as  
26 follows:

27 "(2) Court means all probate courts in this state, or the Juvenile  
28 Divisions of Chancery Courts when exercising jurisdiction over adoption cases  
29 pursuant to Act 273 of 1989, and, when the context requires, means the court  
30 of any other state empowered to grant petitions for adoption;"

32 SECTION 3. Arkansas Code Annotated § 9-9-217 (a) is amended to read as  
33 follows:

34 "(a) Notwithstanding any other law concerning public hearings and  
35 records:

36 (1) All hearings held in proceedings under this subchapter shall

1 be held in closed court without admittance of any person other than essential  
2 officers of the court, the parties, their witnesses, counsel, persons who have  
3 not previously consented to the adoption but are required to consent, and  
4 representatives of the agencies present to perform their official duties.

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

8           (B) When an adoption is filed or heard in the Juvenile  
9 Division of Chancery Court pursuant to Act 273 of 1989, any portion of the  
10 court file relating to the adoption shall be maintained separately from the  
11 file of other pending juvenile court matters concerning the juvenile who is  
12 the subject of the adoption or the family of that juvenile. Once final  
13 disposition is made in the adoption proceeding, the adoption file shall be  
14 transferred from the clerk who is the custodian of the records of the juvenile  
15 divisions of chancery court to the clerk who is the custodian of the records  
16 of the probate court. The clerk shall assign the file a probate docket  
17 number, shall prepare an application for a new birth record as provided  
18 herein, and shall maintain the file as if the case had originated in probate  
19 court. No filing fee shall be assessed by the clerk of the probate court upon  
20 the transfer and creation of the probate file. *Any adoption record currently*  
21 *in the custody of the clerk of the chancery court shall be transferred to the*  
22 *clerk of the probate court, to be handled as provided herein.*

23           (C) In the event an adoption record is randomly selected to  
24 be audited for determination of compliance with requirements found in federal  
25 laws pertaining to periodic and dispositional review of foster care cases, the  
26 Administrator of Adoptions of the Arkansas Department of Human Services is  
27 authorized to open such files notwithstanding any section in this subchapter  
28 prohibiting disclosure of adoption records. It shall be the responsibility of  
29 the Administrator of Adoptions to procure and provide from said file all  
30 records pertinent to the federal requirements under review. The remainder of  
31 the record shall remain sealed. Such portions of the record which may be  
32 removed shall be returned to the sealed file upon completion of the federal  
33 audit. No one shall be permitted to review the removed portion of the record  
34 except in an official capacity, and, except for uses required by the federal  
35 audit in compliance with state and federal statutes and regulations, such

1 person shall be bound to keep the contents of such records confidential."

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3 SECTION 4. Arkansas Code Annotated § 9-27-309 (a) is amended to read as  
4 follows:

5 "(a) All records may be closed and confidential within the discretion  
6 of the court, except for adoption records which shall be closed and  
7 confidential as provided in the Revised Uniform Adoption Act, as amended,  
8 Section 9-9-201 et seq."

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10 SECTION 5. Arkansas Code Annotated § 9-27-325 (i) is amended to read as  
11 follows:

12 "(i) All hearings may be closed within the discretion of the court,  
13 except, in delinquency cases the juvenile shall have the right to an open  
14 hearing, and, in adoption cases the hearings shall be closed as provided in  
15 the Revised Uniform Adoption Act, as amended, Section 9-9-201 et seq."

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17 SECTION 6. All provisions of this act of a general and permanent nature  
18 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
19 Revision Commission shall incorporate the same in the Code.

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21 SECTION 7. If any provision of this act or the application thereof to  
22 any person or circumstance is held invalid, such invalidity shall not affect  
23 other provisions or applications of the act which can be given effect without  
24 the invalid provision or application, and to this end the provisions of this  
25 act are declared to be severable.

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27 SECTION 8. All laws and parts of laws in conflict with this act are  
28 hereby repealed.

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*/s/Mark Pryor*

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APPROVED: 3/26/93

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