

1 **State of Arkansas**
2 **80th General Assembly**
3 **Regular Session, 1995**

A Bill

ACT 1067 OF 1995
SENATE BILL 761

4 **By: Senator Snyder**
5 **By: Representative Ferrell**

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For An Act To Be Entitled

9 "AN ACT TO AMEND ARKANSAS CODE ANNOTATED 9-9-212 (b) TO
10 REQUIRE BACKGROUND CHECKS ON PROSPECTIVE ADOPTIVE PARENTS;
11 AND FOR OTHER PURPOSES."

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Subtitle

14 "TO REQUIRE BACKGROUND CHECKS ON
15 PROSPECTIVE ADOPTIVE PARENTS"

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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 Annotated 9-9-212(b) is amended to read as
20 follows:

21 "(b) Upon the filing of a petition for adoption, the court shall order
22 an investigation be made by the Department of Human Services or any other
23 licensed agency or person designated by the court, including any agency
24 licensed under §§ 9-28-401 - 9-28-411 and any licensed social worker,
25 including licensed social workers who are residents of the same state of a
26 petitioner so wishing to adopt a child in Arkansas. If such investigation is
27 performed by a nonresident, such investigator need not be licensed to make
28 child placements. All investigations shall be prepared and submitted in
29 conformity with the Arkansas Child Placement Licensing Act, § 9-28-401 et seq.
30 The investigation need not be ordered if an investigation report has been
31 submitted and reviewed by the court with the petition for adoption. The
32 investigation shall inquire into the conditions and antecedents of a minor
33 sought to be adopted and of the petitioner for the purpose of ascertaining
34 whether the adoptive home is a suitable home for the minor and whether the
35 proposed adoption is in the best interest of the minor. A written report of
36 the investigation shall be filed with the court by the investigator before the

1 petition is heard. The report of the investigation shall contain an
2 evaluation of the placement with a recommendation as to the granting of the
3 petition for adoption and any other information the court requires regarding
4 the petitioner or minor. The report of the investigation shall include a
5 state and national fingerprint based criminal background check. Each
6 prospective adoptive parent shall be responsible for payment of the costs of
7 the criminal background checks and shall be required to cooperate with the
8 requirements of the Arkansas State Police with regard to the criminal
9 background checks, including but not limited to signing a release of
10 information. Upon completion of the criminal record checks, the Arkansas
11 State Police shall forward all information obtained to either the Department
12 *of Human Services if they are making the investigation, or to the agency,*
13 *licensed social worker, or other person designated by the court who is making*
14 *the investigation, or to the court in which the adoption petition has been*
15 *filed. The court shall further order that a report of the investigation shall*
16 be filed with the court by the investigator within sixty (60) working days
17 from the issuance of the order for investigation, unless time therefor is
18 extended by the court. The court shall not enter any order respecting the
19 placement of the minor for adoption until the investigation report has been
20 submitted and reviewed by the court."

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22 SECTION 2. All provisions of this act of a general and permanent nature
23 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
24 Revision Commission shall incorporate the same in the Code.

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26 SECTION 3. If any provision of this act or the application thereof to
27 any person or circumstance is held invalid, such invalidity shall not affect
28 other provisions or applications of the act which can be given effect without
29 the invalid provision or application, and to this end the provisions of this
30 act are declared to be severable.

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

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/s/Snyder

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As Engrossed: 3/23/95

SB 761

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APPROVED: 4-10-95

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