

1 State of Arkansas
2 88th General Assembly
3 Regular Session, 2011
4

As Engrossed: H3/3/11
A Bill

HOUSE BILL 1451

5 By: Representative Summers
6 By: Senator Bledsoe
7

For An Act To Be Entitled

9 AN ACT CONCERNING VARIOUS ADOPTION PROVISIONS; AND
10 FOR OTHER PURPOSES.
11

Subtitle

12 CONCERNING VARIOUS ADOPTION PROVISIONS.
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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 § 9-9-206(a)(5), concerning persons required
20 to consent to adoption, is amended to read as follows:

21 (5) The minor, if more than ~~ten (10)~~ twelve (12) years of age,
22 unless the court in the best interest of the minor dispenses with the minor's
23 consent; and
24

25 SECTION 2. Arkansas Code § 9-9-210(a)(3), concerning a petition for
26 adoption, is amended to read as follows:

27 (3) The date the petitioner:
28 (A) acquired ~~acquired~~ Acquired custody of the minor and of
29 placement of the minor and the name of the person placing the minor; and a
30 statement as to how petitioner acquired custody of the minor; or
31 (B) Was selected to adopt the minor by the child placement
32 agency licensed by the Child Welfare Agency Review Board;
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34 SECTION 3. Arkansas Code § 9-9-213 is amended to read as follows:

35 9-9-213. Required residence of minor.

36 (a) A final decree of adoption shall not be issued and an



1 interlocutory decree of adoption does not become final until the minor to be
2 adopted, other than a stepchild of the petitioner, has lived in the home for
3 at least six (6) months after placement by an agency or for at least six (6)
4 months after the petition for adoption is filed.

5 (b)(1) Residence in the home is not required for a minor to be adopted
6 if the minor is in the custody of the Department of Human Services.

7 (2) The minor must reside outside of the home to receive
8 medically necessary health care.

9
10 SECTION 4. Arkansas Code § 9-9-215(c), concerning effect of decree of
11 adoption, is amended to read as follows:

12 (c) Sibling visitation shall not terminate if the adopted child was in
13 the custody of the Department of Human Services and had a sibling who was not
14 adopted by the same family and before adoption the circuit court in the
15 juvenile dependency-neglect or families in need of services case has
16 determined that it is in the best interests of the siblings to ~~continue~~
17 ~~visitation~~ visit and has ordered visitation between the siblings to ~~continue~~
18 occur after the adoption.

19
20 SECTION 5. Arkansas Code § 9-9-404(a), concerning administration and
21 funding, is amended to read as follows:

22 (a) The Department of Human Services shall establish and administer an
23 ongoing program of subsidized adoption by persons who are determined by the
24 department to be eligible to adopt under this subchapter ~~and who are~~
25 ~~financially unable to otherwise adopt as determined by the department using a~~
26 ~~means-based test.~~

27
28 SECTION 6. Arkansas Code § 9-9-407 is amended to read as follows:

29 (a) A family is initially eligible for a subsidy for purposes of
30 adoption if:

31 (1)(A) No other potential adoptive family has been identified
32 and is willing and able to adopt the child without the use of a subsidy.

33 (B) In the case of a child who has established significant
34 emotional ties with prospective adoptive parents while in their care as a
35 foster child, the Department of Human Services may certify the child as
36 eligible for a subsidy without searching for families willing to take the

1 child without a subsidy.

2 (C) In the case of a child who will be adopted by members
3 of his or her biological family, the department may certify the child as
4 eligible for a subsidy without searching for families willing to take the
5 child without a subsidy;

6 (2) The department has determined the family to be eligible
7 ~~pursuant to a means-based test;~~

8 (3) The child is in the custody of the department; and

9 (4) The child has been determined by the department to have
10 special needs.

11 ~~(b)(1) Annually, the department shall redetermine eligibility on each
12 state adoption subsidy.~~

13 ~~(2) A state adoption subsidy shall cease if the adoptive family
14 is no longer:~~

15 ~~(A) Eligible for the subsidy based on the means-based
16 test; or~~

17 ~~(B) Providing care and support for the adoptive child.~~

18 (c) A child who is a resident of Arkansas when eligibility for a
19 subsidy is certified shall remain eligible and receive a subsidy, if
20 necessary for adoption, regardless of the domicile or residence of the
21 adopting parents at the time of application for adoption, placement, legal
22 decree of adoption, or thereafter.

23 (d) A family is eligible for a legal subsidy for purposes of adoption
24 if:

25 (1) The child is in the custody of the department; ~~or~~

26 (2)(A) The child was in the custody of the department;

27 (B) Legal custody was transferred to a relative or other
28 person; and

29 (C) The juvenile division case remains open pending the
30 child obtaining *permanency*.

31

32 SECTION 7. Arkansas Code § 9-9-408(b), concerning subsidy agreements,
33 is amended to read as follows:

34 (b)(1) Adoption subsidies, the amount of which in individual cases
35 shall be determined through agreement between the adoptive parents and the
36 department but shall be no more than the current foster care board rate, may

1 commence with the adoption placement or at the appropriate time after the
2 adoption decree and may vary with the circumstances of the adopting parents
3 and the needs of the child as well as the availability of other resources to
4 meet the child's needs.

5 ~~(2)(A) State adoption subsidy agreements shall be for no more~~
6 ~~than one (1) year.~~

7 ~~(B) The department shall redetermine eligibility each year~~
8 ~~as outlined in this subchapter and shall enter into an annual agreement only~~
9 ~~if the adoptive family remains eligible for an adoption subsidy.~~

10 ~~(3)(A)~~ In the case of the special needs child whose eligibility
11 is based on a high risk for development of a serious physical, mental,
12 developmental, or emotional condition, the adoption subsidy agreement shall
13 not provide for ~~ne~~ an adoption subsidy until the child actually develops the
14 condition.

15 (B) ~~Ne~~ A subsidy payment shall not be made until adequate
16 documentation is submitted by the adoptive parents to the department showing
17 that the child has now developed the condition.

18 (C) Upon acceptance by the department that the child has
19 developed the condition, the adoption subsidy shall be retroactive to the
20 date the adoptive parents submitted adequate documentation that the child
21 developed the condition.

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23 */s/Summers*

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26 **APPROVED: 03/23/2011**