

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

Act 539 of the Regular Session

As Engrossed: H2/26/07 S3/15/07

A Bill

1 State of Arkansas
2 86th General Assembly
3 Regular Session, 2007

HOUSE BILL 1485

4
5 By: Representative Key
6 By: Senator Womack

7
8
9 **For An Act To Be Entitled**

10 AN ACT TO AMEND THE "REVISED UNIFORM ADOPTION
11 ACT", ARKANSAS CODE § 9-9-201 ET SEQ.; TO AMEND
12 PROVISIONS OF THE "STREAMLINE ADOPTION ACT",
13 ARKANSAS CODE § 9-9-701; AND FOR OTHER PURPOSES.

14
15 **Subtitle**

16 TO AMEND THE "REVISED UNIFORM ADOPTION
17 ACT" AND THE "STREAMLINE ADOPTION ACT".

18
19
20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

21
22 SECTION 1. Arkansas Code § 9-9-205(e), regarding the jurisdiction and
23 venue for adoptions and the petition for adoption, is amended to read as
24 follows:

25 (e) If the child is placed for adoption ~~by an agency~~, any name by
26 which the child was previously known ~~shall not~~ may be disclosed in the
27 *petition, the notice of hearing, or in the decree of adoption.*

28
29 SECTION 2. Arkansas Code § 9-9-205, regarding the jurisdiction and
30 venue for adoptions and the petition for adoption, is amended to add an
31 additional subsection to read as follows:

32 (f) In the event the child dies during the time that the child is
33 placed in the home of an adoptive parent or parents for the purpose of
34 adoption, the court has the authority to enter a final decree of adoption
35 after the child's death upon the request of the adoptive parent.



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36

SECTION 3. Arkansas Code § 9-9-206(a), regarding consent for adoption, is amended to read as follows:

(a) Unless consent is not required under § 9-9-207, a petition to adopt a minor may be granted only if written consent to a particular adoption has been executed by:

(1) The mother of the minor;

(2) The father of the minor if the father was married to the mother at the time the minor was conceived or at any time thereafter, the minor is his child by adoption, he has physical custody of the minor at the time the petition is filed, he has a written order granting him legal custody of the minor at the time the petition for adoption is filed, a court has adjudicated him to be the legal father prior to the time the petition for adoption is filed, or he proves a significant custodial, personal, or financial relationship existed with the minor before the petition for adoption is filed;

(3) Any person lawfully entitled to custody of the minor or empowered to consent;

(4) The court having jurisdiction to determine custody of the minor, if the legal guardian or custodian of the person of the minor is not empowered to consent to the adoption;

(5) The minor, if more than ten (10) years of age, unless the court in the best interest of the minor dispenses with the minor's consent; and

(6) The spouse of the minor to be adopted.

SECTION 4. Arkansas Code § 9-9-212(b), regarding hearings on petitions, is amended to read as follows:

(b)(1)(A) Before placement of the child in the home of the petitioner, a home study shall be conducted by any child welfare agency licensed under the Child Welfare Agency Licensing Act, § 9-28-401 et seq., or any licensed certified social worker.

(B) Home studies on non-Arkansas residents may also be conducted by a person or agency in the same state as the person wishing to adopt as long as the person or agency is authorized under the law of that state to conduct home studies for adoptive purposes.

1 (2) The Department of Health and Human Services shall not be
2 ordered by any court, except the juvenile division of circuit court, to
3 conduct a home study, unless:

4 (A) The court has first determined the responsible party
5 to be indigent; and

6 (B) The person to be studied lives in the State of
7 Arkansas.

8 (3) All home studies shall be prepared and submitted in
9 conformity with the regulations promulgated pursuant to the Child Welfare
10 Agency Licensing Act, § 9-28-401 et seq.

11 (4)(A) The home study shall address whether the adoptive home is
12 a suitable home, and shall include a recommendation as to the approval of the
13 petitioner as an adoptive parent.

14 (B) A written report of the home study shall be filed with
15 the court before the petition is heard.

16 (C) The home study shall contain an evaluation of the
17 prospective adoption with a recommendation as to the granting of the petition
18 for adoption and any other information the court requires regarding the
19 petitioner or minor.

20 (5)(A) The home study shall include a state-of-residence
21 criminal background check, if available, and national fingerprint-based
22 criminal background check on the adoptive parents and all household members
23 age sixteen (16) and older.

24 (B) If a prospective adoptive parent has lived in a state
25 for at least six (6) years immediately prior to adoption, then only a state-
26 of-residence criminal background check shall be required.

27 (C) If the Department of Health and Human Services has
28 responsibility for placement and care of the child to be adopted, the home
29 study shall include a national fingerprint-based criminal background check on
30 the prospective adoptive parents and all household members sixteen (16) years
31 of age or older.

32 (D) Upon request by the department, local law enforcement
33 shall provide the department with criminal background information on the
34 prospective adoptive parents and all household members sixteen (16) years of
35 age and older who have applied to be an adoptive family.

36 (6) A child maltreatment central registry check shall be

1 required for all household members age ten (10) and older as a part of the
2 home study, if such a registry is available in their state of residence.

3 (7) Additional national fingerprint-based criminal background
4 checks are not required for international adoptions as they are already a
5 part of the requirements for adoption of the federal Bureau of Citizenship
6 and Immigration Services of the Department of Homeland Security.

7 (8) Each prospective adoptive parent shall be responsible for
8 payment of the costs of the criminal background checks and shall be required
9 to cooperate with the requirements of the Department of Arkansas State Police
10 and the child maltreatment central registry, if available, with regard to the
11 criminal and central registry background checks, including, but not limited
12 to, signing a release of information.

13 (9)(A) Upon completion of the criminal record checks, the
14 Department of Arkansas State Police shall forward all information obtained to
15 either the department if it is conducting the home study, to the agency, to
16 the licensed certified social worker, or to the court in which the adoption
17 petition will be filed.

18 (B) The Department of Arkansas State Police shall forward
19 all information obtained from the national fingerprint-based criminal
20 background checks to either the department, if it is doing the home study, or
21 to the court in which the adoption petition will be filed.

22 (C) The circuit clerk of the county where the petition for
23 adoption has been or will be filed shall keep a record of the national
24 fingerprint-based criminal background checks for the court.

25
26 *SECTION 5.* Arkansas Code § 9-9-219 is amended to read as follows:

27 9-9-219. Application for new birth record.

28 ~~Within thirty (30) days after an adoption decree becomes final~~ Upon
29 entry of a final decree of adoption or an interlocutory decree of adoption
30 that does not require a subsequent hearing, the clerk of the court shall
31 prepare an application for a birth record in the new name of the adopted
32 individual and forward the application to the appropriate vital statistics
33 office of the place, if known, where the adopted individual was born and
34 forward a copy of the decree to the ~~Department of Health~~, Division of Vital
35 Records of the Division of Health of the Department of Health and Human
36 Services, for statistical purposes. The division may issue a birth

1 certificate for any child born in a place whose law does not provide for the
2 issuance of a substituted certificate.

3
4 *SECTION 6.* Arkansas Code § 9-9-701 is amended to read as follows:

5 9-9-701. Streamlined adoptions by the Department of Health and Human
6 Services.

7 (a)(1) A family who adopts a child from the Department of Health and
8 Human Services shall be eligible for the streamlined adoption process if the
9 family chooses to adopt another child from the department and the department
10 selects the family to be the adoptive parents of a child in the custody of
11 the department.

12 (2) The adoptive family is not eligible for the streamlined
13 adoption process if more than five (5) years have passed since the adoptive
14 family finalized the adoption of a child placed by the department in the
15 adoptive home.

16 ~~(b)(1) One (1) year after the placement of a child in the adoptive~~
17 ~~home and except as provided in subdivision (b)(2) of this section, the~~
18 ~~adoptive family shall be eligible for placement of a subsequent child in the~~
19 ~~adoptive home for the purposes of adoption.~~

20 ~~(2) When the subsequent child to be placed in the adoptive home~~
21 ~~is the sibling of a child already placed in the adoptive home, the adoptive~~
22 ~~family may be immediately eligible for adoption of the sibling.~~

23 ~~(e)(b)~~ Upon contact by the adoptive family ~~and if one (1) year has~~
24 ~~passed since placement of a child in the adoptive home,~~ the department shall:

25 (1)(A) Obtain a copy of the original home study completed on the
26 adoptive family.

27 (B) If needed, the department shall unseal the adoption
28 file from the previous adoption pursuant to § 9-9-217(a) in order to obtain a
29 copy of the original home study on the adoptive family; and

30 (2) Complete an update to the original home study within forty-
31 five (45) business days from contact by the adoptive family.

32 ~~(d)(c)~~ The adoptive family shall be required to obtain updated
33 criminal background checks and central registry checks as outlined in this
34 chapter.

35 ~~(e)(d)~~ The department shall not require the adoptive family to attend
36 training.

