

1 State of Arkansas *As Engrossed: H3/13/15 H3/18/15 S3/25/15*
2 90th General Assembly
3 Regular Session, 2015

A Bill

HOUSE BILL 1676

4
5 By: Representative D. Meeks
6 *By: Senator B. Pierce*

For An Act To Be Entitled

9 *AN ACT TO PROHIBIT RE-HOMING OF AN ADOPTED CHILD; AND*
10 *FOR OTHER PURPOSES.*

Subtitle

14 *TO PROHIBIT RE-HOMING OF AN ADOPTED*
15 *CHILD.*

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

20 SECTION 1. Arkansas Code Title 5, Chapter 27, Subchapter 2, is amended
21 to add an additional section to read as follows:

22 5-27-211. Re-homing of an adopted minor.

23 (a) As used in this section:

24 (1) "Adopted minor" means a person who is:

25 (A) Less than eighteen (18) years of age; and

26 (B) The subject of an adoption decree that is valid under
27 the law of this state or another state, or foreign or international law; and

28 (2) "Relative" means a person within the fifth degree of
29 consanguinity by virtue of blood or adoption.

30 (b) A person commits the offense of re-homing of a minor if he or she
31 knowingly engages in:

32 (1)(A) A transaction or an action taken to facilitate a
33 transaction through electronic means or otherwise by an adoptive parent, an
34 individual, or an entity having custody of an adopted minor that is taken:

35 (i) Without court approval; and

36 (ii) Except as provided under subsection (c) of this



1 section, to avoid permanent parental responsibility by placing the minor in
2 the physical custody of another person or entity.

3 (B) As used in subdivision (b)(1)(A) of this section,
4 "transaction" includes without limitation transferring, advertising,
5 recruiting, harboring, transporting, providing, soliciting, or obtaining a
6 minor;

7 (2) The selling, transferring, or arranging for the sale or
8 transfer of a minor to another person or entity for money or anything of
9 value or to receive a minor for money or anything of value;or

10 (3) Assisting, aiding, abetting, or conspiring in the commission
11 of an act described in subdivision (b)(1) or (b)(2) of this section by a
12 person or an entity, regardless of whether money or anything of value has
13 been promised to or received by the person or entity.

14 (c) This section does not apply to:

15 (1) A person who places a minor with a relative, stepparent, an
16 agency licensed under the Child Welfare Agency Licensing Act, § 9-28-401 et
17 seq., a licensed attorney, or the Department of Human Services;

18 (2) Placement of a minor by a licensed attorney, an agency
19 licensed under the Child Welfare Agency Licensing Act, § 9-28-401 et seq., or
20 the Department of Human Services;

21 (3) Temporary placement of a minor by a parent or custodian for
22 a designated short-term period with a specified intent and time period for
23 return of the minor, if the temporary placement is due to a vacation or a
24 school-sponsored function or activity, or the incarceration, military
25 service, medical treatment, or incapacity of a parent or guardian;

26 (4) Placement of a minor in accordance with the requirements of
27 the Interstate Compact on the Placement of Children, § 9-29-201 et seq.; or

28 (5) Relinquishment of a minor under the voluntary delivery of a
29 child law, under § 9-34-201 et seq.

30 (d) Re-homing of a minor is an unclassified felony with a term of
31 imprisonment of not more than five (5) years and a fine of not more than five
32 thousand dollars (\$5,000).

33 (e) It is not a defense to prosecution for a violation of this section
34 that the adoptive parent solicited, advertised, or recruited through
35 electronic means or otherwise and recruited a person that is:

36 (1) A law enforcement officer acting within the official scope

1 of his or her duties; and

2 (2) Posing as a person willing to accept placement of an adopted
3 minor.

5 SECTION 2. Arkansas Code § 9-27-303(2), concerning the definition of
6 "abandonment" for the Arkansas Juvenile Code, is amended to read as follows:

7 (2)(A) "Abandonment" means:

8 ~~(A)(i)~~ The failure of the parent to provide
9 reasonable support for a juvenile and to maintain regular contact with a
10 juvenile through statement or contact when the failure is accompanied by an
11 intention on the part of the parent to permit the condition to continue for
12 an indefinite period in the future;

13 ~~(B)(ii)~~ The failure of a parent to support or
14 maintain regular contact with a child without just cause; or

15 ~~(C)(iii)~~ An articulated intent to forego parental
16 responsibility.

17 (B) "Abandonment" does not include a situation in which a child
18 has disrupted his or her adoption and the adoptive parent has exhausted the
19 available resources;

21 SECTION 3. Arkansas Code § 9-27-303(25)(A), concerning the definition
22 of "family services" for the Arkansas Juvenile Code, is amended to read as
23 follows:

24 (25)(A) "Family services" means relevant services provided to a
25 juvenile or his or her family, including, but not limited to:

26 (i) Child care;

27 (ii) Homemaker services;

28 (iii) Crisis counseling;

29 (iv) Cash assistance;

30 (v) Transportation;

31 (vi) Family therapy;

32 (vii) Physical, psychiatric, or psychological
33 evaluation;

34 (viii) Counseling; ~~or~~

35 (ix) Treatment; or

36 (x) Post-adoptive services.

