

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.

1 State of Arkansas
2 86th General Assembly
3 Regular Session, 2007
4

As Engrossed: H2/26/07

A Bill

HOUSE BILL 1485

5 By: Representative Key
6
7

For An Act To Be Entitled

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

Subtitle

14 TO AMEND THE "REVISED UNIFORM ADOPTION
15 ACT" AND THE "STREAMLINE ADOPTION ACT".
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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21 SECTION 1. Arkansas Code § 9-9-205(e), regarding the jurisdiction and
22 venue for adoptions and the petition for adoption, is amended to read as
23 follows:

24 (e) If the child is placed for adoption ~~by an agency~~, any name by
25 which the child was previously known ~~shall not~~ may be disclosed in the
26 petition, the notice of hearing, or in the decree of adoption.
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28 SECTION 2. Arkansas Code § 9-9-206(a), regarding consent for adoption,
29 is amended to read as follows:

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

33 (1) The mother of the minor;

34 (2) The father of the minor if the father was married to the
35 mother at the time the minor was conceived or at any time thereafter, the
36 minor is his child by adoption, he has physical custody of the minor at the



1 time the petition is filed, he has a written order granting him legal custody
2 of the minor at the time the petition for adoption is filed, a court has
3 adjudicated him to be the legal father prior to the time the petition for
4 adoption is filed, or he proves a significant custodial, personal, or
5 financial relationship existed with the minor before the petition for
6 adoption is filed;

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

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

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

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

16
17 *SECTION 3. Arkansas Code § 9-9-212(b), regarding hearings on*
18 *petitions, is amended to read as follows:*

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

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

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

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

32 (B) The person to be studied lives in the State of
33 Arkansas.

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

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

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

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

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

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

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

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

26 (6) A child maltreatment central registry check shall be
27 required for all household members age ten (10) and older as a part of the
28 home study, if such a registry is available in their state of residence.

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

33 (8) Each prospective adoptive parent shall be responsible for
34 payment of the costs of the criminal background checks and shall be required
35 to cooperate with the requirements of the Department of Arkansas State Police
36 and the child maltreatment central registry, if available, with regard to the

1 criminal and central registry background checks, including, but not limited
2 to, signing a release of information.

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

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

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

15
16 *SECTION 4.* Arkansas Code § 9-9-219 is amended to read as follows:

17 9-9-219. Application for new birth record.

18 ~~Within thirty (30) days after an adoption decree becomes final~~ Upon
19 entry of a final decree of adoption or an interlocutory decree of adoption
20 that does not require a subsequent hearing, the clerk of the court shall
21 prepare an application for a birth record in the new name of the adopted
22 individual and forward the application to the appropriate vital statistics
23 office of the place, if known, where the adopted individual was born and
24 forward a copy of the decree to the ~~Department of Health~~, Division of Vital
25 Records of the Division of Health of the Department of Health and Human
26 Services, for statistical purposes. The division may issue a birth
27 certificate for any child born in a place whose law does not provide for the
28 issuance of a substituted certificate.

29
30 *SECTION 5.* Arkansas Code § 9-9-701 is amended to read as follows:

31 9-9-701. Streamlined adoptions by the Department of Health and Human
32 Services.

33 (a)(1) A family who adopts a child from the Department of Health and
34 Human Services shall be eligible for the streamlined adoption process if the
35 family chooses to adopt another child from the department and the department
36 selects the family to be the adoptive parents of a child in the custody of

1 the department.

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

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

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

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

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

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

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

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

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

27 ~~(f)(e) The department shall place the adoptive family in the pool of~~
28 ~~waiting adoptive families eligible to adopt a child from the department upon:~~

29 (1) Completion of the updated home study that is favorable; and

30 (2) Receipt of the:

31 (A) Criminal background check; and

32 (B) Central registry check.

33 ~~(g)(1)(f)(1) A family who has a foster child in its home who was~~
34 ~~placed by the department shall be eligible for the streamlined adoption~~
35 ~~process if the department selects the ~~family's parents~~ foster family to be~~
36 ~~the adoptive ~~parents~~ family of the foster child.~~

1 (2) Upon selection, the department shall complete the adoptive
2 home study within forty-five (45) business days.

3 (3) The department shall not require the foster family to attend
4 training.

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/s/ Key