

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 S3/15/07

# A Bill

HOUSE BILL 1485

5 By: Representative Key  
6 By: Senator Womack  
7

## 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

## Subtitle

15 TO AMEND THE "REVISED UNIFORM ADOPTION  
16 ACT" AND THE "STREAMLINE ADOPTION ACT".  
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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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.*  
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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.  
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1 SECTION 3. Arkansas Code § 9-9-206(a), regarding consent for adoption,  
2 is amended to read as follows:

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

6 (1) The mother of the minor;

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

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

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

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

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

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

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

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

36 (2) The Department of Health and Human Services shall not be

1 ordered by any court, except the juvenile division of circuit court, to  
2 conduct a home study, unless:

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

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

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

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

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

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

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

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

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

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

35 (6) A child maltreatment central registry check shall be  
36 required for all household members age ten (10) and older as a part of the

1 home study, if such a registry is available in their state of residence.

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

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

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

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

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

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

26 9-9-219. Application for new birth record.

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

1 issuance of a substituted certificate.

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

4 9-9-701. Streamlined adoptions by the Department of Health and Human  
5 Services.

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

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

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

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

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

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

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

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

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

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

36 ~~(f)(e)~~ The department shall place the adoptive family in the pool of

1 waiting adoptive families eligible to adopt a child from the department upon:

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

3 (2) Receipt of the:

4 (A) Criminal background check; and

5 (B) Central registry check.

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

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

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

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15 /s/ Key  
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