

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 87th General Assembly  
3 Regular Session, 2009  
4

# A Bill

SENATE BILL 330

5 By: Senator Bledsoe  
6 By: Representative Hobbs  
7  
8

## For An Act To Be Entitled

9 AN ACT TO AMEND THE LAW REGARDING THE FAST-  
10 TRACKED ADOPTION OF GARRETT'S LAW BABIES; AND FOR  
11 OTHER PURPOSES.  
12

### Subtitle

13 TO AMEND THE LAW REGARDING THE FAST-  
14 TRACKED ADOPTION OF GARRETT'S LAW  
15 BABIES.  
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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 § 9-9-702 is amended to read as follows:

23 9-9-702. Fast-tracked adoption of Garrett's law babies.

24 (a) As used in this section, "newborn" means an infant who is thirty  
25 (30) days of age or younger.

26 ~~(a)~~(b) If a report of neglect under § 12-12-503(12)(B) is made to the  
27 Arkansas State Police Child Abuse Hotline, the mother has the option to place  
28 the newborn for:

29 (1) Adoption through a licensed child placement agency as  
30 defined in § 9-28-402(7); or

31 (2) A private adoption with ~~any~~ a person licensed to practice  
32 medicine or law.

33 ~~(b)~~(c) If a newborn is taken into the custody of the Department of  
34 Human Services as the result of a call to the hotline of neglect under § 12-  
35 12-503(12)(B), the mother has the option to place the newborn for:

36 (1) Adoption through a licensed child placement agency under §



1 9-28-402(7); or

2 (2) A private adoption with ~~any~~ a person licensed to practice  
 3 medicine or law.

4 (d)(1) If the proposed adoptive family has not completed the adoptive  
 5 home study process, including the required criminal background check, the  
 6 newborn shall be placed in the custody of the department or shall remain in  
 7 the custody of the department until the required home study and criminal  
 8 background checks are completed on the proposed adoptive parents.

9 (2) If the newborn is in the custody of the department, an order  
 10 transferring custody to the proposed adoptive parents is required before the  
 11 newborn is placed in the home of the proposed adoptive parents.

12 (3) If the newborn is in the custody of the department, any  
 13 petition for adoption shall be filed in the open dependency-neglect case.

14 (4) The adoption shall be granted only if the proposed adoptive  
 15 placement is in the best interests of the newborn.

16 (e)(1)(A) If the mother wishes for a relative to adopt her newborn,  
 17 the newborn shall be placed in the custody of the department unless the  
 18 relative has a completed approved adoptive home study at the time placement  
 19 is needed.

20 (B) If a home study has not been completed on the  
 21 relative, the department shall complete an adoptive home study on the  
 22 proposed relative if the proposed relative is an appropriate placement for  
 23 the newborn.

24 (C) The home study on the relative cannot be waived.

25 (2) The adoption by a relative of the newborn shall be denied  
 26 unless:

27 (A) The proposed relative adoptive parents have an  
 28 approved adoptive home study or the department approves the proposed relative  
 29 adoptive parents to adopt under state law on adoption, child welfare agency  
 30 licensing law and regulations, and department policy and procedures;

31 (B) The court determines the proposed relative adoptive  
 32 parents have the capacity and willingness to abide by orders regarding care,  
 33 supervision, and custody so that child protection will not be an issue if the  
 34 adoption is granted; and

35 (C) The court enters an order describing the level of  
 36 contact, if any, which is permitted to occur between the birth parent and the

1 proposed relative adoptive parents and the consequences for violation of the  
2 order of contact under § 5-26-502.

3 ~~(e)~~(f) The department shall remain involved in each placement that is  
4 made under this section to monitor whether the mother withdraws her consent  
5 to the adoption.

6 ~~(d)~~(g) If the mother withdraws her consent to the adoption, the  
7 department shall initiate an action to ensure the protection of the child,  
8 including without limitation, taking the child into custody if custody is  
9 warranted to protect the health and safety of the child.

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