

**Hall of the House of Representatives**  
85th General Assembly - Regular Session, 2005  
**Amendment Form**

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**Subtitle of House Bill No. 2790**

"AN ACT TO BE KNOWN AS THE STREAMLINE ADOPTION ACT."

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**Amendment No. 1 to House Bill No. 2790.**

Amend House Bill No. 2790 as originally introduced:

Delete the title entirely and substitute:

"AN ACT TO STREAMLINE ADOPTIONS OF CHILDREN IN THE CUSTODY OF THE DEPARTMENT OF HUMAN SERVICES; AND FOR OTHER PURPOSES."

AND

Delete the subtitle in its entirety and substitute:

"THE STREAMLINE ADOPTION ACT."

AND

Delete everything after the enacting clause and substitute:

"SECTION 1. Arkansas Code Title 9, Chapter 28, Subchapter 4 is amended to add an additional section to read as follows:

9-28-411. Streamlined adoptions by the Department of Human Services.

(a)(1) A family who adopts a child from the Department of Human Services shall be eligible for the streamlined adoption process if the family chooses to adopt another child from the department.

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

(b) One (1) year after the placement of the child in the adoptive home, the adoptive family shall be eligible for placement by the department of a subsequent child in the adoptive home for the purposes of adoption.

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

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

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



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

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

(e) The department shall not require the adoptive family to attend training.

(f) The department shall place the adoptive family on the waiting list of adoptive families eligible to adopt a child from the department upon:

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

(2) Receipt of the:

(A) Criminal background check; and

(B) Central registry check.

(g)(1) A family who has a foster child in their home who was placed by the department shall be eligible for the streamlined adoption process if the department selects the family to be the adoptive parents of the foster child.

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

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

SECTION 2. Arkansas Code § 9-9-217(a), regarding the confidentiality of hearing and records for adoptions, is amended to read as follows:

(a) Notwithstanding any other law concerning public hearings and records:

(1) All hearings held in proceedings under this subchapter shall be held in closed court without admittance of any person other than essential officers of the court, the parties, their witnesses, counsel, persons who have not previously consented to the adoption but are required to consent, and representatives of the agencies present to perform their official duties.

(2)(A) Adoption records shall be closed, confidential, and sealed unless authority to open them is provided by law or by order of the court for good cause shown.

(B)(i) When an adoption is filed or heard pursuant to §§ 9-27-301 – 9-27-345, any portion of the court file relating to the adoption shall be maintained separately from the file of other pending juvenile matters concerning the juvenile who is the subject of the adoption or the family of the juvenile.

(ii) Once final disposition is made in the adoption proceedings, the adoption file shall be transferred from the clerk who is the custodian of juvenile records to the clerk who is the custodian of records.

(iii) The entry of the adoption decree will be entered by the clerk in the book containing adoption records.

(iv) The clerk shall assign the file a docket number, shall prepare an application for a new birth record as provided in this section, and shall maintain the file as if the case had originated as an adoption case.

(v) No filing fee shall be assessed by the clerk upon the transfer and creation of the new adoption file.

(vi) Any adoption record shall be handled as provided in this section.

(C)(i) In the event an adoption record is randomly

selected to be audited for determination of compliance with requirements found in federal laws pertaining to periodic and dispositional review of foster care cases, the Administrator of Adoptions of the Department of Human Services is authorized to open such file notwithstanding any section in this subchapter prohibiting disclosure of adoption records.

(ii) It shall be the responsibility of the administrator to procure and provide from said file all records pertinent to the federal requirements under review.

(iii) The remainder of the record shall remain sealed. Such portions of the record which may be removed shall be returned to the sealed file upon completion of the federal audit.

(iv) No one shall be permitted to review the removed portion of the record except in an official capacity, and, except for uses required by the federal audit in compliance with state and federal statutes and regulations, such person shall be bound to keep the contents of such records confidential.

(D)(i) In the event the department has the opportunity to enhance its federal funding by a review of its adoptions records, then the administrator is authorized to open such files notwithstanding any section in this subchapter.

(ii) It shall be the responsibility of the administrator to procure and provide from said file all records pertinent to the review.

(iii) The remainder of the record shall remain sealed.

(iv) Such portion of the record that may be removed shall be returned to the sealed file upon completion of the review.

(v) No one shall be permitted to review the removed portion of the record except in an official capacity, and, except for uses required to provide for the enhancement of possible federal funding in compliance with state and federal statutes and regulations, such person shall be bound to keep the contents of such records confidential.

(E)(i) In the event that an adoptive family contacts the department and indicates a desire for the placement of a subsequent child and no more than five (5) years have lapsed since the adoptive file has been sealed, the department is authorized to unseal the adoption file notwithstanding any section in this subchapter.

(ii) It shall be the responsibility of the administrator to remove the home study from the file and make a copy of the home study.

(iii) The remainder of the file shall remain sealed.

(iv) The administrator shall return the home study to the file which shall then be resealed.

(v) The department shall be permitted to use a copy of the original home study.

(vi) The adoptive family shall be permitted to use a copy of the original home study with a petition to adopt a subsequent child from the department if the original home study is accompanied by an update."

**The Amendment was read**  
**By: Representative Matayo**  
**JSE/JSE - 03-15-2005 11:55**  
**JSE467**

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**Chief Clerk**