

ARKANSAS SENATE
94th General Assembly - Regular Session, 2023
Amendment Form

Subtitle of Senate Bill No. 408

TO AMEND VARIOUS LAWS CONCERNING ADOPTION; AND TO AMEND CERTAIN ADOPTION LAWS
TO DIFFERENTIATE BETWEEN MINOR AND ADULT ADOPTIONS.

Amendment No. 1 to Senate Bill 408

Amend Senate Bill No. 408 as originally introduced:

Add Senator C. Tucker as a cosponsor of the bill

AND

Delete SECTION 4 of the bill in its entirety

AND

Delete SECTION 6 of the bill in its entirety

AND

Immediately following SECTION 9, add a new section to read as follows:

"SECTION 10. Arkansas Code § 9-9-505 is amended to read as follows:

9-9-505. Compilation of ~~nonidentifying~~ health history and genetic and social history.

(a) Prior to placement for adoption, the licensed adoption agency or, when an agency is not involved, the person, entity, or organization handling the adoption shall compile and provide to the prospective adoptive parents a detailed, written health history and genetic and social history of the child that ~~excludes~~ may exclude information that would identify birth parents or members of a birth parent's family and that shall be set forth in a document that is separate from any other document ~~containing such identifying information.~~

(b) Records containing the ~~nonidentifying~~ health history and genetic and social history ~~information~~ and that are set forth on a document that is separate from any other document ~~containing identifying data:~~

(1)(A) Shall be retained by the agency or, when no agency is involved, by the person, entity, or organization handling the adoption, for ninety-nine (99) years.



(B)(i) If the agency or person, entity, or organization who handled the adoption ceases to function, that agency or intermediary shall transfer records containing the ~~nonidentifying~~ health history and genetic and social history information on the adoptee to the Department of Human Services.

(ii) However, a licensed agency ceasing operation may transfer the records to another licensed agency within this state, but only if the agency transferring the records gives notice of the transfer to the department; and

(2) Shall be available upon request throughout the time specified in subdivision (b)(1) of this section, together with any additional ~~nonidentifying~~ information that may have been added on health history or on genetic and social history, but which ~~excludes~~ may exclude information identifying any birth parent or member of a birth parent's family or the adoptee or any adoptive parent of the adoptee, to the following persons only:

(A) The adoptive parents of the child or, in the event of death of the adoptive parents, the child's guardian;

(B) The adoptee;

(C) In the event of the death of the adoptee, the adoptee's children, the adoptee's widow or widower, or the guardian of any child of the adoptee;

(D) The birth parent of the adoptee; and

(E) Any child welfare agency having custody of the adoptee.

(c) The actual and reasonable cost of providing ~~nonidentifying the~~ health history and genetic and social history shall be paid by the person requesting the information.

(d) Any information provided to an eligible person under this subchapter shall be nonidentifying unless permitted under § 9-9-506."

AND

Appropriately renumber the sections of the bill

The Amendment was read the first time, rules suspended and read the second time and _____

By: Senator C. Penzo

LHR/LHR - 03-22-2023 15:08:02

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Secretary