

1 **State of Arkansas**
2 **78th General Assembly**
3 **Regular Session, 1991**

A Bill

HOUSE BILL

4 **By: Representatives Flanagin, Goodwin and Pollan**

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For An Act To Be Entitled

8 "AN ACT TO AMEND TITLE 9, CHAPTER 9, SUBCHAPTER 1 OF THE
9 ARKANSAS CODE OF 1987 TO LIMIT TO SIX (6) MONTHS THE TIME
10 TO SEARCH FOR PREFERENTIAL PLACEMENTS FOR ADOPTIVE
11 CHILDREN; AND FOR OTHER PURPOSES."

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13 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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15 SECTION 1. Arkansas Code §9-9-102 is hereby amended to read as follows:

16 "9-9-102. Considerations of child's minority race or ethnic heritage -
17 Religious preference.

18 (a) In all custodial placements by the Department of Human Services in
19 foster care or investigations conducted pursuant to court order under
20 §9-9-212, due consideration shall be given to the child's minority race or
21 minority ethnic heritage.

22 (b) Except under the circumstances set forth in (d) below, in the
23 placement or adoption of a child of minority racial or minority ethnic
24 heritage, in reviewing the placement, the court shall consider preference, and
25 in determining appropriate placement, the court shall give preference, in the
26 absence of good cause to the contrary, to:

27 (1) A relative or relatives of the child, or, if that would be
28 detrimental to the child or a relative is not available;

29 (2) A family with the same racial or ethnic heritage as the
30 child, or if that is not feasible;

31 (3) A family of different racial or ethnic heritage from the
32 child which family is knowledgeable and appreciative of the child's racial or
33 ethnic heritage.

34 (c) If the child's genetic parent or parents express a preference for
35 placing the child in foster home or an adoptive home of the same or a similar

1 religious background to that of the genetic parent or parents, in following
2 the preferences in subdivision (b)(1) or (2), the court shall place the child
3 with a family that also meets the genetic parent's religious preference. Only
4 if no family is available as described in subdivision (b)(1) or (2) may the
5 court give preference to a family described in subdivision (b)(3) that meets
6 the parent's religious preference.

7 (d) Upon sufficient proof to the court that attempts to locate and
8 place a child of a minority race or ethnic heritage have been unsuccessful for
9 a six (6) month period of time, the court shall weigh the best interests of
10 the child in being timely placed for adoption and may place the child for
11 adoption notwithstanding the provisions of this section."

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13 SECTION 2. All provisions of this act of a general and permanent nature
14 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
15 Revision Commission shall incorporate the same in the Code.

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17 SECTION 3. If any provision of this act or the application thereof to
18 any person or circumstance is held invalid, such invalidity shall not affect
19 other provisions or applications of the act which can be given effect without
20 the invalid provision or application, and to this end the provisions of this
21 act are declared to be severable.

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23 SECTION 4. All laws and parts of laws in conflict with this act are
24 hereby repealed.

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