

1 State of Arkansas
2 80th General Assembly
3 Regular Session, 1995

A Bill

HOUSE BILL 1005

4 By: Representatives Flanagan and Judy Smith

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 AUTHORIZE THE COURT TO DETERMINE
10 ADOPTIVE PLACEMENT OF DIFFERENT RACE OR ETHNIC HERITAGE;
11 AND FOR OTHER PURPOSES."

Subtitle

14 "TO AUTHORIZE THE COURT TO DETERMINE
15 ADOPTIVE PLACEMENT OF DIFFERENT RACE OR
16 ETHNIC HERITAGE"

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

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

22 "9-9-102. Considerations of child's minority race or ethnic heritage -
23 Religious preference.

24 (a) In all custodial placements by the Department of Human Services in
25 foster care or investigations conducted pursuant to court order under
26 §9-9-212, due consideration shall be given to the child's minority race or
27 minority ethnic heritage.

28 (b) Except under the circumstances set forth in (d) below, in the
29 placement or adoption of a child of minority racial or minority ethnic
30 heritage, in reviewing the placement, the court shall consider preference,
31 and in determining appropriate placement, the court shall give preference, in
32 the absence of good cause to the contrary, to:

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

35 (2) A family with the same racial or ethnic heritage as the

1 *child, or if that is not feasible;*

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

5 (c) If the child's genetic parent or parents express a preference for
6 placing the child in a foster home or an adoptive home of the same or a
7 similar religious background to that of the genetic parent or parents, in
8 following the preferences in subdivision (b)(1) or (2), the court shall place
9 the child with a family that also meets the genetic parent's religious
10 preference. Only if no family is available as described in subdivision
11 (b)(1) or (2) may the court give preference to a family described in
12 subdivision (b)(3) that meets the parent's religious preference.

13 (d) Upon sufficient proof to the court that attempts to locate and
14 place a child of a minority race or ethnic heritage have been unsuccessful,
15 the court shall weigh the best interests of the child in being timely placed
16 for adoption and may place the child for adoption notwithstanding the
17 provisions of this section."

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

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

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

/s/Rep. Flanagan, et al

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