

1 State of Arkansas  
2 81st General Assembly  
3 Regular Session, 1997

# A Bill

HOUSE BILL 2060

4  
5 By: Representative Wooldridge

## For An Act To Be Entitled

9 "AN ACT TO AMEND ARKANSAS CODE ANNOTATED §§ 9-9-501 AND  
10 9-9-505 TO SPECIFY THE INFORMATION TO BE INCLUDED IN THE  
11 MEDICAL AND GENETIC HISTORY THAT IS REQUIRED TO BE  
12 COMPILED ON AN ADOPTEE; AND FOR OTHER PURPOSES."

## Subtitle

15 "TO SPECIFY THE INFORMATION TO BE  
16 INCLUDED IN THE MEDICAL AND GENETIC  
17 HISTORY THAT IS REQUIRED TO BE COMPILED  
18 ON AN ADOPTEE."

19  
20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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22 SECTION 1. Arkansas Code Annotated § 9-9-501 is amended to read as  
23 follows:

24 "9-9-501. Definitions.

25 As used in this subchapter, unless the context otherwise requires:

26 (1) Adoptee means a person who has been legally adopted in this state;

27 (2) Administrator means the person charged with maintenance and  
28 supervision of the registry and may include the administrator's agents,  
29 employees, and designees;

30 (3) Adoption means the judicial act of creating the relationship of  
31 parent and child where it did not exist previously;

32 (4) Adoptive parent means an adult who has become a parent of a child  
33 through the legal process of adoption;

34 (5) Adult means a person twenty-one (21) or more years of age;

35 (6) Agency means any public or voluntary organization licensed or  
36 approved pursuant to the laws of any jurisdiction within the United States to

1 place children for adoption;

2 (7) Birth parent means:

3 (A) The man or woman deemed or adjudicated under laws of a  
 4 jurisdiction of the United States to be the father or mother of genetic origin  
 5 of a child; or

6 (B) A putative father of a child if his name appears on the  
 7 original sealed birth certificate of the child or if he has been alleged by  
 8 the birth mother to be and has in writing acknowledged being the child's  
 9 biological father. A putative father who has denied or refused to admit  
 10 paternity shall be deemed not to be a birth parent in the absence of an  
 11 adjudication under the laws of a jurisdiction of the United States that he is  
 12 the biological father of the child;

13 (8) ~~Genetic and social~~ Social history means a comprehensive report,  
 14 when obtainable, on the birth parents, siblings of the birth parents, if any,  
 15 other children of either birth parent, if any, and any parents of the birth  
 16 parents, which shall contain the following information:

17 ~~\_\_\_\_\_ (A) Medical history;~~

18 ~~\_\_\_\_\_ (B) Health status;~~

19 ~~\_\_\_\_\_ (C) Cause of and age at death;~~

20 ~~\_\_\_\_\_ (D)~~(A) Height, weight, eye color, and hair color;

21 ~~\_\_\_\_\_ (E)~~(B) Where appropriate, levels of educational and professional  
 22 achievement;

23 ~~\_\_\_\_\_ (F)~~(C) Ethnic origins; and

24 ~~\_\_\_\_\_ (G)~~(D) Religion, if any;

25 (9) Health and genetic history means a comprehensive report of the  
 26 ~~childs health status at the time of placement for adoption and medical~~  
 27 ~~history, including neonatal, psychological, physiological, and medical care~~  
 28 ~~history~~ health of the child and the birth parents of the child and other  
 29 family members of the child which shall include all of the following if  
 30 reasonably obtainable:

31 (A) the date, time, and place of birth of the child, including  
 32 the hospital, city, county, and state;

33 (B) an account of the childs prenatal care;

34 (C) the childs medical condition at birth;

35 (D) any drugs or medications taken by the childs birth mother  
 36 during pregnancy;

- 1           (E) any medical, psychological, psychiatric, or dental
- 2 examination and diagnosis subsequent to the child's birth;
- 3           (F) any psychological evaluation done when the child was under
- 4 the jurisdiction of the court;
- 5           (G) any neglect or physical, sexual, or emotional abuse suffered
- 6 by the child;
- 7           (H) a record of any immunizations and health care the child
- 8 received while in foster or other care;
- 9           (I) any known hereditary condition or disease;
- 10          (J) the health of each birth parent at the child's birth;
- 11          (K) a summary of any medical, psychological, or psychiatric
- 12 evaluation of each parent at the time of placement;
- 13          (L) if a birth parent is deceased, the cause of and the age of
- 14 the birth parent at death;

15          (10) Mutual consent voluntary adoption registry or registry means a

16 place provided for in this subchapter where eligible persons may indicate

17 their willingness to have their identity and whereabouts disclosed to each

18 other under conditions specified in this subchapter; and

19          (11) Putative father means any man not deemed or adjudicated under the

20 laws of the jurisdiction of the United States to be the father of genetic

21 origin of a child who claims or is alleged to be the father of genetic origin

22 of the child."

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24          SECTION 2. Arkansas Code Annotated § 9-9-505 is amended to read as

25 follows:

26          "9-9-505. Compilation of nonidentifying history.

27          (a) Prior to placement of a child for adoption, the birth parent or

28 guardian, the licensed adoption agency or, where an agency is not involved,

29 the person, entity, or organization handling the adoption shall compile and

30 provide to the prospective adoptive parents a detailed, written health and

31 genetic history and ~~genetic and~~ social history of the child which ~~excludes~~ is

32 reasonably obtainable from the birth parents, relatives or guardian of the

33 child, from any person who has had physical custody of the child for thirty

34 (30) days or more, or from any person who has provided health, psychological,

35 educational, or other services to the child. The written health and genetic

36 history and social history shall exclude information which would identify

1 birth parents or members of a birth parent's family and ~~which~~ shall be set  
 2 forth in a document that is separate from any document containing such  
 3 identifying information.

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

7 (1) Shall be retained by the agency or, when no agency is  
 8 involved, by the person, entity, or organization handling the adoption, for  
 9 ninety-nine (99) years. If the agency or person, entity, or organization who  
 10 handled the adoption ceases to function, that agency or intermediary shall  
 11 transfer records containing the nonidentifying information on the adoptee to  
 12 the Department of Human Services, except that a licensed agency ceasing  
 13 operation may transfer the records to another licensed agency within this  
 14 state, but only if the agency transferring the records gives notice of the  
 15 transfer to the Department of Human Services; and

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

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

24 (B) The adoptee upon reaching the age of eighteen (18)  
 25 years;

26 (C) In the event of the death of the adoptee, the adoptee's  
 27 spouse as the legal parent of the adoptee's child, or the guardian of any  
 28 child of the adoptee;

29 (D) The birth parent of the adoptee.

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

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34 SECTION 3. All provisions of this act of a general and permanent nature  
 35 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
 36 Revision Commission shall incorporate the same in the Code.

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SECTION 4. 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 5. All laws and parts of laws in conflict with this act are hereby repealed.