

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

A Bill

SENATE BILL 169

4
5 By: Senator Hopkins

For An Act To Be Entitled

9 "AN ACT TO AMEND ARKANSAS CODE 9-9-212 (b) CONCERNING
10 INVESTIGATIONS MADE IN ADOPTIONS; AND FOR OTHER PURPOSES."

Subtitle

13 "AN ACT CONCERNING INVESTIGATIONS MADE
14 IN ADOPTIONS."

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

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18 SECTION 1. Arkansas Code 9-9-212 (b) is amended to read as follows:
19 "(b)(1) Upon the filing of a petition for adoption, the court shall
20 order an investigation be made by the Department of Human Services or any
21 other licensed agency or person designated by the court, including any agency
22 licensed under §§ 9-28-401 - 9-28-411 and any licensed social worker,
23 including licensed social workers who are residents of the same state of a
24 petitioner so wishing to adopt a child in Arkansas. If such investigation is
25 performed by a nonresident, such investigator need not be licensed to make
26 child placements. All investigations shall be prepared and submitted in
27 conformity with the Arkansas Child Placement Licensing Act, § 9-28-401 et seq.
28 The investigation need not be ordered if an investigation report has been
29 submitted and reviewed by the court with the petition for adoption. The
30 investigation shall inquire into the conditions and antecedents of a minor
31 sought to be adopted and of the petitioner for the purpose of ascertaining
32 whether the adoptive home is a suitable home for the minor and whether the
33 proposed adoption is in the best interest of the minor. A written report of
34 the investigation shall be filed with the court by the investigator before the
35 petition is heard. The report of the investigation shall contain an evaluation
36 of the placement with a recommendation as to the granting of the petition for

1 adoption and any other information the court requires regarding the petitioner
2 or minor.

3 (2)(A) The Except as otherwise provided in this subsection (b)
4 the report of the investigation shall include a state and national fingerprint
5 based criminal background check. Each prospective adoptive parent shall be
6 responsible for payment of the costs of the criminal background checks and
7 shall be required to cooperate with the requirements of the Department of
8 Arkansas State Police with regard to the criminal background checks, including
9 but not limited to signing a release of information. Upon completion of the
10 criminal record checks, the Department of Arkansas State Police shall forward
11 all information obtained to either the Department of Human Services if they
12 are making the investigation, or to the agency, licensed social worker, or
13 other person designated by the court who is making the investigation, or to
14 the court in which the adoption petition has been filed.

15 (B) The court may waive the criminal background check or
16 may order less than a full state and national fingerprint based criminal
17 background check if:

18 (i) the petitioner is a stepparent;

19 (ii) the petitioner and the minor are related to each
20 other in the second degree; or

21 (iii) there exists such other factors as the court may
22 determine, in writing, to be good cause to waive all or a portion of the
23 criminal background check.

24 (3) The court shall further order that a report of the
25 investigation shall be filed with the court by the investigator within sixty
26 (60) working days from the issuance of the order for investigation, unless
27 time therefor is extended by the court.

28 (4) The court shall not enter ~~any order respecting the placement~~
29 of the minor for adoption a final order of adoption of the minor until the
30 investigation report has been submitted and reviewed by the court or the court
31 has waived the requirement of the investigative report."

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

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

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

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10 SECTION 5. EMERGENCY. It is found and determined by the General
11 Assembly of the State of Arkansas that criminal background checks are not
12 necessary in all adoptions, that the court should have the discretion to waive
13 all or a part of the criminal background checks under certain circumstances;
14 that the current law with regard to investigations unnecessarily burdens the
15 adoption process; and that this act is immediately necessary to provide
16 reasonable standards for adoption investigations. Therefore, an emergency is
17 declared to exist and this act being immediately necessary for the
18 preservation of the public peace, health and safety shall become effective on
19 the date of its approval by the Governor. If the bill is neither approved nor
20 vetoed by the Governor, it shall become effective on the expiration of the
21 period of time during which the Governor may veto the bill. If the bill is
22 vetoed by the Governor and the veto is overridden, it shall become effective
23 on the date the last house overrides the veto.

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