

Stricken language would be deleted from and underlined language would be added to law as it existed prior to the 82nd General Assembly.

1 State of Arkansas  
2 82nd General Assembly  
3 Regular Session, 1999

# A Bill

HOUSE BILL 2040

4  
5 By: Representative Madison  
6  
7

## For An Act To Be Entitled

8  
9 "AN ACT TO AMEND ARKANSAS CODE ANNOTATED SECTIONS 9-9-  
10 217; 9-9-220(e)(2); 9-9-401; 9-9-402; 9-9-409(b) AND  
11 9-9-410(c) PERTAINING TO THE ADOPTION CODE; AND FOR  
12 OTHER PURPOSES."  
13

## Subtitle

14  
15 "TO AMEND THE ADOPTION CODE."  
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18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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20 SECTION 1. Arkansas Code Annotated 9-9-217(2)(B) is amended to read as  
21 follows:

22 "(B) When an adoption is filed or heard in the juvenile division of the  
23 chancery court pursuant to §§ 9-27-301 – 9-27-345, any portion of the court  
24 file relating to the adoption shall be maintained separately from the file of  
25 other pending juvenile court matters concerning the juvenile who is the  
26 subject of the adoption or the family of the juvenile. Once final disposition  
27 is made in the adoption proceedings, the adoption file shall be transferred  
28 from the clerk who is the custodian of records of the juvenile division of the  
29 chancery court to the clerk who is the custodian of records of the probate  
30 court. The entry of the adoption decree will not be entered in the juvenile  
31 court order book, but will be entered by the clerk of the probate court in the  
32 probate court order book. The probate clerk shall assign the file a ~~probate~~  
33 docket number, shall prepare an application for a new birth record as provided  
34 herein, and shall maintain the file as if the case had originated in probate  
35 court. No filing fee shall be assessed by the clerk of the probate court upon  
36 the transfer and creation of the probate file. Any adoption record currently

1 in the custody of the clerk of the chancery court shall be transferred to the  
 2 clerk of the probate court, to be handled as provided herein."

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 4 SECTION 2. Arkansas Code Annotated 9-9-217 is amended to add the  
 5 following new language:

6 "(D) In the event the Department of Human Services has the opportunity  
 7 to enhance its federal funding by a review of its adoptions records, then the  
 8 Administrator of Adoptions of the Department of Human Services is authorized  
 9 to open such files notwithstanding any section in this subchapter. It shall  
 10 be the responsibility of the Administrator of Adoptions to procure and provide  
 11 from said file all records pertinent to the review. The remainder of the  
 12 record shall remain sealed. Such portion of the record that may be removed  
 13 shall be returned to the sealed file upon completion of the review. No one  
 14 shall be permitted to review the removed portion of the record except in an  
 15 official capacity, and, except for uses required to provide for the  
 16 enhancement of possible federal funding in compliance with state and federal  
 17 statutes and regulations, such person shall be bound to keep the contents of  
 18 such records confidential."

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 20 SECTION 3. Arkansas Code Annotated 9-9-220(e) is amended to read as  
 21 follows:

22 "(e) A petition for termination of the relationships of parent and  
 23 child made in connection with an adoption proceeding may be made by:

- 24 (1) Either parent if termination of the relationship is sought  
 25 with respect to the other parent;
- 26 (2) The petitioner for adoption, the guardian of the person, the  
 27 legal custodian of the child, or the individual standing in parental  
 28 relationship to the child or the attorney ad litem for the child;
- 29 (3) An agency; or
- 30 (4) Any other person having a legitimate interest in the matter."

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 32 SECTION 4. Arkansas Code Annotated 9-9-401 is amended to read as  
 33 follows:

34 "9-9-401. Title.

35 This subchapter shall be known and may be cited as the 'Arkansas  
 36 Subsidized Adoption Act' and includes only state-funded adoptions."

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 2 SECTION 5. Arkansas Code Annotated 9-9-402 is amended to read as  
 3 follows:

4 "9-9-402. Definition.

5 As used in this subchapter, unless the context otherwise requires,  
 6 'child' means a minor as defined by Arkansas statutes, who is:

7 (1) ~~A dependent of a public child-placing agency~~ In the custody of the  
 8 Department of Human Services; and

9 (2) Legally free for adoption; and

10 (3) ~~In special circumstances~~ Has been determined to be a child with  
 11 special needs which is defined as:

12 (A) A child who has established significant emotional ties with  
 13 prospective adoptive parents while in their care as a foster child; or

14 (B) A child who is not likely to be adopted by reason of one (1)  
 15 or more conditions, such as:

16 (i) Physical and mental disability;

17 (ii) Emotional disturbance;

18 (iii) Recognized high risk of physical or mental ~~disease~~  
 19 disability;

20 (iv) Age;

21 (v) Sibling relationship;

22 (vi) Racial or ethnic factors; or

23 (vii) Any combination of these conditions."  
 24

25 SECTION 6. Arkansas Code Annotated 9-9-409(b) is amended to read as  
 26 follows:

27 "(b) The subsidy may be for special services ~~for money payments, for a~~  
 28 ~~limited period, for a long term, or for any combination of the forgoing~~ not  
 29 covered by any other available resource, which include health or education  
 30 services. To ensure the services remain appropriate, the services will be  
 31 reviewed periodically."  
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33 SECTION 7. Arkansas Code Annotated 9-9-410 is amended to add the  
 34 following new language:

35 "(c) The subsidy agreement may be extended until the age of twenty-one  
 36 (21) years if the child has a documented disability or condition that prevents

1 the child from existing independently from the adoptive family. To be  
2 eligible for the extended subsidy, the family of the child must have applied  
3 for SSI benefits prior to the child turning eighteen (18) years and have been  
4 denied."

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6 SECTION 8. All provisions of this act of a general and permanent nature  
7 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
8 Revision Commission shall incorporate the same in the Code.

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10 SECTION 9. If any provision of this act or the application thereof to  
11 any person or circumstance is held invalid, such invalidity shall not affect  
12 other provisions or applications of the act which can be given effect without  
13 the invalid provision or application, and to this end the provisions of this  
14 act are declared to be severable.

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16 SECTION 10. All laws and parts of laws in conflict with this act are  
17 hereby repealed.

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