

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

# A Bill

HOUSE BILL 2232

4  
5 By: Representative Minton  
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## For An Act To Be Entitled

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9 "AN ACT TO AMEND VARIOUS SECTIONS OF THE CODE TO  
10 PROHIBIT THE DEPARTMENT OF HUMAN SERVICES FROM PLACING  
11 ANY CHILD WITH ANY ADOPTIVE OR FOSTER PARENT WHO IS A  
12 HOMOSEXUAL; AND FOR OTHER PURPOSES."  
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## Subtitle

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15 "TO PROHIBIT THE DEPARTMENT OF HUMAN  
16 SERVICES FROM PLACING ANY CHILD WITH ANY  
17 ADOPTIVE OR FOSTER PARENT WHO IS A  
18 HOMOSEXUAL."  
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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23 SECTION 1. Arkansas Code 9-9-102 is amended to read as follows:

24 "9-9-102. Religious preference - Removal of barriers to interethnic  
25 adoption - Preference to relative caregivers for a child in foster care.

26 (a) In all custodial placements by the Department of Human Services in  
27 foster care or investigations conducted by the Department of Human Services  
28 pursuant to court order under § 9-9-212, preferential consideration shall be  
29 given to an adult relative over a nonrelated caregiver provided that the  
30 relative caregiver meets all relevant child protection standards and it is in  
31 the child's best interest to be placed with the relative caregiver.

32 (b) The Department of Human Services and any other agency or entity  
33 which receives federal assistance and is involved in adoption or foster care  
34 placement shall not discriminate on the basis of the race, color, or national  
35 origin of the adoptive or foster parent or the child involved nor delay the  
36 placement of a child on the basis of race, color, or national origin of the

1 adoptive or foster parents. However, the Department of Human Services shall  
 2 not place any child with any adoptive or foster parent if it is determined  
 3 that the prospective adoptive or foster parent is a homosexual.

4 (c) If the child's genetic parent or parents express a preference for  
 5 placing the child in a foster home or an adoptive home of the same or a  
 6 similar religious background to that of the genetic parent or parents, the  
 7 court shall place the child with a family that meets the genetic parent's  
 8 religious preference, or if a family is not available, to a family of a  
 9 different religious background which is knowledgeable and appreciative of the  
 10 child's religious background.

11 (d) The court shall not deny a petition for adoption on the basis of  
 12 race, color, or national origin of the adoptive parent or the child involved."

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 14 SECTION 2. Arkansas Code 9-9-204 is amended to read as follows:

15 "9-9-204. Who may adopt.

16 The following individuals may adopt:

- 17 (1) A husband and wife together although one or both are minors;
- 18 (2) An unmarried adult;
- 19 (3) The unmarried father or mother of the individual to be adopted;
- 20 (4) A married individual without the other spouse joining as a

21 petitioner, if the individual to be adopted is not his spouse; and if:

22 (i) The other spouse is a parent of the individual to be adopted  
 23 and consents to the adoption;

24 (ii) The petitioner and the other spouse are legally separated;

25 or

26 (iii) The failure of the other spouse to join in the petition or  
 27 to consent to the adoption is excused by the court by reason of prolonged  
 28 unexplained absence, unavailability, incapacity, or circumstances constituting  
 29 an unreasonable withholding of consent.

30 (5) No person eligible to adopt under this statute may adopt if that  
 31 person is a homosexual."

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 33 SECTION 3. 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 4. 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 5. All laws and parts of laws in conflict with this act are  
8 hereby repealed.

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