

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas  
2 83rd General Assembly  
3 Regular Session, 2001

# A Bill

HOUSE BILL 1026

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

9 AN ACT TO AMEND VARIOUS SECTIONS OF THE ARKANSAS CODE  
10 TO PROHIBIT THE DEPARTMENT OF HUMAN SERVICES FROM  
11 PLACING ANY CHILD WITH ANY ADOPTIVE OR FOSTER PARENT  
12 WHO IS A HOMOSEXUAL; AND FOR OTHER PURPOSES.  
13

## Subtitle

14 TO PROHIBIT THE DEPARTMENT OF HUMAN  
15 SERVICES FROM PLACING ANY CHILD WITH ANY  
16 ADOPTIVE OR FOSTER PARENT WHO IS A  
17 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(b) is amended to read as follows:

24 (b)(1) The Department of Human Services and any other agency or entity  
25 which receives federal assistance and is involved in adoption or foster care  
26 placement shall not discriminate on the basis of the race, color, or national  
27 origin of the adoptive or foster parent or the child involved nor delay the  
28 placement of a child on the basis of race, color, or national origin of the  
29 adoptive or foster parents.

30 (2) However, the Department of Human Services shall not place any  
31 child with any adoptive or foster parent if it is determined that the  
32 prospective adoptive or foster parent is a homosexual.  
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34 SECTION 2. Arkansas Code 9-9-204 is amended to read as follows:

35 9-9-204. Who may adopt.

36 (a) The following individuals may adopt:

1 (1) A husband and wife together although one or both are minors;

2 (2) An unmarried adult;

3 (3) The unmarried father or mother of the individual to be  
4 adopted;

5 (4) A married individual without the other spouse joining as a  
6 petitioner, if the individual to be adopted is not his spouse; and if:

7 ~~(i)~~(A) The other spouse is a parent of the individual to be  
8 adopted and consents to the adoption;

9 ~~(ii)~~(B) The petitioner and the other spouse are legally  
10 separated; or

11 ~~(iii)~~(C) The failure of the other spouse to join in the  
12 petition or to consent to the adoption is excused by the court by reason of  
13 prolonged unexplained absence, unavailability, incapacity, or circumstances  
14 constituting an unreasonable withholding of consent.

15 (b) No person eligible to adopt under subsection (a) may adopt if it is  
16 determined that the person is a homosexual.

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