

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 85th General Assembly  
3 Regular Session, 2005  
4

As Engrossed: H3/16/05

# A Bill

HOUSE BILL 2790

5 By: Representative Matayo  
6  
7

## For An Act To Be Entitled

9 AN ACT TO STREAMLINE ADOPTIONS OF CHILDREN IN THE  
10 CUSTODY OF THE DEPARTMENT OF HUMAN SERVICES; AND  
11 FOR OTHER PURPOSES.

### Subtitle

12 THE STREAMLINE ADOPTION ACT.  
13  
14  
15

16 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
17

18 SECTION 1. Arkansas Code Title 9, Chapter 28, Subchapter 4 is amended  
19 to add an additional section to read as follows:

20 9-28-411. Streamlined adoptions by the Department of Human Services.

21 (a)(1) A family who adopts a child from the Department of Human  
22 Services shall be eligible for the streamlined adoption process if the family  
23 chooses to adopt another child from the department.

24 (2) The adoptive family is not eligible for the streamlined  
25 adoption process if more than five (5) years have passed since the adoptive  
26 family finalized the adoption of a child placed by the department in the  
27 adoptive home.

28 (b) One (1) year after the placement of the child in the adoptive  
29 home, the adoptive family shall be eligible for placement by the department  
30 of a subsequent child in the adoptive home for the purposes of adoption.

31 (c) Upon contact by the adoptive family and if one (1) year has passed  
32 since placement of a child in the adoptive home, the department shall:

33 (1)(A) Obtain a copy of the original home study completed on the  
34 adoptive family.

35 (B) If needed, the department shall unseal the adoption  
36 file from the previous adoption pursuant to § 9-9-217(a) in order to obtain a



1 copy of the original home study on the adoptive family; and

2 (2) Complete an update to the original home study within forty-  
3 five (45) business days from contact by the adoptive family.

4 (d) The adoptive family shall be required to obtain updated criminal  
5 background checks and central registry checks as outlined in this chapter.

6 (e) The department shall not require the adoptive family to attend  
7 training.

8 (f) The department shall place the adoptive family on the waiting list  
9 of adoptive families eligible to adopt a child from the department upon:

10 (1) Completion of the updated home study that is favorable; and

11 (2) Receipt of the:

12 (A) Criminal background check; and

13 (B) Central registry check.

14 (g)(1) A family who has a foster child in their home who was placed by  
15 the department shall be eligible for the streamlined adoption process if the  
16 department selects the family to be the adoptive parents of the foster child.

17 (2) Upon selection, the department shall complete the adoptive  
18 home study within forty-five (45) business days.

19 (3) The department shall not require the foster family to attend  
20 training.

21  
22 SECTION 2. Arkansas Code § 9-9-217(a), regarding the confidentiality  
23 of hearing and records for adoptions, is amended to read as follows:

24 (a) Notwithstanding any other law concerning public hearings and  
25 records:

26 (1) All hearings held in proceedings under this subchapter shall  
27 be held in closed court without admittance of any person other than essential  
28 officers of the court, the parties, their witnesses, counsel, persons who  
29 have not previously consented to the adoption but are required to consent,  
30 and representatives of the agencies present to perform their official  
31 duties.

32 (2)(A) Adoption records shall be closed, confidential, and  
33 sealed unless authority to open them is provided by law or by order of the  
34 court for good cause shown.

35 (B)(i) When an adoption is filed or heard pursuant to §§  
36 9-27-301 – 9-27-345, any portion of the court file relating to the adoption

1 shall be maintained separately from the file of other pending juvenile  
2 matters concerning the juvenile who is the subject of the adoption or the  
3 family of the juvenile.

4 (ii) Once final disposition is made in the adoption  
5 proceedings, the adoption file shall be transferred from the clerk who is the  
6 custodian of juvenile records to the clerk who is the custodian of records.

7 (iii) The entry of the adoption decree will be  
8 entered by the clerk in the book containing adoption records.

9 (iv) The clerk shall assign the file a docket  
10 number, shall prepare an application for a new birth record as provided in  
11 this section, and shall maintain the file as if the case had originated as an  
12 adoption case.

13 (v) No filing fee shall be assessed by the clerk  
14 upon the transfer and creation of the new adoption file.

15 (vi) Any adoption record shall be handled as  
16 provided in this section.

17 (C)(i) In the event an adoption record is randomly  
18 selected to be audited for determination of compliance with requirements  
19 found in federal laws pertaining to periodic and dispositional review of  
20 foster care cases, the Administrator of Adoptions of the Department of Human  
21 Services is authorized to open such file notwithstanding any section in this  
22 subchapter prohibiting disclosure of adoption records.

23 (ii) It shall be the responsibility of the  
24 administrator to procure and provide from said file all records pertinent to  
25 the federal requirements under review.

26 (iii) The remainder of the record shall remain  
27 sealed. Such portions of the record which may be removed shall be returned to  
28 the sealed file upon completion of the federal audit.

29 (iv) No one shall be permitted to review the removed  
30 portion of the record except in an official capacity, and, except for uses  
31 required by the federal audit in compliance with state and federal statutes  
32 and regulations, such person shall be bound to keep the contents of such  
33 records confidential.

34 (D)(i) In the event the department has the opportunity to  
35 enhance its federal funding by a review of its adoptions records, then the  
36 administrator is authorized to open such files notwithstanding any section in

1 this subchapter.

2 (ii) It shall be the responsibility of the  
3 administrator to procure and provide from said file all records pertinent to  
4 the review.

5 (iii) The remainder of the record shall remain  
6 sealed.

7 (iv) Such portion of the record that may be removed  
8 shall be returned to the sealed file upon completion of the review.

9 (v) No one shall be permitted to review the removed  
10 portion of the record except in an official capacity, and, except for uses  
11 required to provide for the enhancement of possible federal funding in  
12 compliance with state and federal statutes and regulations, such person shall  
13 be bound to keep the contents of such records confidential.

14 (E)(i) In the event that an adoptive family contacts the  
15 department and indicates a desire for the placement of a subsequent child and  
16 no more than five (5) years have lapsed since the adoptive file has been  
17 sealed, the department is authorized to unseal the adoption file  
18 notwithstanding any section in this subchapter.

19 (ii) It shall be the responsibility of the  
20 administrator to remove the home study from the file and make a copy of the  
21 home study.

22 (iii) The remainder of the file shall remain sealed.

23 (iv) The administrator shall return the home study  
24 to the file which shall then be resealed.

25 (v) The department shall be permitted to use a copy  
26 of the original home study.

27 (vi) The adoptive family shall be permitted to use a  
28 copy of the original home study with a petition to adopt a subsequent child  
29 from the department if the original home study is accompanied by a update.

30  
31  
32  
33  
34  
35  
36

/s/ Matayo