

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 87th General Assembly
3 Regular Session, 2009
4

As Engrossed: S2/26/09
A Bill

SENATE BILL 330

5 By: Senator Bledsoe
6 By: Representative Hobbs
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9 **For An Act To Be Entitled**

10 AN ACT TO AMEND THE LAW REGARDING THE FAST-
11 TRACKED ADOPTION OF GARRETT'S LAW BABIES; AND FOR
12 OTHER PURPOSES.
13

14 **Subtitle**

15 TO AMEND THE LAW REGARDING THE FAST-
16 TRACKED ADOPTION OF GARRETT'S LAW
17 BABIES.
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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22 SECTION 1. Arkansas Code § 9-9-702 is amended to read as follows:

23 9-9-702. Fast-tracked adoption of Garrett's law babies.

24 (a) As used in this section, "newborn" means an infant who is thirty
25 (30) days of age or younger.

26 ~~(a)~~(b) If a report of neglect under § 12-12-503(12)(B) is made to the
27 Arkansas State Police Child Abuse Hotline, the mother has the option to place
28 the newborn for:

29 (1) Adoption through a licensed child placement agency as
30 defined in § 9-28-402(7); or

31 (2) A private adoption with ~~any~~ a person licensed to practice
32 medicine or law.

33 ~~(b)~~(c) If a newborn is taken into the custody of the Department of
34 Human Services as the result of a call to the hotline of neglect under § 12-
35 12-503(12)(B), the mother has the option to place the newborn for:

36 (1) Adoption through a licensed child placement agency under §



1 9-28-402(7); or

2 (2) A private adoption with ~~any~~ a person licensed to practice
3 medicine or law.

4 (d)(1)(A) If the proposed adoptive family has not completed the
5 adoptive home study process, including the required criminal background
6 check, the newborn shall be placed in a foster home that is licensed and
7 approved under § 9-28-401 et seq. or in the custody of the department.

8 (B) The newborn shall remain in a licensed or approved
9 foster home or in the custody of the department until the required home study
10 and criminal background checks are completed on the proposed adoptive
11 parents.

12 (2) If the newborn is in the custody of the department, an order
13 transferring custody to the proposed adoptive parents is required before the
14 newborn is placed in the home of the proposed adoptive parents.

15 (3) If the newborn is in the custody of the department, any
16 petition for adoption shall be filed in the open dependency-neglect case.

17 (4) The adoption shall be granted only if the proposed adoptive
18 placement is in the best interests of the newborn.

19 (e)(1)(A) If the mother wishes for a relative to adopt her newborn,
20 the newborn shall be placed in a foster home that is licensed and approved
21 under § 9-28-401 et seq. or in the custody of the department unless the
22 relative has a completed approved adoptive home study at the time placement
23 is needed.

24 (B) If a home study has not been completed on the
25 relative, an adoptive home study shall be completed on the proposed relative
26 if the proposed relative is an appropriate placement for the newborn.

27 (C) The home study on the relative cannot be waived.

28 (2) The adoption by a relative of the newborn shall be denied
29 unless:

30 (A) The proposed relative adoptive parents have an
31 approved adoptive home study or the department approves the proposed relative
32 adoptive parents to adopt under state law on adoption, child welfare agency
33 licensing law and regulations, and department policy and procedures;

34 (B) The court determines the proposed relative adoptive
35 parents have the capacity and willingness to abide by orders regarding care,
36 supervision, and custody so that child protection will not be an issue if the

1 adoption is granted; and

2 (C) The court enters an order describing the level of
3 contact, if any, which is permitted to occur between the birth parent and the
4 proposed relative adoptive parents and the consequences for violation of the
5 order of contact under § 5-26-502.

6 ~~(e)~~(f) The department shall remain involved in each placement that is
7 made under this section to monitor whether the mother withdraws her consent
8 to the adoption.

9 ~~(d)~~(g) If the mother withdraws her consent to the adoption, the
10 department shall initiate an action to ensure the protection of the child,
11 including without limitation, taking the child into custody if custody is
12 warranted to protect the health and safety of the child.

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14 /s/ Bledsoe
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