

1 State of Arkansas *As Engrossed: H3/13/15 H3/18/15*
2 90th General Assembly **A Bill**
3 Regular Session, 2015

HOUSE BILL 1676

4
5 By: Representative D. Meeks
6

7 **For An Act To Be Entitled**

8 *AN ACT TO PROHIBIT RE-HOMING OF AN ADOPTED CHILD; AND*
9 *FOR OTHER PURPOSES.*

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11
12 **Subtitle**

13 *TO PROHIBIT RE-HOMING OF AN ADOPTED*
14 *CHILD.*

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

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19 SECTION 1. Arkansas Code Title 5, Chapter 27, Subchapter 2, is amended
20 to add an additional section to read as follows:

21 5-27-211. Re-homing of an adopted minor.

22 (a) As used in this section, "relative" means a person within the
23 fifth degree of consanguinity by virtue of blood or adoption.

24 (b) A person commits the offense of re-homing of a minor if he or she
25 knowingly engages in:

26 (1)(A) A transaction or an action taken to facilitate a
27 transaction through electronic means or otherwise by an adoptive parent, an
28 individual, or an entity having custody of an adopted minor that is taken:

29 (i) Without court approval; and

30 (ii) Except as provided under subsection (c) of this
31 section, to avoid permanent parental responsibility by placing the minor in
32 the physical custody of another person or entity.

33 (B) As used in subdivision (b)(1)(A) of this section,
34 "transaction" includes without limitation transferring, advertising,
35 recruiting, harboring, transporting, providing, soliciting, or obtaining a
36 minor;



1 (2) The selling, transferring, or arranging for the sale or
 2 transfer of a minor to another person or entity for money or anything of
 3 value or to receive a minor for money or anything of value;or

4 (3) Assisting, aiding, abetting, or conspiring in the commission
 5 of an act described in subdivision (b)(1) or (b)(2) of this section by a
 6 person or an entity, regardless of whether money or anything of value has
 7 been promised to or received by the person or entity.

8 (c) This section does not apply to:

9 (1) A person who places a minor with a relative, stepparent, an
 10 agency licensed under the Child Welfare Agency Licensing Act, § 9-28-401 et
 11 seq., a licensed attorney, or the Department of Human Services;

12 (2) Placement of a minor by a licensed attorney, an agency
 13 licensed under the Child Welfare Agency Licensing Act, § 9-28-401 et seq., or
 14 the Department of Human Services;

15 (3) Temporary placement of a minor by a parent or custodian for
 16 a designated short-term period with a specified intent and time period for
 17 return of the minor, if the temporary placement is due to a vacation or a
 18 school-sponsored function or activity, or the incarceration, military
 19 service, medical treatment, or incapacity of a parent or guardian;

20 (4) Placement of a minor in accordance with the requirements of
 21 the Interstate Compact on the Placement of Children, § 9-29-201 et seq.; or

22 (5) Relinquishment of a minor under the voluntary delivery of a
 23 child law, under § 9-34-201 et seq.

24 (d) Re-homing of a minor is an unclassified felony with a term of
 25 imprisonment of not more than five (5) years and a fine of not more than five
 26 thousand dollars (\$5,000).

27 (e) It is not a defense to prosecution for a violation of this section
 28 that the person being re-homed is actually a law enforcement officer acting
 29 within the official scope of his or her duties.

30
 31 *SECTION 2. Arkansas Code § 9-27-303(2), concerning the definition of*
 32 *"abandonment" for the Arkansas Juvenile Code, is amended to read as follows:*

33 (2)(A) "Abandonment" means:

34 ~~(A)(i)~~ *The failure of the parent to provide*
 35 *reasonable support for a juvenile and to maintain regular contact with a*
 36 *juvenile through statement or contact when the failure is accompanied by an*

1 *intention on the part of the parent to permit the condition to continue for*
 2 *an indefinite period in the future;*

3 ~~(B)(ii)~~ *The failure of a parent to support or*
 4 *maintain regular contact with a child without just cause; or*

5 ~~(C)(iii)~~ *An articulated intent to forego parental*
 6 *responsibility.*

7 (B) "Abandonment" does not include a situation in which a child
 8 has disrupted his or her adoption and the adoptive parent has exhausted the
 9 available resources;

10

11 *SECTION 3. Arkansas Code § 9-27-303(25)(A), concerning the definition*
 12 *of "family services" for the Arkansas Juvenile Code, is amended to read as*
 13 *follows:*

14 (25)(A) *"Family services" means relevant services provided to a*
 15 *juvenile or his or her family, including, but not limited to:*

16 (i) *Child care;*

17 (ii) *Homemaker services;*

18 (iii) *Crisis counseling;*

19 (iv) *Cash assistance;*

20 (v) *Transportation;*

21 (vi) *Family therapy;*

22 (vii) *Physical, psychiatric, or psychological*
 23 *evaluation;*

24 (viii) *Counseling; ~~or~~*

25 (ix) *Treatment; or*

26 (x) Post-adoptive services.

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28 *SECTION 4. Arkansas Code § 12-18-103(1), concerning the definition of*
 29 *"abandonment" for the Child Maltreatment Act, is amended to read as follows:*

30 (1)(A) *"Abandonment" means:*

31 (i) *The failure of a parent to provide reasonable*
 32 *support and to maintain regular contact with a child through statement or*
 33 *contact when the failure is accompanied by an intention on the part of the*
 34 *parent to permit the condition to continue for an indefinite period in the*
 35 *future or the failure of a parent to support or maintain regular contact with*
 36 *a child without just cause; or*

