

Stricken language would be deleted from and underlined language would be added to present law.
Act 1018 of the Regular Session

State of Arkansas
90th General Assembly
Regular Session, 2015

As Engrossed: H3/16/15 H3/18/15

A Bill

HOUSE BILL 1648

By: Representatives Leding, M. Hodges

By: Senator Irvin

For An Act To Be Entitled

*AN ACT TO ENSURE THAT POST-ADOPTIVE SERVICES ARE
PROVIDED TO PREVENT REHOMING; AND FOR OTHER PURPOSES.*

Subtitle

*TO ENSURE THAT POST-ADOPTIVE SERVICES ARE
PROVIDED TO PREVENT RE-HOMING OF ADOPTED
CHILDREN.*

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

SECTION 1. Arkansas Code § 9-9-405 is amended to read as follows:

9-9-405. Promulgation of ~~regulations~~ rules.

(a) The Department of Human Services ~~may promulgate regulations~~ shall adopt rules consistent with this subchapter.

(b) The department shall adopt rules to ensure that post-adoptive services are provided to adoptive parents who seek the assistance of the department to prevent the adoption from being disrupted.

SECTION 2. Arkansas Code § 9-9-410(a), concerning subsidized adoption agreements, is amended to add an additional subdivision to read as follows:

(a)(1) The subsidy agreement shall be binding and constitute an obligation against the State of Arkansas until the adopted child reaches the age of eighteen (18) years or the benefits available to him or her under the subsidy agreement are provided by other state or federal programs or the adoptive parents no longer qualify for a subsidy under the current rules ~~and regulations~~ for subsidized adoptions.



(2)(A) The adoptive parents shall immediately notify the Department of Human Services when the adoptive child is no longer under the care of the adoptive parents.

(B) The Department of Human Services shall review the adoption subsidy agreement and determine if the adoption subsidy shall be terminated when the adoptive parent is no longer legally responsible for providing care and support for the adoptive child.

SECTION 3. Arkansas Code § 9-9-411(a)(1), concerning the renewal, termination, or modification of subsidized adoption agreements is amended to read as follows:

(a)(1)(A) When subsidies are for more than one (1) year, the adoptive parents shall present an annual sworn certification that the adoptive child remains under their care and that the condition that caused the child to be certified continues to exist.

(B) An adoptive parent commits the offense of providing a false statement if the adoptive parent certifies that the adoptive child remains under the adoptive parent's care knowing the certification to be false.

(C) Providing a false statement under this subsection is a Class A misdemeanor.

SECTION 4. Arkansas Code § 28-65-203, concerning the qualifications of guardians, is amended to add additional subsections to read as follows:

(1)(1) A circuit court of this state shall not appoint an unrelated person, a related person that is not related within the fifth degree of consanguinity, or an institution as a permanent custodian or permanent guardian of the person or estate of an adopted juvenile unless at least twenty (20) days before the hearing the prospective guardian files a written home study that has been conducted by a licensed certified social worker.

(2)(A) The home study shall include a state-of-residence criminal background check, if available, and a national fingerprint-based criminal background check performed by the Federal Bureau of Investigation in compliance with federal law and regulation on the prospective guardian and all household members eighteen (18) years of age and older.

(B) If a prospective guardian has lived in another state for at least six (6) years immediately prior to guardianship, then only a

state-of-residence criminal background check is required.

(C) The home study shall address whether the home is a suitable home and shall include a recommendation as to the approval of the petitioner as a guardian.

(D) The home study shall contain an evaluation of the guardian with a recommendation as to the granting of the petition for guardianship and any other information the court requires regarding the petitioner or the person.

(m) The department shall not be ordered by any court to conduct a guardianship home study, unless:

(1) The court has first determined the responsible party to be indigent; and

(2) The person to be studied lives in the State of Arkansas.

/s/Leding

APPROVED: 04/02/2015