

Stricken language would be deleted from and underlined language would be added to present law.
Act 1092 of the Regular Session

State of Arkansas *As Engrossed: H3/13/15 H3/18/15 S3/25/15*
90th General Assembly
Regular Session, 2015

A Bill

HOUSE BILL 1676

By: Representative D. Meeks

By: *Senator B. Pierce*

For An Act To Be Entitled

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

Subtitle

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

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

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

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

(a) As used in this section:

(1) "Adopted minor" means a person who is:

(A) Less than eighteen (18) years of age; and

(B) The subject of an adoption decree that is valid under the law of this state or another state, or foreign or international law; and

(2) "Relative" means a person within the fifth degree of consanguinity by virtue of blood or adoption.

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

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

(i) Without court approval; and

(ii) Except as provided under subsection (c) of this



section, to avoid permanent parental responsibility by placing the minor in the physical custody of another person or entity.

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

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

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

(c) This section does not apply to:

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

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

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

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

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

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

(e) It is not a defense to prosecution for a violation of this section *that the adoptive parent solicited, advertised, or recruited through electronic means or otherwise and recruited a person that is:*

(1) A law enforcement officer acting within the official scope

of his or her duties; and

(2) Posing as a person willing to accept placement of an adopted minor.

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

(2)(A) "Abandonment" means:

~~(A)(i)~~ The failure of the parent to provide reasonable support for a juvenile and to maintain regular contact with a juvenile through statement or contact when the failure is accompanied by an intention on the part of the parent to permit the condition to continue for an indefinite period in the future;

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

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

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

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

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

(i) Child care;

(ii) Homemaker services;

(iii) Crisis counseling;

(iv) Cash assistance;

(v) Transportation;

(vi) Family therapy;

(vii) Physical, psychiatric, or psychological evaluation;

(viii) Counseling; ~~or~~

(ix) Treatment; or

(x) Post-adoptive services.

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

(1)(A) "Abandonment" means:

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

(ii) An articulated intent to forego parental responsibility.

(B) "Abandonment" does not include:

(i) ~~acts~~ Acts or omissions of a parent toward a married minor; or

(ii) A situation in which a child has disrupted his or her adoption and the adoptive parent has exhausted the available resources;

SECTION 5. Arkansas Code § 12-18-309 is amended to read as follows:

12-18-309. Reports alleging that a child is disrupting his or her adoption or dependent.

The Child Abuse Hotline shall accept telephone calls or other communications alleging that a child is at risk of disrupting or has disrupted his or her adoption or that a child is a dependent juvenile, as defined in § 9-27-303, and shall immediately refer this information to the Department of Human Services.

/s/D. Meeks

APPROVED: 04/06/2015