

Stricken language would be deleted from and underlined language would be added to present law.
Act 744 of the Regular Session

State of Arkansas
95th General Assembly
Regular Session, 2025

As Engrossed: S4/7/25

A Bill

SENATE BILL 599

By: Senators C. Tucker, C. Penzo
By: Representatives Hudson, McCullough

For An Act To Be Entitled

AN ACT TO ELIMINATE INTERLOCUTORY DECREES OF
ADOPTION; TO AMEND THE REVISED UNIFORM ADOPTION ACT;
AND FOR OTHER PURPOSES.

Subtitle

TO ELIMINATE INTERLOCUTORY DECREES OF
ADOPTION; AND TO AMEND THE REVISED
UNIFORM ADOPTION ACT.

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

SECTION 1. Arkansas Code § 9-9-104(c), concerning the collection of adoption information, is amended to read as follows:

(c) Before the entry of ~~an interlocutory or a~~ final decree of adoption, the petitioner shall complete the adoption information sheet and return it to the clerk.

SECTION 2. Arkansas Code § 9-9-205(a)(1)-(3), concerning jurisdiction over a petition for the adoption of a minor under the Revised Uniform Adoption Act, is amended to read as follows:

(a) Jurisdiction of adoption of minors:

(1) The state shall possess jurisdiction over the adoption of a minor if the person seeking to adopt the child, or the child, is a resident of this state.

(2) For purposes of this subchapter:

(A) A child under the age of six (6) months shall be considered a resident of this state if the:



(i) Child's birth mother resided in Arkansas for more than four (4) months immediately preceding the birth of the child;

(ii) Child was born in this state or in any border city that adjoins the Arkansas state line or is separated only by a navigable river from an Arkansas city that adjoins the Arkansas state line; and

(iii) Child remains in this state until the ~~interlocutory~~ decree has been entered, or in the case of a nonresident adoptive family, upon the receipt of approval pursuant to the Interstate Compact on the Placement of Children, § 9-29-201 et seq., the child and the prospective adoptive parents may go back to their state of residence and subsequently may return to Arkansas for a hearing on the petition for adoption;

(B) A child over the age of six (6) months shall be considered a resident of this state if the child:

(i) Has resided in this state for a period of six (6) months;

(ii) Currently resides in Arkansas; and

(iii) Is present in this state at the time the petition for adoption is filed and heard by a court having appropriate jurisdiction; and

(C) A person seeking to adopt is a resident of this state if the person:

(i) Occupies a dwelling within the state;

(ii) Has a present intent to remain within the state for a period of time; and

(iii) Manifests the genuineness of that intent by establishing an ongoing physical presence within the state together with indications that the person's presence within the state is something other than merely transitory in nature.

(3)(A) If the juvenile is the subject matter of an open case filed under the Arkansas Juvenile Code of 1989, § 9-27-301 et seq., the adoption petition shall be filed in that case.

(B) The circuit court shall retain jurisdiction to issue orders of adoption, ~~interlocutory or final~~, when a juvenile is placed outside the State of Arkansas.

SECTION 3. Arkansas Code § 9-9-212(a)(2), concerning the entry of an order for an adoption after the period for withdrawal of consent has elapsed under the Revised Uniform Adoption Act, is amended to read as follows:

(2) No orders of adoption, ~~interlocutory or final~~, may be entered prior to the period for withdrawal.

SECTION 4. Arkansas Code § 9-9-213, as amended by 2025 Acts No. 139, concerning the required residence of a minor who is the subject of a petition for adoption under the Revised Uniform Adoption Act, is amended to read as follows:

9-9-213. Required residence of minor.

(a)(1) In an adoption where the child is not in the custody of the Department of Human Services, a final decree of adoption shall not be issued ~~and an interlocutory decree of adoption does not become final~~ until the minor to be adopted has lived in the home for at least six (6) months after placement by an agency or for at least six (6) months after:

(A) Placement by a child placement agency licensed under the Child Welfare Agency Licensing Act, § 9-28-401 et seq.; or

(B) The petition for adoption is filed.

(2) This subsection does not apply if the minor to be adopted is:

(A) The stepchild of the petitioner; or

(B) Less than six (6) months of age at the time the petition was filed.

(b) In an adoption where the child is in the custody of the department, a final decree of adoption shall not be issued ~~and an interlocutory decree of adoption does not become final~~ until the minor to be adopted has lived in the home for at least six (6) months unless:

(1) The minor to be adopted must reside outside of the home to receive medically necessary health care;

(2) The minor to be adopted is less than six (6) months of age; or

(3) The Director of the Division of Children and Family Services waives the residency requirement for a minor to be adopted when the minor is sixteen (16) years of age or older and is participating in a life skills, technical, or vocational program.

SECTION 5. Arkansas Code § 9-9-214(c), concerning the issuance of a decree for adoption after the period of time for the withdrawal of consent and relinquishment have passed and the adoption is in the best interest of the individual to be adopted under the Revised Uniform Adoption Act, is amended to read as follows:

(c) If at the conclusion of the hearing the court determines that the required consents have been obtained or excused and the required period for the withdrawal of consent and withdrawal of relinquishment ~~have~~ has passed and that the adoption is in the best interest of the individual to be adopted, it may ~~(1) issue a final decree of adoption, or (2) issue an interlocutory decree of adoption which by its own terms automatically becomes a final decree of adoption on a day therein specified, which day shall not be less than six (6) months nor more than one (1) year from the date of issuance of the decree, unless sooner vacated by the court for good cause shown.~~

SECTION 6. Arkansas Code § 9-9-215 is amended to read as follows:

9-9-215. Effect of decree of adoption.

(a) A final decree of adoption ~~and an interlocutory decree of adoption which has become final~~, whether issued by a court of this state or of any other place, ~~have~~ has the following effect as to matters within the jurisdiction or before a court of this state:

(1) Except with respect to a spouse of the petitioner and relatives of the spouse, to relieve the biological parents of the adopted individual of all parental rights and responsibilities, and to terminate all legal relationships between the adopted individual and his or her biological relatives, including his or her biological parents, so that the adopted individual thereafter is a stranger to his or her former relatives for all purposes. This includes inheritance and the interpretation or construction of documents, statutes, and instruments, whether executed before or after the adoption is decreed, which do not expressly include the individual by name or by some designation not based on a parent and child or blood relationship. However, in cases where a biological or adoptive parent dies before a petition for adoption has been filed by a step-parent of the minor to be adopted, the court may grant visitation rights to the parents of the deceased biological or adoptive parent of the child if such parents of the deceased

biological or adoptive parent had a close relationship with the child prior to the filing of a petition for step-parent adoption, and if such visitation rights are in the best interests of the child. The foregoing provision shall not apply to the parents of a deceased putative father who has not legally established his paternity prior to the filing of a petition for adoption by a step-parent. For the purposes of this section, "step-parent" means an individual who is the spouse or surviving spouse of the biological or adoptive parent of a child but who is not a biological or adoptive parent of the child.

(2) To create the relationship of parent and child between petitioner and the adopted individual, as if the adopted individual were a legitimate blood descendant of the petitioner, for all purposes including inheritance and applicability of statutes, documents, and instruments, whether executed before or after the adoption is decreed, which do not expressly exclude an adopted individual from their operation or effect.

~~(b) An interlocutory decree of adoption, while it is in force, has the same legal effect as a final decree of adoption. If an interlocutory decree of adoption is vacated, it shall be as though void from its issuance, and the rights, liabilities, and status of all affected persons which have not become vested shall be governed accordingly.~~

~~(c)~~ Sibling visitation shall not terminate if the adopted child was in the custody of the Department of Human Services and had a sibling who was not adopted by the same family and before adoption the circuit court in the juvenile dependency-neglect or families-in-need-of-services case has determined that it is in the best interests of the siblings to visit and has ordered visitation between the siblings to occur after the adoption.

SECTION 7. Arkansas Code § 9-9-219 is amended to read as follows:

9-9-219. Application for new birth record.

Upon entry of a final decree of adoption ~~or an interlocutory decree of adoption that does not require a subsequent hearing~~, the clerk of the court shall prepare an application for a birth record in the new name of the adopted individual and forward the application to the appropriate vital statistics office of the place, if known, where the adopted individual was born and forward a copy of the decree to the Division of Vital Records for statistical purposes. The division may issue a birth certificate for any

child born in a place whose law does not provide for the issuance of a substituted certificate.

SECTION 8. Arkansas Code § 9-9-220(a), concerning the termination of parental rights by virtue of the entry of a decree of adoption under the Revised Uniform Adoption Act, is amended to read as follows:

(a) With the exception of the duty to pay child support, the rights of a parent with reference to a child, including parental right to control the child or to withhold consent to an adoption, may be relinquished and the relationship of parent and child terminated in or prior to an adoption proceeding as provided in this section. The duty of a parent to pay child support shall continue until ~~an interlocutory~~ a decree of adoption is entered.

SECTION 9. Arkansas Code § 9-14-237(a)(1), concerning the duty of a payor parent to pay child support automatically terminating by operation of law, is amended to read as follows:

(a)(1) Unless a court order for child support specifically extends child support after these circumstances, a payor parent's duty to pay child support for a child shall automatically terminate by operation of law:

(A) When the child reaches eighteen (18) years of age unless the child is still attending high school;

(B) If the child is still attending high school, upon the child's high school graduation or the end of the school year after the child reaches nineteen (19) years of age, whichever is earlier;

(C) When the child:

(i) Is emancipated by a court of competent jurisdiction;

(ii) Marries; or

(iii) Dies;

(D) Upon the marriage of the parents of the child to each other; or

(E) Upon the entry of a final decree of adoption ~~or an interlocutory decree of adoption that has become final under the Revised Uniform Adoption Act, § 9-9-201 et seq., and,~~ thereby ~~relieves~~ relieving the payor parent of all parental rights and responsibilities.

SECTION 10. Arkansas Code § 9-27-306(a)(4), concerning jurisdiction to issue an order of adoption for a juvenile placed outside of the State of Arkansas under the Arkansas Juvenile Code of 1989, is amended to read as follows:

(4) The court shall retain jurisdiction to issue orders of adoption, ~~interlocutory or final~~, if a juvenile is placed outside the State of Arkansas.

SECTION 11. Arkansas Code § 23-98-106(a)(8)(A), concerning medical insurance coverage for adopted minors, is amended to read as follows:

(8)(A) Every policy issued pursuant to this chapter which covers the insured and members of the insured's family shall include coverage for newborn infant children of the insured from the moment of birth, and for adopted minors from the date of the ~~interlocutory~~ decree of adoption.

SECTION 12. DO NOT CODIFY. Effect on interlocutory decrees of adoption issued before act.

(a) This act shall only affect a decree entered after the effective date of this act.

(b) An interlocutory decree entered by a court of competent jurisdiction before the effective date of this act shall remain valid according to the terms set forth by the court.

/s/C. Tucker

APPROVED: 4/17/25