

SENATE AMENDMENT 1 TO SB169.

deleting line 9 of page 1 and substituting therefor the following:

"AN ACT TO AMEND ARKANSAS CODE 9-9-212 (b) AND (c) CONCERNING"

AND

by deleting Section 1 of the bill, the same being lines 18 through 36 on page 1 and lines 1 through 31 on page 2, and substituting therefor the following:

"SECTION 1. Arkansas Code 9-9-212 (b) and (c) are amended to read as follows:

'(b) Upon the filing of a petition for adoption, the court shall order an investigation be made by the Department of Human Services or any other licensed agency or person designated by the court, including any agency licensed under § 9-28-401 - 9-28-411 and any licensed social worker, including licensed social workers who are residents of the same state of a petitioner so wishing to adopt a child in Arkansas. If such investigation is performed by a nonresident, such investigator need not be licensed to make child placements. All investigations shall be prepared and submitted in conformity with the Arkansas Child Placement Licensing Act, § 9-28-401 et seq. The investigation need not be ordered if an investigation report has been submitted and reviewed by the court with the petition for adoption. The investigation shall inquire into the conditions and antecedents of a minor sought to be adopted and of the petitioner for the purpose of ascertaining whether the adoptive home is a suitable home for the minor and whether the proposed adoption is in the best interest of the minor. A written report of the investigation shall be filed with the court by the investigator before the petition is heard. The report of the investigation shall contain an evaluation of the ~~placement~~ prospective adoption with a recommendation as to the granting of the petition for adoption and any other information the court requires regarding the petitioner or minor. The report of the investigation shall include a state criminal background check and national fingerprint based criminal background check. If a prospective adoptive parent has lived in a state for at least ten (10) years immediately prior to an adoption, then only a state criminal background check shall be required. A Child Maltreatment Central Registry check shall be required for all family members fourteen (14) and older as a part of the investigation, if such a registry is available in their state of residence. Additional national fingerprint-based criminal background checks are not required for international adoptions as they are already a part of the U.S. Department of Immigration and Naturalization (INS) requirements for adoption. Each prospective adoptive parent shall be responsible for payment of the costs of the criminal background checks and shall be required to cooperate with the requirements of the Department of Arkansas State Police and the Child Maltreatment Central Registry, if available, with regard to the criminal and Central Registry background checks, including but not limited to signing a release of information. Upon completion of the criminal record checks, the Department of Arkansas State Police shall forward all information obtained to

either the Department of Human Services if they are making the investigation, or to the agency, licensed social worker, or other person designated by the court who is making the investigation, or to the court in which the adoption petition has been or will be filed. The Probate/Chancery Clerk of the county where the petition for adoption has been or will be filed shall keep a record of the national fingerprint-based criminal background checks for the court. The court shall further order that a report of the investigation shall be filed with the court by the investigator within sixty (60) working days from the issuance of the order for investigation, unless time therefor is extended by the court. The court shall not enter any order respecting the placement of the minor for adoption, other than an order for temporary placement, until the investigation report has been submitted and reviewed by the court.

(c) Unless directed by the court, an investigation and report is not required in cases in which the person to be adopted is an adult. The court may also waive the requirement for an investigation report when a stepparent is the petitioner or the petitioner and the minor are related to each other in the second degree. The investigation report includes the state criminal background checks, the national fingerprint-based criminal background checks, and the Child Maltreatment Central Registry checks.'"

AND

by deleting lines 11 through 15 on page 3 and substituting therefor the following:

"Assembly of the State of Arkansas that the current law with regard to criminal background checks in adoption investigations is to restrictive; and that this act is immediately necessary to provide"