

Stricken language would be deleted from present law. Underlined language would be added to present law.

1 State of Arkansas
2 81st General Assembly
3 Regular Session, 1997
4
5 By: Representative Vess

A Bill

HOUSE BILL 2239

For An Act To Be Entitled

9 "AN ACT TO AMEND ARKANSAS CODE ANNOTATED § 9-9-212(b)
10 REGARDING BACKGROUND CHECKS ON PROSPECTIVE ADOPTIVE
11 PARENTS; AND FOR OTHER PURPOSES."

Subtitle

14 "REGARDING BACKGROUND CHECKS ON
15 PROSPECTIVE ADOPTIVE PARENTS"

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

19 SECTION 1. Arkansas Code Annotated § 9-9-212(b) is amended to read as
20 follows:

21 "(b) Upon the filing of a petition for adoption, the court shall order
22 an investigation be made by the Department of Human Services or any other
23 licensed agency or person designated by the court, including any agency
24 licensed under §§ 9-28-401 - 9-28-411 and any licensed social worker,
25 including licensed social workers who are residents of the same state of a
26 petitioner so wishing to adopt a child in Arkansas. If such investigation is
27 performed by a nonresident, such investigator need not be licensed to make
28 child placements. All investigations shall be prepared and submitted in
29 conformity with the Arkansas Child Placement Licensing Act, § 9-28-401 et seq.
30 The investigation need not be ordered if an investigation report has been
31 submitted and reviewed by the court with the petition for adoption. The
32 investigation shall inquire into the conditions and antecedents of a minor
33 sought to be adopted and of the petitioner for the purpose of ascertaining
34 whether the adoptive home is a suitable home for the minor and whether the
35 proposed adoption is in the best interest of the minor. A written report of
36 the investigation shall be filed with the court by the investigator before the

1 petition is heard. The report of the investigation shall contain an
2 evaluation of the ~~placement~~ prospective adoption with a recommendation as to
3 the granting of the petition for adoption and any other information the court
4 requires regarding the petitioner or minor. The report of the investigation
5 shall include a state criminal background check and national fingerprint-based
6 criminal background check. If a prospective adoptive parent has lived in a
7 state for at least six (6) years immediately prior to adoption, then only a
8 state criminal background check shall be required. A Child Maltreatment
9 Central Registry check shall be required for all family members age fourteen
10 (14) and older as a part of the investigation, if such a registry is available
11 in their state of residence. Additional national fingerprint-based criminal
12 background checks are not required for international adoptions as they are
13 already a part of the U. S. Department of Immigration and Naturalization (INS)
14 requirements for adoption. Each prospective adoptive parent shall be
15 responsible for payment of the costs of the criminal background checks and
16 shall be required to cooperate with the requirements of the Department of
17 Arkansas State Police and the Child Maltreatment Central Registry, if
18 available, with regard to the criminal and Central Registry background checks,
19 including but not limited to signing a release of information. Upon
20 completion of the criminal record checks, the Department of Arkansas State
21 Police shall forward all information obtained to either the Department of
22 Human Services if they are making the investigation, or to the agency,
23 licensed social worker, or other person designated by the court who is making
24 the investigation, or to the court in which the adoption petition has been or
25 will be filed. The Probate/Chancery Clerk of the county where the petition
26 for adoption has been or will be filed shall keep a record of the national
27 fingerprint-based criminal background checks for the court. The court shall
28 further order that a report of the investigation shall be filed with the court
29 by the investigator within sixty (60) working days from the issuance of the
30 order for investigation, unless time therefor is extended by the court. The
31 court shall not enter any order respecting the placement of the minor for
32 adoption until the investigation report has been submitted and reviewed by the
33 court."

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35 SECTION 2. All provisions of this act of a general and permanent nature
36 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code

1 Revision Commission shall incorporate the same in the Code.

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3 SECTION 3. If any provision of this act or the application thereof to
 4 any person or circumstance is held invalid, such invalidity shall not affect
 5 other provisions or applications of the act which can be given effect without
 6 the invalid provision or application, and to this end the provisions of this
 7 act are declared to be severable.

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9 SECTION 4. All laws and parts of laws in conflict with this act are
 10 hereby repealed.

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12 SECTION 5. EMERGENCY. It is found and determined by the General
 13 Assembly of the State of Arkansas that national fingerprint-based criminal
 14 record checks are not necessary if a prospective adoptive parent has resided
 15 in their state of residence for six years. Additional national fingerprint-
 16 based criminal record checks are not needed with international adoptions as
 17 they are already part of INS regulations. Therefore an emergency is declared
 18 to exist and this act being immediately necessary for the preservation of the
 19 public peace, health and safety shall become effective on the date of its
 20 approval by the Governor. If the bill is neither approved nor vetoed by the
 21 Governor, it shall become effective on the expiration of the period of time
 22 during which the Governor may veto the bill. If the bill is vetoed by the
 23 Governor and the veto is overridden, it shall become effective on the date the
 24 last house overrides the veto.

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