

1 State of Arkansas  
2 90th General Assembly  
3 Regular Session, 2015  
4

As Engrossed: H3/16/15

# A Bill

HOUSE BILL 1648

5 By: Representatives Leding, M. Hodges  
6 By: Senator Irvin  
7

## For An Act To Be Entitled

8  
9 AN ACT TO ENSURE THAT POST-ADOPTIVE SERVICES ARE  
10 PROVIDED TO PREVENT REHOMING; AND FOR OTHER PURPOSES.  
11

### Subtitle

12  
13 TO ENSURE THAT POST-ADOPTIVE SERVICES ARE  
14 PROVIDED TO PREVENT RE-HOMING OF ADOPTED  
15 CHILDREN.  
16  
17  
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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21 SECTION 1. Arkansas Code § 9-9-405 is amended to read as follows:

22 9-9-405. Promulgation of ~~regulations~~ rules.

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

25 (b) The department shall adopt rules to ensure that post-adoptive  
26 services are provided to adoptive parents who seek the assistance of the  
27 department to prevent the adoption from being disrupted.  
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29 SECTION 2. Arkansas Code § 9-9-410(a), concerning subsidized adoption  
30 agreements, is amended to add an additional subdivision to read as follows:

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



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

4 (B) The subsidy agreement is terminated as a matter of law  
5 when the adoptive child no longer remains under the care of the adoptive  
6 parents.

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

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

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

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

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

23 (1)(1) A circuit court of this state shall not appoint an unrelated  
24 person, a related person that is not related within the fifth degree of  
25 consanguinity, or an institution as a permanent custodian or permanent  
26 guardian of the person or estate of an adopted juvenile unless at least  
27 twenty (20) days before the hearing the prospective guardian files a written  
28 home study that has been conducted by a licensed certified social worker.

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

34 (B) If a prospective guardian has lived in another state  
35 for at least six (6) years immediately prior to guardianship, then only a  
36 state-of-residence criminal background check is required.

