

As Engrossed: 3/27/91

1 **State of Arkansas**
2 **78th General Assembly**
3 **Regular Session, 1991**
4 **By: Senator Hopkins**

A BILL ACT 1214 OF 1991
SENATE BILL 678

For An Act To Be Entitled

8 "AN ACT TO AMEND TITLE 9, CHAPTER 9, SUBCHAPTER 2 OF THE
9 ARKANSAS CODE OF 1987 TO CLARIFY WHEN NOTICE SHALL BE
10 GIVEN IN ADOPTION IF ONE PARENT PREDECEASES THE CHILD; AND
11 FOR OTHER PURPOSES."

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

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15 SECTION 1. Subsection (g) of Arkansas Code §9-9-212 is hereby amended
16 to read as follows:

17 "(g) When one (1) parent of a child or children is deceased, and the
18 parent-child relationship has not been eliminated at the time of death, and
19 adoption proceedings are instituted subsequent to such decease, the parents of
20 the deceased parent shall be notified under the procedures prescribed in this
21 subchapter of such adoption proceedings. Notice shall not be given to the
22 parents of the deceased parent if the child is under two (2) years of age."

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24 SECTION 2. Arkansas Code 9-9-220(b) is hereby amended to read as
25 follows:

26 "(b) All rights of a parent with reference to a child, including the
27 right to receive notice of a hearing on a petition for adoption, may be
28 relinquished and the relationship of parent and child terminated by a writing,
29 signed by an adult parent. If the parent is a minor, the writing shall be
30 signed by a guardian ad litem who is appointed to appear on behalf of the
31 minor parent for the purpose of executing such a writing. The signing shall
32 occur in the presence of a representative of an agency taking custody of the
33 child, or in the presence of a notary public, whether the agency is within or
34 without the state, or in the presence and with the approval of a judge of a
35 court of record of this state or any other state, in which the minor was
36 present at the time it was signed. The relinquishment shall be executed in

1 the same manner as for a consent to adopt under § 9-9-208.

2 (1) The relinquishment may be withdrawn within ten (10) calendar days
3 after it is signed or the child is born, whichever is later. In the case of a
4 child born in the State of Arkansas, notice of withdrawal shall be given by
5 filing an affidavit with the clerk of the probate court in the county
6 designated by the writing as the county in which the adoption petition will be
7 filed, or if the adoption is to occur out of state, the affidavit may be filed
8 with the probate court clerk in the county in which the Arkansas guardianship
9 is filed. If the ten (10) day period ends on a weekend or legal holiday, the
10 person may file the affidavit the next working day. No fee shall be charged
11 for the filing of the affidavit. The relinquishment shall state that the
12 parent has this right of withdrawal, and in the case of a child born in the
13 State of Arkansas, shall provide the address of the probate court clerk of the
14 county in which the adoption will be filed, or if the adoption is to occur
15 out of state, shall provide the address of the probate court clerk in the
16 county in which the Arkansas guardianship is filed; or

17 (2) In any other situation, if the petitioner has had custody of the
18 minor for two (2) years, but only if notice of the adoption proceeding has
19 been given to the parent and the court finds, after considering the
20 circumstances of the relinquishment and the long continued custody by the
21 petitioner, that the best interest of the child requires the granting of the
22 adoption."

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24 SECTION 3. All provisions of this act of a general and permanent nature
25 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
26 Revision Commission shall incorporate the same in the Code.

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

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34 SECTION 5. All laws and parts of laws in conflict with this act are
35 hereby repealed.

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/s/Hopkins

APPROVED: 4-10-91