

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 83rd General Assembly
3 Regular Session, 2001
4

As Engrossed: H3/20/01 H4/5/01 S4/11/01

A Bill

Act 1779 of 2001
HOUSE BILL 2654

5 By: Representative Cleveland
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7

For An Act To Be Entitled

9 AN ACT TO PROVIDE FOR A NOTICE OF THE TERMINATION
10 OF PARENTAL RIGHTS UPON NON-PAYMENT OF CHILD
11 SUPPORT AND NON-VISITATION OF THE CHILD FOR A
12 PERIOD OF AT LEAST ONE YEAR; AND FOR OTHER
13 PURPOSES.
14

Subtitle

16 TO PROVIDE FOR A NOTICE OF THE
17 TERMINATION OF PARENTAL RIGHTS UPON NON-
18 PAYMENT OF CHILD SUPPORT AND NON-
19 VISITATION OF THE CHILD FOR A PERIOD OF
20 AT LEAST ONE YEAR.
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23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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25 *SECTION 1. Arkansas Code 9-9-220(c) is amended to read as follows:*

26 *(c) In addition to any other proceeding provided by law, the*
27 *relationship of parent and child may be terminated by a court order issued*
28 *under this subchapter on any ground provided by other law for termination of*
29 *the relationship, or on the following grounds:*

30 *(1) Abandonment;*

31 *(A) A child support order shall provide notice to the non-*
32 *custodial parent that failure to pay child support or to visit the child for*
33 *at least one (1) year shall provide the custodial parent with the right to*
34 *initiate proceedings to terminate the parental rights of the non-custodial*
35 *parent.*

36 *(B) If the notification clause required by subdivision*

1 (c)(1)(A) is not in the child support order, the custodial parent, prior to
2 termination of parental rights, shall notify the non-custodial parent that he
3 or she intends to petition the court to terminate parental rights.

4 (C)(1) The non-custodial parent shall have three (3)
5 months from the filing of the petition to pay a substantial amount of past
6 due payments owed and to establish a relationship with his or her child or
7 children.

8 (2) Once the requirements under subdivision
9 (c)(1)(C)(1) are met, the custodial parent shall not be permitted to proceed
10 with the adoption nor the termination of parental rights of the non-custodial
11 parent.

12 (3) The court may terminate parental rights of the
13 non-custodial parent upon a showing that:

14 (i) Child support payments have not been made
15 for one (1) year or the non-custodial parent has not visited the child in the
16 preceding year and the non-custodial parent has not fulfilled the
17 requirements of subdivision (c)(1)(C)(1); and

18 (ii) It would be in the best interest of the
19 child to terminate the parental relationship.

20 (2) Neglect or abuse, when the court finds the causes are
21 irremediable or will not be remedied by the parent.

22 (A) If the parents have failed to make reasonable efforts
23 to remedy the causes and such failure has occurred for twelve (12) months,
24 such failure shall raise the rebuttable presumption that the causes will not
25 be remedied.

26 (B) If the parents have attempted to remedy the causes but
27 have failed to do so within twelve (12) months, and the court finds there is
28 no reasonable likelihood the causes will be remedied by the eighteenth month,
29 such failures shall raise the rebuttable presumption that the causes will not
30 be remedied.

31 (3) That in the case of a parent not having custody of a child,
32 his consent is being unreasonably withheld contrary to the best interest of
33 the child.

34 /s/ Cleveland

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36 APPROVED: 4/18/2001