

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

A Bill

SENATE BILL

For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE 9-9-208 AND 9-9-220 (b) TO
9 PROVIDE THAT CONSENT TO ADOPT OR RELINQUISHMENT OF
10 PARENTAL RIGHTS EXECUTED BY THE NATURAL MOTHER OF A CHILD
11 SHALL NOT BE VALID UNLESS THE NATURAL MOTHER IS
12 REPRESENTED BY AN ATTORNEY; AND TO ALLOW A PERSON TO WAIVE
13 THE RIGHT TO WITHDRAW THE RELINQUISHMENT OF THE
14 RELATIONSHIP OF PARENT AND CHILD; AND FOR OTHER PURPOSES."

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

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18 SECTION 1. Arkansas Code 9-9-208 is amended to read as follows:

19 "9-9-208. How consent is executed.

20 (a) The required consent to adoption shall be executed at any time
21 after the birth of the child and in the manner following:

22 (1) If by the individual to be adopted, in the presence of the
23 court;

24 (2) If by an agency, by the executive head or other authorized
25 representative, in the presence of a person authorized to take
26 acknowledgments;

27 (3) If by any other person, in the presence of the court or in
28 the presence of a person authorized to take acknowledgments;

29 (4) If by a court, by appropriate order or certificate.

30 (b) A consent which does not name or otherwise identify the adopting
31 parent is valid if the consent contains a statement by the person whose
32 consent it is that the person consenting voluntarily executed the consent
33 irrespective of disclosure of the name or other identification of the adopting
34 parent.

35 (c) A consent executed by the natural mother of a child to be adopted

1 shall not be valid unless the natural mother is represented by an attorney."

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

4 "(b) All rights of a parent with reference to a child, including the
5 right to receive notice of a hearing on a petition for adoption, may be
6 relinquished and the relationship of parent and child terminated by a writing,
7 signed by an adult parent. If the parent is a minor or an incompetent, the
8 writing shall be signed by a guardian ad litem who is appointed to appear on
9 behalf of the minor or incompetent parent in that action in the presence of a
10 representative of an agency taking custody of the child, whether the agency is
11 within or without the state, or in the presence and with the approval of a
12 judge of a court of record of this state or any other state, in which the
13 minor or incompetent was present at the time it was signed. The
14 relinquishment of rights of a parent with reference to a child by the natural
15 mother of the child shall not be valid unless the natural mother is
16 represented by an attorney.

17 (1) The relinquishment may be withdrawn within ten (10) days after it
18 is signed or the child is born, whichever is later. The relinquishment is
19 invalid unless it states that the parent has this right of withdrawal. The
20 right of withdrawal may be waived in writing; or

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

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28 SECTION 3. This Act shall not apply to a consent to adopt or the
29 relinquishment of right of parental rights executed prior to the effective
30 date of this Act.

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32 SECTION 4. All provisions of this Act of a general and permanent
33 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas
34 Code Revision Commission shall incorporate the same in the Code.

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

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7 SECTION 6. All laws and parts of laws in conflict with this Act are
8 hereby repealed.

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