

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 84th General Assembly
3 Regular Session, 2003

A Bill

HOUSE BILL 2420

4
5 By: Representative Judy
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For An Act To Be Entitled

9 AN ACT TO CHANGE THE NUMBER OF DAYS THAT PARENTS
10 HAVE TO CHANGE THEIR MINDS AND WITHDRAW THEIR
11 CONSENT OR RELINQUISHMENT FOR AN ADOPTION; AND
12 FOR OTHER PURPOSES.

Subtitle

13
14 TO CHANGE THE NUMBER OF DAYS THAT
15 PARENTS HAVE TO CHANGE THEIR MINDS AND
16 WITHDRAW THEIR CONSENT OR RELINQUISHMENT
17 FOR AN ADOPTION.
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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23 SECTION 1. Arkansas Code § 9-9-209(b), regarding the withdrawal of
24 consent to adoption, is amended to read as follows:

25 (b)(1)(A) A consent to adopt may be withdrawn within ~~ten (10)~~ five (5)
26 calendar days after it is signed ~~or the child is born, whichever is later,~~ by
27 filing an affidavit with the clerk of the ~~probate~~ circuit court in the county
28 designated by the consent as the county in which the guardianship petition
29 will be filed, if there is a guardianship, or where the petition for adoption
30 will be filed, if there is no guardianship.

31 (B) If the ~~ten-day~~ five-day period ends on a weekend or a
32 legal holiday, the person may file the affidavit the next working day.

33 (C) No fee shall be charged for the filing of the
34 affidavit.

35 (D) The ~~ten-day~~ five-day period for filing a withdrawal of
36 consent shall not apply to agencies as defined by § 9-9-202(5).



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1 (2) The consent shall state that the person has the right of
 2 withdrawal of consent and shall provide the address of the ~~probate circuit~~
 3 court clerk of the county in which the guardianship will be filed, if there
 4 is a guardianship, or where the petition for adoption will be filed, if there
 5 is no guardianship.

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 7 SECTION 2. Arkansas Code § 9-9-220(b)(1)(A), regarding the
 8 relinquishment and termination of the parent and child relationship, is
 9 amended to read as follows:

10 (b)(1)(A) The relinquishment may be withdrawn within ~~ten (10)~~ five (5)
 11 calendar days after it is signed or the child is born, whichever is later.

12 (i) Notice of withdrawal shall be given by filing an
 13 affidavit with the clerk of the ~~probate circuit~~ court in the county
 14 designated by the writing as the county in which the guardianship petition
 15 will be filed, if there is a guardianship, or where the petition for adoption
 16 will be filed, if there is no guardianship. If the ~~ten-day~~ five-day period
 17 ends on a weekend or legal holiday, the person may file the affidavit the
 18 next working day.

19 (ii) No fee shall be charged for the filing of the
 20 affidavit.

21 (B) The relinquishment shall state that the parent has this
 22 right of withdrawal, and shall provide the address of the ~~probate circuit~~
 23 court clerk of the county in which the guardianship will be filed, if there
 24 is a guardianship, or where the petition for adoption will be filed, if there
 25 is no guardianship; or

26 (2) In any other situation, if notice of the adoption proceeding has
 27 been given to the parent and the court finds, after considering the
 28 circumstances of the relinquishment and the continued custody by the
 29 petitioner, that the best interest of the child requires the granting of the
 30 adoption.

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 32 SECTION 3. EMERGENCY CLAUSE. It is found and determined by the
 33 General Assembly of the State of Arkansas that the current law unduly delays
 34 a child from being legally free for adoption; that it is in the best interest
 35 of a child to be determined to be legally free for adoption without undue
 36 delay; and that this act is immediately necessary to prevent the undue delay

1 of children waiting to be legally free for adoption to be adopted.
2 Therefore, an emergency is declared to exist and this act being immediately
3 necessary for the preservation of the public peace, health, and safety shall
4 become effective on:

5 (1) The date of its approval by the Governor;

6 (2) If the bill is neither approved nor vetoed by the Governor,
7 the expiration of the period of time during which the Governor may veto the
8 bill; or

9 (3) If the bill is vetoed by the Governor and the veto is
10 overridden, the date the last house overrides the veto.

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