1	State of Arkansas
2	84th General Assembly
3	Regular Session, 2003

A Bill

SENATE BILL 773

5   By: Senator Broadway

For An Act To Be Entitled

9   AN ACT CONCERNING THE TERMINATION OF PARENTAL

10   RIGHTS; AND FOR OTHER PURPOSES.

Subtitle

13   AN ACT CONCERNING THE TERMINATION OF

14   PARENTAL RIGHTS.

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

19   SECTION 1. Arkansas Code § 9-9-220(c), concerning grounds for

20   termination of parental rights, is amended to read as follows:

21   (c)   In addition to any other proceeding provided by law, the

22   relationship of parent and child may be terminated by a court order issued

23   under this subchapter on any ground provided by other law for termination of

24   the relationship, or on the following grounds:

25   (1)   Abandonment or neglect;

26   (A)   A child support order shall provide notice to the non-

27   custodial parent that:

28   (i)   failure Failure to pay the equivalent of ten

29   (10) months of child support in any twelve-month period or to visit the child

30   for at least one (1) year; or

31   (ii)   Failure to visit with the child for six (6)

32   consecutive months, unless visitation has not been granted to the non-

33   custodial parent;

34   shall provide the custodial parent with the right to initiate proceedings

35   to terminate the parental rights of the non-custodial 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)~~(i) 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)~~(ii) Once the requirements under

9   subdivision (c)(1)(C)~~(1)~~(i)are met, the custodial parent shall not be

10 permitted to proceed with the adoption nor the termination of parental rights

11 of the non-custodial parent.

12   ~~(3)~~(2) The court may terminate parental rights of the non-

13 custodial parent upon a showing that:

14   ~~(i)~~(A) Child support payments ~~have not been made for one~~

15 ~~(1) year~~ are delinquent for the equivalent of ten (10) months of child

16 support in any twelve-month period or the non-custodial parent has not

17 visited the child ~~in the preceding year~~ for six (6) consecutive months,

18 unless visitation has not been granted to the non-custodial parent, and the

19 non-custodial parent has not fulfilled the requirements of subdivision

20 (c)(1)(C)~~(1)~~ (i); and

21   ~~(ii)~~(B) It would be in the best interest of the child to

22 terminate the parental relationship.

23   ~~(2)~~(3) Neglect or abuse, when the court finds the causes are

24 irremediable or will not be remedied by the parent.

25   (A) If the parents have failed to make reasonable efforts

26 to remedy the causes and such failure has occurred for twelve (12) months,

27 such failure shall raise the rebuttable presumption that the causes will not

28 be remedied.

29   (B) If the parents have attempted to remedy the causes but

30 have failed to do so within twelve (12) months, and the court finds there is

31 no reasonable likelihood the causes will be remedied by the eighteenth month,

32 the failures shall raise the rebuttable presumption that the causes will not

33 be remedied.

34   ~~(3)~~(4) That in the case of a parent not having custody of a

35 child, his consent is being unreasonably withheld contrary to the best

36 interest of the child.

1   (5) A court may grant a petition for the termination of parental

2 rights and grant an adoption filed by a step-parent if:

3   (A) The marriage between the custodial parent and the

4 step-parent has endured for more than three (3) years;

5   (B) Prior to the petition for adoption being filed, the

6 non-custodial parent had not made a child support payment in six (6) months;

7   (C) Prior to the petition for adoption being filed, the

8 non-custodial parent had no contact with the child to be adopted for at least

9 six (6) months;

10   (D) The child to be adopted, if twelve (12) years of age

11 or older, has expressed a desire to be adopted by the step-parent; and

12   (E) It would be in the best interest of the child to grant

13 the petition.

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