

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

**A BILL ACT 774 OF 1991**  
**SENATE BILL 201**

**For An Act To Be Entitled**

8 "AN ACT TO AMEND VARIOUS SECTIONS OF ARKANSAS CODE TITLE  
9 9, CHAPTER 9, SUBCHAPTER 2 CONCERNING THE REVISED UNIFORM  
10 ADOPTION ACT; AND FOR OTHER PURPOSES."

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

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

15 "9-9-208. How consent is executed.

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

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

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

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

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

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

31 (c) *If the parent is a minor, the writing shall be signed by a court*  
32 *ordered guardian ad litem, who has been appointed by a judge of a court of*  
33 *record in this state to appear on behalf of the minor parent for the purpose*  
34 *of executing consent. The signing shall be made in the presence of an*  
35 *authorized representative of the Arkansas licensed placement agency taking*  
36 *custody of the child, or in the presence of a notary public, or in the*

1 *presence and with the approval of a judge of a court of record of this state*  
2 *or any other state, in which the minor was present at the time it was signed."*

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4 SECTION 2. Arkansas Code 9-9-209 is amended to read as follows:

5 "9-9-209. Withdrawal of consent.

6 (a) A consent to adoption cannot be withdrawn after the entry of a  
7 decree of adoption.

8 (b)(1) A consent to adopt may be withdrawn within ten (10) calendar  
9 days after it is signed or the child is born, whichever is later, by filing an  
10 affidavit with the clerk of the probate court in the county designated by the  
11 consent as the county in which the adoption petition will be filed, or if the  
12 adoption is to occur out of state, the affidavit may be filed with the probate  
13 court clerk in the county in which the Arkansas guardianship is filed. If the  
14 ten (10) day period ends on a weekend or a legal holiday, the person may file  
15 the affidavit the next working day. No fee shall be charged for the filing of  
16 the affidavit.

17 (2) The consent shall state that the person has the right of  
18 withdrawal of consent and shall provide the address of the probate court clerk  
19 of the county in which the adoption will be filed, or if the adoption is to  
20 occur out of state, then the consent shall provide the address of the probate  
21 court clerk where the Arkansas guardianship is filed."

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23 SECTION 3. Arkansas Code 9-9-212(a) is amended to read as follows:

24 "(a) Before any hearing on petition, the period in which the  
25 relinquishment may be withdrawn under §9-9-220 or in which consent may be  
26 withdrawn under §9-9-209, whichever is applicable, must have expired. No  
27 orders of adoption, interlocutory or final, may be entered prior to the period  
28 for withdrawal. After the filing of a petition to adopt a minor, the court  
29 shall fix a time and place for hearing the petition. At least twenty (20)  
30 days before the date of hearing, notice of the filing of the petition and of  
31 the time and place of hearing shall be given by the petitioner to (1) any  
32 agency or person whose consent to the adoption is required by this subchapter  
33 but who has not consented, and (2) a person whose consent is dispensed with  
34 upon any ground mentioned in §9-9-207(a)(1), (2), (6), (8), and (9). When the  
35 petitioner alleges that any person entitled to notice cannot be located, the

1 court shall appoint an attorney ad litem who shall make a reasonable effort to  
2 locate and serve notice upon the person entitled to notice; and upon failing  
3 to so serve actual notice, the attorney ad litem shall publish a notice of the  
4 hearing directed to the person entitled to notice in a newspaper having  
5 general circulation in the county one (1) time a week for four (4) weeks, the  
6 last publication being at least seven (7) days prior to the hearing. Prior to  
7 the hearing, the attorney ad litem shall file a proof of publication and an  
8 affidavit reciting the efforts made to locate and serve actual notice upon the  
9 person entitled to notice."

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11 SECTION 4. Arkansas Code 9-9-214 is amended to read as follows:

12 "9-9-214. Appearance - Continuance - Disposition of petition.

13 (a) The petitioner and the individual to be adopted shall appear at the  
14 hearing on the petition, unless the presence of either is excused by the court  
15 for good cause shown.

16 (b) The court may continue the hearing from time to time to permit  
17 further observation, investigation, or consideration of any facts or  
18 circumstances affecting the granting of the petition.

19 (c) If at the conclusion of the hearing the court determines that the  
20 required consents have been obtained or excused and the required period for  
21 the withdrawal of consent and withdrawal of relinquishment have passed and  
22 that the adoption is in the best interest of the individual to be adopted, it  
23 may (1) issue a final decree of adoption; or (2) issue an interlocutory decree  
24 of adoption which by its own terms automatically becomes a final decree of  
25 adoption on a day therein specified, which day shall not be less than six (6)  
26 months nor more than one (1) year from the date of issuance of the decree,  
27 unless sooner vacated by the court for good cause shown.

28 (d) If the requirements for a decree under subsection (c) have not been  
29 met, the court shall dismiss the petition and the child shall be returned to  
30 the person or entity having custody of the child prior to the filing of the  
31 petition."

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33 SECTION 5. Arkansas Code 9-9-220 (b) is amended to read as follows:

34 "(b) All rights of a parent with reference to a child, including the  
35 right to receive notice of a hearing on a petition for adoption, may be

1 relinquished and the relationship of parent and child terminated by a writing,  
2 signed by an adult parent. If the parent is a minor, the writing shall be  
3 signed by a guardian ad litem who is appointed to appear on behalf of the  
4 minor parent for the purpose of executing such a writing. The signing shall  
5 occur in the presence of a representative of an agency taking custody of the  
6 child, or in the presence of a notary public, whether the agency is within or  
7 without the state, or in the presence and with the approval of a judge of a  
8 court of record of this state or any other state, in which the minor was  
9 present at the time it was signed. The relinquishment shall be executed in  
10 the same manner as for a consent to adopt under §9-9-208.

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

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

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31           SECTION 6. All provisions of this act of a general and permanent nature  
32 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
33 Revision Commission shall incorporate the same in the Code.

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35           SECTION 7. If any provision of this act or the application thereof to

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

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

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*/s/Hopkins*

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APPROVED: 3/26/91

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