

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.  
Act 219 of the Regular Session

1 State of Arkansas  
2 87th General Assembly  
3 Regular Session, 2009  
4

# A Bill

SENATE BILL 341

5 By: Senator Luker  
6 By: Representative Harrelson  
7

## For An Act To Be Entitled

10 AN ACT TO AMEND ARKANSAS CODE § 9-9-220(c)  
11 CONCERNING THE RELINQUISHMENT AND TERMINATION OF  
12 PARENT AND CHILD RELATIONSHIP; AND FOR OTHER  
13 PURPOSES.  
14

### Subtitle

15 CONCERNING THE RELINQUISHMENT AND  
16 TERMINATION OF PARENT AND CHILD  
17 RELATIONSHIP.  
18  
19  
20

21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
22

23 SECTION 1. Arkansas Code § 9-9-220(c), concerning the relinquishment  
24 and termination of parent and child relationship, is amended to read as  
25 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 as defined in § 9-9-202(7).

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.~~



1                   ~~(B) If the notification clause required by subdivision~~  
 2 ~~(c)(1)(A) of this section is not in the child support order, the custodial~~  
 3 ~~parent, prior to termination of parental rights, shall notify the non-~~  
 4 ~~custodial parent that he or she intends to petition the court to terminate~~  
 5 ~~parental rights.~~

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

10                   ~~(ii) Once the requirements under subdivision~~  
 11 ~~(c)(1)(C)(i) of this section are met, the custodial parent shall not be~~  
 12 ~~permitted to proceed with the adoption nor the termination of parental rights~~  
 13 ~~of the non custodial parent.~~

14                   ~~(iii) The court may terminate parental rights of the~~  
 15 ~~non custodial parent upon a showing that:~~

16                                 ~~(a) Child support payments have not been made~~  
 17 ~~for one (1) year or the non custodial parent has not visited the child in the~~  
 18 ~~preceding year and the non custodial parent has not fulfilled the~~  
 19 ~~requirements of subdivision (c)(1)(C)(i) of this section; and~~

20                                 ~~(b) It would be in the best interest of the~~  
 21 ~~child to terminate the parental relationship.~~

22                   ~~(D) The provisions of subdivisions (c)(1)(A) — (C) of this~~  
 23 ~~section apply only to child support orders entered after August 13, 2001.~~

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

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

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

35                                                 (3) That in the case of a parent  
 36 not having custody of a child, his or her consent is being unreasonably

1 withheld contrary to the best interest of the child **APPROVED: 2/20/2009**