

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 230 of the Regular Session

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

As Engrossed: H2/4/09

A Bill

HOUSE BILL 1280

5 By: Representatives Hyde, Slinkard
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8 **For An Act To Be Entitled**

9 AN ACT TO AMEND ARKANSAS CODE §§ 9-9-209(b) AND
10 9-9-220(b) TO PROVIDE A PARENT WITH AN OPTION TO
11 WAIVE THE NUMBER OF DAYS FROM TEN TO FIVE TO
12 WITHDRAW CONSENT OR RELINQUISHMENT OF PARENTAL
13 RIGHTS FOR AN ADOPTION; AND FOR OTHER PURPOSES.
14

15 **Subtitle**

16 TO PROVIDE A PARENT WITH AN OPTION TO
17 WAIVE THE NUMBER OF DAYS FROM TEN TO
18 FIVE TO WITHDRAW CONSENT OR
19 RELINQUISHMENT OF PARENTAL RIGHTS FOR AN
20 ADOPTION.
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23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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25 SECTION 1. Arkansas Code § 9-9-209(b), concerning the number of days
26 to withdraw consent for an adoption, is amended to read as follows:

27 (b)(1)(A) A consent to adopt may be withdrawn within ten (10) calendar
28 days, or, if a waiver of the ten-day period is elected under subdivision
29 (b)(3) of this section, five (5) calendar days after it is signed or the
30 child is born, whichever is later, by filing an affidavit with the *probate*
31 *division* clerk of the circuit court in the county designated by the consent
32 as the county in which the guardianship petition will be filed, if there is a
33 guardianship, or where the petition for adoption will be filed, if there is
34 no guardianship. If the ten-day period, or, if a waiver of the ten-day
35 period is elected under subdivision (b)(3) of this section, the five-day



1 period ends on a weekend or a legal holiday, the person may file the
2 affidavit the next working day. No fee shall be charged for the filing of
3 the affidavit. The court may waive the ten-day period for filing a
4 withdrawal of consent for agencies as defined by § 9-9-202(5), minors over
5 ten (10) years of age who consented to the adoption, or biological parents if
6 a step-parent is adopting.

7 (2) The consent shall state that the person has the right of
8 withdrawal of consent and shall provide the address of the *probate division*
9 clerk of the circuit court of the county in which the guardianship will be
10 filed, if there is a guardianship, or where the petition for adoption will be
11 filed, if there is no guardianship.

12 (3) The consent shall state that the person may waive the ten-
13 day period for the withdrawal of consent for an adoption and elect to limit
14 the maximum time for the withdrawal of consent for an adoption to five (5)
15 days.

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17 SECTION 2. Arkansas Code § 9-9-220(b), concerning the number of days
18 to withdraw relinquishment and termination of parental rights for an
19 adoption, is amended to read as follows:

20 (b) All rights of a parent with reference to a child, including the
21 right to receive notice of a hearing on a petition for adoption, may be
22 relinquished and the relationship of parent and child terminated by a
23 writing, signed by an adult parent, subject to the court's approval.

24 If the parent is a minor, the writing shall be signed by a guardian ad
25 litem who is appointed to appear on behalf of the minor parent for the
26 purpose of executing such a writing. The signing shall occur in the presence
27 of a representative of an agency taking custody of the child, or in the
28 presence of a notary public, whether the agency is within or without the
29 state, or in the presence and with the approval of a judge of a court of
30 record of this state or any other state in which the minor was present at the
31 time it was signed. The relinquishment shall be executed in the same manner
32 as for a consent to adopt under § 9-9-208.

33 (1)(A) The relinquishment may be withdrawn within ten (10)
34 calendar days, or, if a waiver of the ten-day period is elected under § 9-9-
35 220(b)(3), five (5) calendar days after it is signed or the child is born,
36 whichever is later.

1 (i) Notice of withdrawal shall be given by filing an
2 affidavit with the *probate division* clerk of the circuit court in the county
3 designated by the writing as the county in which the guardianship petition
4 will be filed if there is a guardianship, or where the petition for adoption
5 will be filed, if there is no guardianship. If the ten-day period, or, if a
6 waiver of the ten-day period is elected under subdivision (b)(3) of this
7 section, the five-day period ends on a weekend or legal holiday, the person
8 may file the affidavit the next working day.

9 (ii) No fee shall be charged for the filing of the
10 affidavit.

11 (B) The relinquishment shall state that the parent has
12 this right of withdrawal, and shall provide the address of the *probate*
13 *division* clerk of the circuit court in which the guardianship will be filed
14 if there is a guardianship, or where the petition for adoption will be filed
15 if there is no guardianship; or

16 (2) In any other situation, if notice of the adoption proceeding
17 has been given to the parent and the court finds, after considering the
18 circumstances of the relinquishment and the continued custody by the
19 petitioner, that the best interest of the child requires the granting of the
20 adoption.

21 (3) The relinquishment shall state that the person may waive the
22 ten-day period for the withdrawal of relinquishment for an adoption and to
23 elect to limit the maximum time for the withdrawal of relinquishment for an
24 adoption to five (5) days.

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26 SECTION 3. EMERGENCY CLAUSE. It is found and determined by the
27 General Assembly of the State of Arkansas that it is in the best interest of
28 a child to be determined to be legally free for adoption without undue delay.
29 Therefore, an emergency is declared to exist and this act being immediately
30 necessary for the preservation of the public peace, health, and safety shall
31 become effective on:

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

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

36 (3) If the bill is vetoed by the Governor and the veto is

1 overridden, the date the last house overrides the veto.

2 /s/ Hyde

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APPROVED: 2/25/2009

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