

1 **State of Arkansas**
2 **80th General Assembly**
3 **Regular Session, 1995**
4 **By: Representative Ferrell**

A Bill

ACT 1284 OF 1995
HOUSE BILL 1960

For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE § 9-9-209 SPECIFYING THAT A
9 NATURAL PARENT_S CONSENT TO ADOPT MAY BE WITHDRAWN WITHIN
10 TEN (10) CALENDAR DAYS AFTER IT IS SIGNED OR THE CHILD IS
11 BORN; AND AUTHORIZING THE WITHDRAWAL OF SUCH CONSENT BY
12 FILING AN AFFIDAVIT WITH THE CLERK OF THE PROBATE COURT IN
13 THE COUNTY DESIGNATED BY THE CONSENT AS THE COUNTY IN
14 WHICH THE GUARDIANSHIP PETITION WILL BE FILED IF THERE IS
15 A GUARDIANSHIP OR WHERE THE PETITION FOR ADOPTION WILL BE
16 FILED IF THERE IS NO GUARDIANSHIP; AND FOR OTHER
17 PURPOSES."

Subtitle

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20 "SPECIFYING THE NATURAL PARENT_S CONSENT
21 TO ADOPT MAY BE WITHDRAWN TEN (10)
22 CALENDAR DAYS AFTER IT HAS BEEN DRAWN OR
23 THE CHILD IS BORN."

24
25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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27 *SECTION 1. Arkansas Code Annotated 9-9-209 is amended to read as*
28 *follows:*

29 *"9-9-209. Withdrawal of consent.*

30 *(a) A consent to adoption cannot be withdrawn after the entry of a*
31 *decree of adoption.*

32 *(b) (1) A consent to adopt may be withdrawn within ten (10) calendar*
33 *days after it is signed or the child is born, whichever is later, by filing an*
34 *affidavit with the clerk of the probate court in the county designated by the*
35 *consent as the county in which the guardianship petition will be filed if*
36 *there is a guardianship or where the petition for adoption will be filed if*

1 there is no guardianship. If the ten-day period ends on a weekend or a legal
2 holiday, the person may file the affidavit the next working day. No fee shall
3 be charged for the filing of the affidavit. The ten-day period for filing a
4 withdrawal of consent shall not apply to agencies as defined by Ark. Code Ann.
5 § 9-9-202(5).

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

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12 SECTION 2. Arkansas Code Annotated § 9-9-220(b) is amended to read as
13 follows:

14 "(b) All rights of a parent with reference to a child, including the
15 right to receive notice of a hearing on a petition for adoption, may be
16 relinquished and the relationship of parent and child terminated by a writing,
17 signed by an adult parent.

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

27 (1) (A) The relinquishment may be withdrawn within ten (10)
28 calendar days after it is signed or the child is born, whichever is later.

29 (i) Notice of withdrawal shall be given by filing an
30 affidavit with the clerk of the probate court in the county designated by the
31 writing as the county in which the guardianship petition will be filed if
32 there is a guardianship or where the petition for adoption will be filed if
33 there is no guardianship. If the ten-day period ends on a weekend or legal
34 holiday, the person may file the affidavit the next working day.

35 (ii) No fee shall be charged for the filing of the

1 affidavit.

2 (B) The relinquishment shall state that the parent has this
3 right of withdrawal; and shall provide the address of the probate court clerk
4 of the county in which the guardianship will be filed if there is a
5 guardianship or where the petition for adoption will be filed if there is no
6 guardianship; or

7 (2) In any other situation, if the petitioner has had custody of
8 the minor for two (2) years, but only if notice of the adoption proceeding has
9 been given to the parent and the court finds, after considering the
10 circumstances of the relinquishment and the long continued custody by the
11 petitioner, that the best interest of the child requires the granting of the
12 adoption."

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14 SECTION 3. All provisions of this act of a general and permanent nature
15 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
16 Revision Commission shall incorporate the same in the Code.

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18 SECTION 4. If any provision of this act or the application thereof to
19 any person or circumstance is held invalid, such invalidity shall not affect
20 other provisions or applications of the act which can be given effect without
21 the invalid provision or application, and to this end the provisions of this
22 act are declared to be severable.

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24 SECTION 5. All laws and parts of laws in conflict with this act are
25 hereby repealed.

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27 SECTION 6. EMERGENCY. It is hereby found and determined by the General
28 Assembly that the provisions of this act are of critical importance to
29 adoption proceedings in the state of Arkansas. Therefore, an emergency is
30 hereby declared to exist and this act being necessary for the immediate
31 preservation of the public peace, health and safety shall be in full force and
32 effect from and after its passage and approval.

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/s/Rep. Ferrell

BECAME LAW WITHOUT GOVERNOR'S SIGNATURE: 4-14-95

As Engrossed: 3/24/95

HB 1960

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