

1 State of Arkansas

2 80th General Assembly

3 Regular Session, 1995

4 **By: Representatives Hunton, Davis, Hinshaw, Molinaro, Young, P. Malone, McJunkin,**

5 **Dietz, Owens, Madison, Rorie, Hogue, Flanagan, Lynn, Bryant, and Wooldridge**

6 **By: Senators Smith and Brown**

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For An Act To Be Entitled

9 "AN ACT TO AMEND ARKANSAS CODE 9-27-341 (b) TO ALLOW
10 PARENTAL RIGHTS TO BE TERMINATED IN CERTAIN INSTANCES OF
11 SEVERE SEXUAL OR PHYSICAL ABUSE; AND FOR OTHER PURPOSES."

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Subtitle

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

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22 SECTION 1. Arkansas Code 9-27-341 (b) is amended to read as follows:

23 "(b) The court may consider a petition to terminate parental rights if
24 it finds that the Department of Human Services has physical or legal custody
25 of the juvenile and an appropriate placement plan for the juvenile. An order
26 forever terminating parental rights shall be based upon a finding by clear and
27 convincing evidence of one (1) or more of the following grounds:

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(1) That a juvenile has been adjudicated by the court to be dependent-neglected and has continued out of the home for one (1) year and despite a meaningful effort by the Department of Human Services to rehabilitate the home and correct the conditions which caused removal, those conditions have not been remedied by the parent.

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(2) The juvenile has lived outside the home of the parent for a period of one (1) year and the parent has willfully failed to provide significant material support in accordance with the parent's means or to maintain meaningful contact with the juvenile. To find willful failure to

1 maintain meaningful contact, it must be shown that the parent was not
2 prevented from visiting or having contact with the juvenile by the juvenile's
3 custodian or any other person, taking into consideration the distance of the
4 juvenile's placement from the parent's home. Material support consists of
5 either financial contributions or food, shelter, clothing, or other
6 necessities where such contribution has been requested by the juvenile's
7 custodian or ordered by a court of competent jurisdiction.

8 (3) The presumptive legal father is not the biological father of
9 the juvenile and the welfare of the juvenile can best be served by terminating
10 the parental rights of such a presumptive legal father.

11 (4) A parent has abandoned the juvenile or has executed consent
12 *to termination of parental rights or adoption of the juvenile or the juvenile*
13 *court has found the juvenile victim dependant-neglected as a result of neglect*
14 *or abuse that could endanger the life of the child, sexual abuse or sexual*
15 *exploitation and which was perpetrated by the juvenile's parent or parents.*
16 *Such findings by the juvenile court shall constitute grounds for immediate*
17 *termination of the parental rights of one or both of the parents."*

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19 SECTION 2. All provisions of this act of a general and permanent
20 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas
21 Code Revision Commission shall incorporate the same in the Code.

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23 SECTION 3. If any provision of this act or the application thereof to
24 any person or circumstance is held invalid, such invalidity shall not affect
25 other provisions or applications of the act which can be given effect without
26 the invalid provision or application, and to this end the provisions of this
27 act are declared to be severable.

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29 SECTION 4. All laws and parts of laws in conflict with this act are
30 hereby repealed.

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32 SECTION 5. EMERGENCY. *It is hereby found and determined by the General*
33 *Assembly that parental rights should be terminated in certain instances of*
34 *severe sexual and physical abuse in order to protect the welfare of the child;*
35 *that this act so provides; that this act should go into effect immediately in*

1 order to grant maximum protection to minors as soon as possible. Therefore an
2 emergency is hereby declared to exist and this act being necessary for the
3 preservation of the public peace, health and safety shall be in full force and
4 effect from and after its passage and approval.

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/s/Rep. Hunton, et al

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APPROVED: 4-5-95

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