

1 State of Arkansas
2 88th General Assembly
3 Regular Session, 2011
4

As Engrossed: S3/15/11
A Bill

SENATE BILL 858

5 By: Senator Madison
6

7 **For An Act To Be Entitled**

8 AN ACT TO ENSURE THE CONSTITUTIONALITY OF NOTICE AND
9 TO REQUIRE THAT PUTATIVE FATHERS BE PROVIDED NOTICE
10 BEFORE AN ADOPTION IN CERTAIN CIRCUMSTANCES; TO AMEND
11 PROVISIONS OF THE ADOPTION CODE; AND FOR OTHER
12 PURPOSES.
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15 **Subtitle**

16 TO ENSURE THE CONSTITUTIONALITY OF NOTICE
17 AND TO REQUIRE THAT PUTATIVE FATHERS BE
18 PROVIDED NOTICE BEFORE AN ADOPTION IN
19 CERTAIN CIRCUMSTANCES; TO AMEND
20 PROVISIONS OF THE ADOPTION CODE.
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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 § 9-9-212(a)(4), concerning hearings on
26 adoption petitions, is amended to add an additional subdivision to read as
27 follows:

28 (4) At least twenty (20) days before the date of hearing, notice
29 of the filing of the petition and of the time and place of hearing shall be
30 given by the petitioner to:

31 (A) Any agency or person whose consent to the adoption is
32 required by this subchapter but who has not consented; ~~and~~

33 (B) A person whose consent is dispensed with upon any
34 ground mentioned in § 9-9-207(a)(1), (2), (6), (8), and (9)+; and

35 (C) Any putative father who has signed an acknowledgement
36 of paternity or has registered with the state's Putative Father Registry.



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2 SECTION 2. Arkansas Code Title 9, Chapter 9, Subchapter 1 is amended
3 to add an additional section to read as follows:

4 9-9-105. Employee leave for adoption.

5 (a) As used in this section, "employer" means public and private
6 employers, including state departments, agencies, and political subdivisions.

7 (b)(1) An employer that permits paternity leave or maternity leave for
8 a biological parent after the birth of a child shall permit paternity or
9 maternity leave for an adoptive parent upon placement of an adoptive child in
10 the adoptive parent's home if requested by the adoptive parent.

11 (2) If the employer has established a policy that provides leave
12 time for a biological parent after the birth of a child, the same policy
13 shall apply to an adoptive parent upon placement of an adoptive child in the
14 adoptive parent's home.

15 (3) A request for additional leave due to the placement and
16 adoption of an ill child or a child with a disability shall be considered by
17 the employer on the same basis as comparable cases of complications
18 accompanying the birth of a child to an employee or employee's spouse.

19 (c) Any other benefit provided by an employer, such as job guarantee
20 or pay guarantee, shall be available to both biological parents and adoptive
21 parents equally.

22 (d) An employer shall not penalize an employee for exercising his or
23 her rights under this section.

24 (e) This section does not apply to an adoption:

25 (1) By the spouse of a custodial parent;

26 (2) Of a person over eighteen (18) years of age; or

27 (3) Of a foster child by the child's foster parents.

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33 /s/Madison

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36 APPROVED: 04/06/2011