

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.

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

# A Bill

SENATE BILL 296

5 By: Senator Luker  
6 By: Representative Harrelson  
7

## For An Act To Be Entitled

10 AN ACT TO REMOVE ABANDONMENT AS GROUNDS FOR  
11 TERMINATION OF THE RELATIONSHIP OF PARENT AND  
12 CHILD; AND FOR OTHER PURPOSES.  
13

### Subtitle

14 REMOVING ABANDONMENT AS GROUNDS FOR  
15 TERMINATION OF THE RELATIONSHIP OF  
16 PARENT AND CHILD.  
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19  
20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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22 SECTION 1. Arkansas Code § 9-9-220(c), concerning the termination of  
23 the relationship of parent and child, is amended to read as follows:

24 (c) In addition to any other proceeding provided by law, the  
25 relationship of parent and child may be terminated by a court order issued  
26 under this subchapter on any ground provided by other law for termination of  
27 the relationship, or on the following grounds:

28 ~~(1) Abandonment.~~

29 ~~(A) A child support order shall provide notice to the non-~~  
30 ~~custodial parent that failure to pay child support or to visit the child for~~  
31 ~~at least one (1) year shall provide the custodial parent with the right to~~  
32 ~~initiate proceedings to terminate the parental rights of the non-custodial~~  
33 ~~parent.~~

34 ~~(B) If the notification clause required by subdivision~~  
35 ~~(c)(1)(A) of this section is not in the child support order, the custodial~~  
36 ~~parent, prior to termination of parental rights, shall notify the non-~~



1 ~~eustodial parent that he or she intends to petition the court to terminate~~  
 2 ~~parental rights.~~

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

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

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

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

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

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

21 ~~(2)(1)~~ Neglect or abuse, when the court finds the causes are  
 22 irremediable or will not be remedied by the parent.

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

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

32 ~~(3)(2)~~ That in the case of a parent not having custody of a  
 33 child, his or her consent is being unreasonably withheld contrary to the best  
 34 interest of the child.

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