

**Hall of the House of Representatives**  
83rd General Assembly - Regular Session, 2001  
**Amendment Form**

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**Subtitle of House Bill No. 2379**

"TO AMEND ARKANSAS CODE 9-9-101 TO REQUIRE HOSPITALS TO OBTAIN  
CERTAIN INFORMATION BEFORE SURRENDERING CUSTODY OF A MINOR TO BE  
ADOPTED."

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**Amendment No. 2 to House Bill No. 2379.**

Amend House Bill No. 2379 as engrossed, H3/20/01:

Page 1, line 10, add "AND BIRTHING CENTERS" after "HOSPITALS" and before "TO"  
AND

Page 1, line 16, add "AND BIRTHING CENTERS" after "HOSPITALS" and before "TO"  
AND

Delete Section 1 of the bill and substitute the following:

"SECTION 1. Arkansas Code 9-9-101 is amended to read as follows:

9-9-101. Surrender of custody of minor by hospital or birthing center.

(a) ~~At the time a petition to adopt or a petition for guardianship in a pending adoption is filed for a minor in the physical custody of a hospital within the State of Arkansas, the court shall issue an order directing the hospital to surrender physical custody of the minor to the petitioners or to the agency or attorney acting for either.~~ After a consent to adoption under § 9-9-208 or a relinquishment of parental rights under § 9-9-220 is executed with regard to a minor in the physical custody of a hospital or birthing center within the State of Arkansas, the biological mother of a minor child may authorize the release of the child from the hospital or birthing center to the petitioners for adoption, the guardian of the minor child, the child placement agency licensed under the Child Welfare Agency Licensing Act, which begins at § 9-28-401, the Division of Children and Family Services, or the attorney acting on the behalf of any of the forgoing entities.

(b)(1) A Hospital or Birthing Center Release Form under this section must:

(A) Be executed in writing;

(B) Be witnessed by two (2) credible adults;

(C) Authorize the petitioners for adoption, the guardian of the minor child, the licensed child placement agency, the Division of

Children and Family Services, or the attorney acting on the behalf of any of the foregoing entities, to obtain any medical treatment, including circumcision of a male child, reasonably necessary for the care of the minor and to authorize any physician or medical services provider to furnish additional services deemed reasonable and necessary; and

(D) Be verified before a person authorized to take oaths.

(2) If a court in an adoption proceeding or guardianship proceeding in which an adoption is pending orders a hospital to surrender custody of a child to the adoptive parents, or to the agency or attorney acting in their behalf, those entities obeying the order shall not be liable to any person because of their acts. If a hospital or birthing center surrenders custody of a minor child to the petitioners for adoption, the guardian of the minor child, a licensed child placement agency, the Division of Children and Family Services, or the attorney acting on the behalf of any of the foregoing entities, the hospital or birthing center releasing the minor shall not be liable to any person because of their acts if the hospital or birthing center has complied with this section.

(c)(1) A hospital or birthing center shall comply with the terms of a release executed under this section without requiring a court order.

(2) Once the Hospital or Birthing Center Release Form described in subsection (b) of this section is presented to the hospital or birthing center, the hospital or birthing center shall discharge the minor child to the petitioners for adoption, the guardian of the minor child, a licensed child placement agency, the Division of Children and Family Services, or the attorney acting on the behalf of any of the foregoing entities, after the hospital or birthing center is presented photo identification of the receiving party."

The Amendment was read \_\_\_\_\_  
By: Representative Cleveland  
DF/CDS - 032720010809  
CDS464 \_\_\_\_\_  
Chief Clerk