

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

Subtitle of House Bill No. 2654

"TO PROVIDE FOR A NOTICE OF THE TERMINATION OF PARENTAL RIGHTS UPON
NON-PAYMENT OF CHILD SUPPORT AND NON-VISITATION OF THE CHILD FOR A
PERIOD OF AT LEAST ONE YEAR."

Amendment No. 1 to House Bill No. 2654.

Amend House Bill No. 2654 as originally introduced:

Delete Section 1 and substitute the following:

"SECTION 1. Arkansas Code 9-9-220(c) is amended to read as follows:

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

(1) Abandonment;

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

(B) If the notification clause required by subdivision (c)(1)(A) is not in the child support order, the custodial parent, prior to termination of parental rights, shall notify the non-custodial parent that he or she intends to petition the court to terminate parental rights.

(C)(1) The non-custodial parent shall have three (3) months from the filing of the petition to pay a substantial amount of past due payments owed and to establish a relationship with his or her child or children.

(2) Once payment of a substantial amount under subdivision (c)(1)(C)(1) is made, the custodial parent shall not be permitted to proceed with the adoption nor the termination of parental rights of the non-custodial parent.

(3) The court shall terminate parental rights of the non-custodial parent upon a showing that:

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

(ii) That it would not be in the best interest of the child to terminate the parental relationship.

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

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

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

(3) That in the case of a parent not having custody of a child, his consent is being unreasonably withheld contrary to the best interest of the child."

The Amendment was read _____
By: Representative Cleveland
LH/MHF - 031920011258
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Chief Clerk