

**ARKANSAS SENATE**  
86th General Assembly - Regular Session, 2007  
**Amendment Form**

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**Subtitle of House Bill No. 2270**

"AN ACT TO AMEND ARKANSAS CODE 9-9-209(b) AND 9-9-220(b) TO CHANGE THE  
NUMBER OF DAYS FROM TEN (10) TO FIVE (5) THAT A PARENT HAS TO WITHDRAW  
CONSENT OR RELINQUISHMENT OF PARENTAL RIGHTS FOR AN ADOPTION."

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**Amendment No. 1 to House Bill No. 2270.**

Amend House Bill No. 2270 as originally introduced:

Add Senator Salmon as a cosponsor of the bill

AND

Page 1, delete line 9 through 13 and substitute the following:

"AN ACT TO AMEND ARKANSAS CODE §§ 9-9-209(b) AND  
9-9-220(b) TO PROVIDE A PARENT WITH AN OPTION TO  
WAIVE THE NUMBER OF DAYS FROM TEN (10) TO FIVE  
(5) TO WITHDRAW CONSENT OR RELINQUISHMENT OF  
PARENTAL RIGHTS FOR AN ADOPTION; AND FOR OTHER  
PURPOSES."

AND

Page 1, delete line 16 through 21 and substitute the following:

"AN ACT TO AMEND ARKANSAS CODE §§ 9-9-209(b) AND  
9-9-220(b) TO PROVIDE A PARENT WITH AN OPTION TO  
WAIVE THE NUMBER OF DAYS FROM TEN (10) TO FIVE  
(5) TO WITHDRAW CONSENT OR RELINQUISHMENT OF  
PARENTAL RIGHTS FOR AN ADOPTION."

AND

Delete everything after the ENACTING CLAUSE and substitute the following:

"SECTION 1. Arkansas Code § 9-9-209(b), concerning the number of days to withdraw consent for an adoption, is amended to read as follows:

(b)(1) A consent to adopt may be withdrawn within ten (10) calendar days, or, if a waiver of the ten-day period is elected under subdivision (b)(3) of this section, five (5) calendar days after it is signed or the



child is born, whichever is later, by filing an affidavit with the ~~probate~~ clerk of the circuit court in the county designated by the consent as the county in which the guardianship petition will be filed, if there is a guardianship, or where the petition for adoption will be filed, if there is no guardianship. If the ten-day period, or, if a waiver of the ten-day period is elected under subdivision (b)(3) of this section, the five-day period ends on a weekend or a legal holiday, the person may file the affidavit the next working day. No fee shall be charged for the filing of the affidavit. The court may waive the ten-day period for filing a withdrawal of consent for agencies as defined by § 9-9-202(5), minors over ten (10) years of age who consented to the adoption, or biological parents if a step-parent is adopting.

(2) The consent shall state that the person has the right of withdrawal of consent and shall provide the address of the ~~probate~~ clerk of the circuit court of the county in which the guardianship will be filed, if there is a guardianship, or where the petition for adoption will be filed, if there is no guardianship.

(3) The consent shall state that the person has the right to waive the ten-day period for the withdrawal of consent for an adoption and to elect to limit the maximum time for the withdrawal of consent for an adoption to five (5) days.

SECTION 2. Arkansas Code § 9-9-220(b), concerning the number of days to withdraw relinquishment and termination of parental rights for an adoption, is amended to read as follows:

(b) All rights of a parent with reference to a child, including the right to receive notice of a hearing on a petition for adoption, may be relinquished and the relationship of parent and child terminated by a writing, signed by an adult parent, subject to the court's approval.

If the parent is a minor, the writing shall be signed by a guardian ad litem who is appointed to appear on behalf of the minor parent for the purpose of executing such a writing. The signing shall occur in the presence of a representative of an agency taking custody of the child, or in the presence of a notary public, whether the agency is within or without the state, or in the presence and with the approval of a judge of a court of record of this state or any other state in which the minor was present at the time it was signed. The relinquishment shall be executed in the same manner as for a consent to adopt under § 9-9-208.

(1)(A) The relinquishment may be withdrawn within ten (10) calendar days, or, if a waiver of the ten-day period is elected under § 9-9-220 (b)(3), five (5) calendar days after it is signed or the child is born, whichever is later.

(i) Notice of withdrawal shall be given by filing an affidavit with the ~~probate~~ clerk of the circuit court in the county designated by the writing as the county in which the guardianship petition will be filed if there is a guardianship, or where the petition for adoption will be filed, if there is no guardianship. If the ten-day period, or, if a waiver of the ten-day period is elected under subdivision (b)(3) of this section, the five-day period ends on a weekend or legal holiday, the person may file the affidavit the next working day.

(ii) No fee shall be charged for the filing of the

affidavit.

(B) The relinquishment shall state that the parent has this right of withdrawal, and shall provide the address of the ~~probate~~ clerk of the circuit court in which the guardianship will be filed if there is a guardianship, or where the petition for adoption will be filed if there is no guardianship; or

(2) In any other situation, if notice of the adoption proceeding has been given to the parent and the court finds, after considering the circumstances of the relinquishment and the continued custody by the petitioner, that the best interest of the child requires the granting of the adoption.

(3) The relinquishment shall state that the person has the right to waive the ten-day period for the withdrawal of relinquishment for an adoption and to elect to limit the maximum time for the withdrawal of relinquishment for an adoption to five (5) days.

SECTION 3. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that it is in the best interest of a child to be determined to be legally free for adoption without undue delay. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on:

(1) The date of its approval by the Governor;

(2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or

(3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto."

The Amendment was read the first time, rules suspended and read the second time and \_\_\_\_\_

By: Senator Salmon  
MXR/RCK - 03-20-2007 15:12  
MXR093

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Secretary