

**Hall of the House of Representatives**  
93rd General Assembly - Regular Session, 2021  
**Amendment Form**

---

**Subtitle of House Bill No. 1388**

TO PROVIDE FOR VOLUNTARY POST-ADOPTION CONTACT AGREEMENTS.

---

**Amendment No. 3 to House Bill 1388**

Amend House Bill No. 1388 as engrossed H2/25/21 (version: 02/25/2021 10:22:43 AM):

Page 2, delete lines 16 and 17, and substitute the following:

"(E) Be an independent contract;"

AND

Page 3, line 4, delete "adoption decree;" and substitute "adoption decree;  
and"

AND

Page 3, delete lines 5 through 18, and substitute the following:

"(I) Include the following statements in bold type:

"1. This agreement shall only enter into force upon the entry of  
the final decree of adoption."

AND

Page 3, delete lines 23 through 36, and substitute the following:

"3. Each party acknowledges that he or she has entered into this  
agreement knowingly, voluntarily, and without duress or coercion.

4. A separate post-adoption contact agreement shall be executed  
for each birth parent who opts to enter into the agreement with the  
prospective adoptive parents."

AND

Page 4, delete lines 1 through 7, and substitute the following:

"(c)(1) A court shall make a finding approving a post-adoption  
contact"

AND



Page 4, delete lines 18 through 21, and substitute the following:

"(2) The court shall not require execution of a post-adoption"

AND

Page 4, delete lines 23 through 36

AND

Page 5, delete lines 1 through 36

AND

Page 6, delete lines 1 through 20, and substitute the following:

"(d) A modification of a post-adoption contact agreement shall be:

(1) In writing;

(2) Signed by each party to the post-adoption contact agreement;

and

(3) Verified by a notary public.

(e)(1) A post-adoption contact agreement does not give any party any rights enforceable in the courts of this state.

(2)(A) The parties may seek to resolve a dispute arising from a post-adoption contact agreement through a mediator certified by the Arkansas Alternative Dispute Resolution Commission.

(B) In resolving the dispute, the mediator certified by the commission:

(i) Shall resolve the issue in a manner that is in the best interests of the minor and does not undermine the parental authority of the adoptive parent; and

(ii) May consider the preferences of the minor in determining the best interest of the minor if the minor is at least twelve (12) years of age.

(C) If mediation fails, the adoptive parents shall have the final decision as to what they deem is in the best interest of the minor.

(3) A post-adoption contact agreement under this section concerning a minor to be adopted shall not be binding when the minor attains eighteen (18) years of age."

The Amendment was read \_\_\_\_\_

By: Representative Penzo

JNL/JNL - 03-30-2021 13:48:12

JNL353

\_\_\_\_\_  
Chief Clerk