

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.

INTERIM STUDY PROPOSAL 2007-047

State of Arkansas

As Engrossed: S3/20/07

86th General Assembly

**A Bill**

Regular Session, 2007

HOUSE BILL 2270

By: Representative Hyde

By: Senator Salmon

Referred to

Aging, Children And Youth, Legislative & Military Affairs- House

by the House of Representatives

on 03/28/2007

**For An Act To Be Entitled**

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.

**Subtitle**

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.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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(b)(1) A consent to adopt may be withdrawn within ten (10) calendar days, or, if a waiver of the ten-day period is elected under subdivision

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

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

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

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

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

32 If the parent is a minor, the writing shall be signed by a guardian ad  
 33 litem who is appointed to appear on behalf of the minor parent for the  
 34 purpose of executing such a writing. The signing shall occur in the presence  
 35 of a representative of an agency taking custody of the child, or in the  
 36 presence of a notary public, whether the agency is within or without the

1 state, or in the presence and with the approval of a judge of a court of  
2 record of this state or any other state in which the minor was present at the  
3 time it was signed. The relinquishment shall be executed in the same manner  
4 as for a consent to adopt under § 9-9-208.

5 (1)(A) The relinquishment may be withdrawn within ten (10)  
6 calendar days, or, if a waiver of the ten-day period is elected under § 9-9-  
7 220 (b)(3), five (5) calendar days after it is signed or the child is born,  
8 whichever is later.

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

17 (ii) No fee shall be charged for the filing of the  
18 affidavit.

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

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

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

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35 SECTION 3. EMERGENCY CLAUSE. It is found and determined by the  
36 General Assembly of the State of Arkansas that it is in the best interest of

1 a child to be determined to be legally free for adoption without undue delay.  
2 Therefore, an emergency is declared to exist and this act being immediately  
3 necessary for the preservation of the public peace, health, and safety shall  
4 become effective on:

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

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

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

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12 /s/ Hyde

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