

State of Arkansas

77th General Assembly

Regular Session, 1989

A Bill

HOUSE BILL

1883

By: Representative Wilson

For An Act To Be Entitled

"AN ACT TO AMEND ARKANSAS CODE §§9-9-209 AND 9-9-220(b),
RELATING TO THE RELINQUISHMENT OF PARENTAL RIGHTS AND THE
WITHDRAWAL OF WRITTEN CONSENT IN ADOPTION PROCEEDINGS; AND
FOR OTHER PURPOSES."

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

SECTION 1. Arkansas Code 9-9-209 is hereby amended to read as follows:

"9-9-209. Withdrawal of consent. (a) A written consent executed pursuant to Arkansas Code 9-9-208 may be withdrawn by the person who signed it within five (5) days after it is signed. A consent is invalid unless it states that the person who signed it has this right of withdrawal.

(b) A written consent executed pursuant to Arkansas Code 9-9-208 and subsection (a) above may not be withdrawn more than five (5) days after its execution, whether or not a decree of adoption has been entered, absent a proper showing of fraud, duress or intimidation.

(c) A consent to adoption may be withdrawn prior to the entry of a decree of adoption if the court finds, after notice and opportunity to be heard is afforded to petitioner, the person seeking the withdrawal, and the agency placing a child for adoption, that the withdrawal is in the best interest of the individual to be adopted and the court orders the withdrawal."

SECTION 2. Arkansas Code 9-9-220(b) is hereby 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 a parent and child terminated in any one of the following ways:

(1) In the case of a parent who is at least sixteen (16) years of age, by a writing signed in the presence of the court or in the presence of a

person authorized to take acknowledgments;

(2) In the case of a parent who is incompetent or is under the age of sixteen (16) years, by a writing signed by a guardian ad litem who shall be appointed by the court to act on such parent's behalf. It shall not be grounds for objection to the appointment of a guardian ad litem that there exists no pending action at the time of his appointment.

(3) In any other situation, if the petitioner has had custody of the minor for two (2) years, but only 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 long continued custody by the petitioner, that the best interest of the child requires the granting of the adoption.

A written relinquishment executed pursuant to subsections (b) (1) and (2) above, may be withdrawn by the person who signed it within five (5) days after it is signed or five (5) days after the child is born, whichever is later. The relinquishment is invalid unless it states that the person who signed it has this right of withdrawal."

SECTION 3. All provisions of this Act of a general and permanent nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code Revision Commission shall incorporate the same in the Code.

SECTION 4. All laws and parts of laws in conflict with this Act are hereby repealed.