

1 State of Arkansas
2 80th General Assembly
3 Regular Session, 1995

A Bill

HOUSE BILL 1633

4 By: Representatives Hunton, *Davis, Hinshaw, Molinaro, Young, P. Malone,*
5 *McJunkin, Dietz, Owens, Madison, Rorie, Hogue, Flanagan, Lynn, Bryant, and*
6 *Wooldridge*
7 By: Senators *Smith and Brown*

For An Act To Be Entitled

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10 "AN ACT TO AMEND ARKANSAS CODE 9-27-341 (b) TO ALLOW
11 PARENTAL RIGHTS TO BE TERMINATED IN CERTAIN INSTANCES OF
12 SEVERE SEXUAL OR PHYSICAL ABUSE; AND FOR OTHER PURPOSES."

Subtitle

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16 "AN ACT TO ALLOW PARENTAL RIGHTS TO BE
17 TERMINATED IN CERTAIN INSTANCES OF
18 SEVERE SEXUAL OR PHYSICAL ABUSE."

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

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23 SECTION 1. Arkansas Code 9-27-341 (b) is amended to read as follows:

24 "(b) The court may consider a petition to terminate parental rights if
25 it finds that the Department of Human Services has physical or legal custody
26 of the juvenile and an appropriate placement plan for the juvenile. An order
27 forever terminating parental rights shall be based upon a finding by clear
28 and convincing evidence of one (1) or more of the following grounds:

29 (1) That a juvenile has been adjudicated by the court to be
30 dependent-neglected and has continued out of the home for one (1) year and
31 despite a meaningful effort by the Department of Human Services to
32 rehabilitate the home and correct the conditions which caused removal, those
33 conditions have not been remedied by the parent.

34 (2) The juvenile has lived outside the home of the parent for a
35 period of one (1) year and the parent has willfully failed to provide

1 significant material support in accordance with the parent's means or to
2 maintain meaningful contact with the juvenile. To find willful failure to
3 maintain meaningful contact, it must be shown that the parent was not
4 prevented from visiting or having contact with the juvenile by the juvenile's
5 custodian or any other person, taking into consideration the distance of the
6 juvenile's placement from the parent's home. Material support consists of
7 either financial contributions or food, shelter, clothing, or other
8 necessities where such contribution has been requested by the juvenile's
9 custodian or ordered by a court of competent jurisdiction.

10 (3) The presumptive legal father is not the biological father of
11 the juvenile and the welfare of the juvenile can best be served by
12 terminating the parental rights of such a presumptive legal father.

13 (4) A parent has abandoned the juvenile or has executed consent
14 *to termination of parental rights or adoption of the juvenile or the juvenile*
15 *court has found the juvenile victim dependant-neglected as a result of*
16 *neglect or abuse that could endanger the life of the child, sexual abuse or*
17 *sexual exploitation and which was perpetrated by the juvenile's parent or*
18 *parents. Such findings by the juvenile court shall constitute grounds for*
19 *immediate termination of the parental rights of one or both of the parents."*

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21 SECTION 2. All provisions of this act of a general and permanent
22 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas
23 Code Revision Commission shall incorporate the same in the Code.

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25 SECTION 3. If any provision of this act or the application thereof to
26 any person or circumstance is held invalid, such invalidity shall not affect
27 other provisions or applications of the act which can be given effect without
28 the invalid provision or application, and to this end the provisions of this
29 act are declared to be severable.

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31 SECTION 4. All laws and parts of laws in conflict with this act are
32 hereby repealed.

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34 SECTION 5. *EMERGENCY. It is hereby found and determined by the General*
35 *Assembly that parental rights should be terminated in certain instances of*

1 severe sexual and physical abuse in order to protect the welfare of the
2 child; that this act so provides; that this act should go into effect
3 immediately in order to grant maximum protection to minors as soon as
4 possible. Therefore an emergency is hereby declared to exist and this act
5 being necessary for the preservation of the public peace, health and safety
6 shall be in full force and effect from and after its passage and approval.

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/s/Rep. Hunton, et al

As Engrossed: 2/15/95 2/16/95 2/22/95 3/31/95

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