

Stricken language would be deleted from and underlined language would be added to law as it existed prior to the 82nd General Assembly.

1 State of Arkansas
2 82nd General Assembly
3 Regular Session, 1999

As Engrossed: S3/9/99
A Bill

SENATE BILL 798

4
5 By: Senator Critcher
6
7

8 **For An Act To Be Entitled**

9 "AN ACT PERTAINING TO THE TERMINATION OF PARENT-CHILD
10 RELATIONSHIPS; AND FOR OTHER PURPOSES."

11 **Subtitle**

12 "PERTAINING TO THE TERMINATION OF PARENT-
13 CHILD RELATIONSHIPS."
14

15
16
17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
18

19 SECTION 1. Involuntary Termination of Parent-Child Relationship.

20 The court may order termination of the parent-child
21 relationship if the court finds by clear and convincing evidence:

22 (1) That the parent has:

23 (A) Voluntarily left the child alone or in the possession of
24 another not the parent and expressed an intent not to return;

25 (B) Voluntarily left the child alone or in the possession of
26 another not the parent without expressing an intent to return, without
27 providing for the adequate support for the child, and remained away for a
28 period of at least three (3) months;

29 (C) Voluntarily left the child alone or in the possession of
30 another without providing adequate support for the child, and remained away
31 for a period of at least six (6) months;

32 (D) Knowingly placed or knowingly allowed the child to remain
33 in conditions or surroundings which endanger the physical or emotional well-
34 being of the child;

35 (E) Engaged in conduct or knowingly placed the child with
36 persons who engaged in conduct which endangers the physical or emotional well-

1 being of the child;

2 (F) Failed to support the child in accordance with the
3 parent's ability during a period of one year ending within six (6) months of
4 the date of the filing of the petition;

5 (G) Abandoned the child without identifying the child or
6 furnishing means of identification, and the child's identity cannot be
7 ascertained by the exercise of reasonable diligence;

8 (H) Voluntarily, and with knowledge of the pregnancy,
9 abandoned the mother of the child beginning at a time during her pregnancy
10 with the child and continuing through the birth, failed to provide adequate
11 support or medical care for the mother during the period of abandonment before
12 the birth of the child, and remained apart from the child or failed to support
13 the child since the birth;

14 (I) Contumaciously refused to submit to a reasonable and
15 lawful order of a court;

16 (J) Been the major cause of:

17 (i) The failure of the child to be enrolled in school;

18 or

19 (ii) The child's absence from the child's home without
20 the consent of the parents or guardian for a substantial length of time or
21 without the intent to return;

22 (K) Executed before or after the suit is filed an unrevoked or
23 irrevocable affidavit of relinquishment of parental rights as provided by this
24 act;

25 (L) Been convicted of any sexual offense or crime involving
26 violence;

27 (M) Had his or her parent-child relationship terminated with
28 respect to another child based on a finding that the parent's conduct was in
29 violation of subdivisions (D) or (E) or substantially equivalent provisions of
30 the law of another state;

31 (N) Constructively abandoned the child who has been in the
32 permanent or temporary custody of the Department of Human Services or an
33 authorized agency for not less than six (6) months, and:

34 (i) The department or authorized agency has made
35 reasonable efforts to return the child to the parent;

36 (ii) The parent has not regularly visited or

1 maintained significant contact with the child; and

2 (iii) The parent has demonstrated an inability to
3 provide the child with a safe environment;

4 (O) Failed to comply with the provisions of a court order that
5 specifically established the actions necessary for the parent to obtain the
6 return of the child who has been in the permanent or temporary custody of the
7 Department of Human Services for not less than nine (9) months as a result of
8 the child's removal from the parent for the abuse or neglect of the child;

9 (P) Used a controlled substance:

10 (i) In a manner that endangered the health or safety
11 of the child, and failed to complete a court-ordered substance abuse treatment
12 program; or

13 (ii) Repeatedly, after completion of a court-ordered
14 substance treatment program, in a manner that endangered the health or safety
15 of the child;

16 (Q) Knowingly engaged in criminal conduct that results in the
17 parent's imprisonment and inability to care for the child for not less than
18 two (2) years from the date of filing the petition; or

19 (R) Been the cause of the child being born addicted to alcohol
20 or a controlled substance, other than a controlled substance legally obtained
21 by prescription; and

22 (2) That termination is in the best interest of the child.

23
24 SECTION 2. Termination of the Rights of an Alleged Biological
25 Father.

26 (a) The procedural and substantive standards for termination of
27 parental rights apply to the termination of the rights of an alleged
28 biological father.

29 (b) The rights of an alleged biological father may be terminated if:

30 (1) After being served with citation, he does not respond by
31 timely filing an admission of paternity or a counterclaim for paternity prior
32 to the final hearing in the suit;

33 (2) He has not registered with the putative father registry
34 and after the exercise of due diligence by the petitioner:

35 (A) His identity and location are unknown; or

36 (B) His identity is known but he cannot be located; or

1 (3) He has registered with the putative father registry, but
2 the petitioner's attempt to personally serve citation at the address provided
3 to the registry and at any other address for the alleged father known by the
4 petitioner has been unsuccessful, despite the due diligence of the petitioner.

5 (c) The termination of the rights of an alleged biological father
6 under (b)(2) rendered on or after January 1, 2000, does not require personal
7 service of citation or citation by publication on the alleged father.

8 (d) The termination of rights of an alleged biological father under
9 subdivision (b)(3) does not require service of citation by publication on the
10 alleged father.

11 (e) The court shall not render an order terminating parental rights
12 under (b)(2) unless the court, after reviewing the petitioner's sworn
13 affidavit describing the petitioner's effort to identify and locate the
14 alleged biological father and considering any evidence submitted by the
15 attorney ad litem for the alleged biological father, has found that the
16 petitioner exercised due diligence in attempting to identify and locate the
17 alleged biological father. The order shall contain specific findings
18 regarding due diligence of the petitioner.

19 (f) The court shall not render an order terminating parental rights
20 under (b)(3) unless the court, after reviewing the petitioner's sworn
21 affidavit describing the petitioner's effort to obtain personal service of
22 citation on the alleged father and considering any evidence submitted by the
23 attorney ad litem for the alleged father, has found that the petitioner
24 exercised due diligence in attempting to obtain service on the alleged father.
25 The order shall contain specific findings regarding the exercise of due
26 diligence of the petitioner.

27
28 SECTION 3. Involuntary Termination - Inability to Care for Child.

29 (a) The court may order termination of the parent-child relationship
30 in a suit filed by Department of Human Services if the court finds that:

31 (1) The parent has a mental or emotional illness or a mental
32 deficiency that renders the parent unable to provide for the physical,
33 emotional, and mental needs of the child;

34 (2) The illness or deficiency, in all reasonable probability,
35 proved by clear and convincing evidence, will continue to render the parent
36 unable to provide for the child's needs until the eighteenth (18th) birthday

1 of the child;

2 (3) The department has been the temporary or sole managing
3 conservator of the child of the parent for the six (6) months preceding the
4 filing of the petition;

5 (4) The department has made reasonable efforts to return the
6 child to the parent; and

7 (5) The termination is in the best interest of the child.

8 (b) Immediately after the filing of a suit under this section, the
9 court shall appoint an attorney ad litem to represent the interests of the
10 parent against whom the suit is brought.

11 (c) A hearing on the termination may not be held earlier than one
12 hundred eighty (180) days after the date on which the suit was filed.

13 (d) An attorney appointed under subsection (b) shall represent the
14 parent for the duration of the suit unless the parent, with the permission of
15 the court, retains another attorney.

16
17 SECTION 4. Termination of Parental Rights After Denial of Prior
18 Petition to Terminate.

19 (a) The court may terminate the parent-child relationship after
20 rendition of an order that previously denied termination of the parent-child
21 relationship if:

22 (1) The petition under this section is filed after the date
23 the order denying termination was rendered;

24 (2) The circumstances of the child, parent, sole managing
25 conservator, possessory conservator, or other party affected by the order
26 denying termination have materially and substantially changed since the date
27 that the order was rendered;

28 (3) The parent committed an act identified in Section 1 before
29 the date the order denying termination was rendered; and

30 (4) Termination is in the best interest of the child.

31 (b) At a hearing under this section, the court may consider evidence
32 presented at a previous hearing in a suit for termination of the parent-child
33 relationship of the parent with respect to the same child.

34
35 SECTION 5. Termination When Parent is Petitioner.

36 (a) A parent may file a suit for termination of the petitioner's

1 parent-child relationship. The court may order termination if termination is
2 in the best interest of the child.

3 (b) If the petition designates the Department of Human Services as
4 managing conservator, the department shall be given service of citation. The
5 court shall notify the department if the court appoints the department as the
6 managing conservator of the child.

7
8 SECTION 6. Termination After Abortion.

9 (a) A petition requesting termination of the parent-child relationship
10 with respect to a parent who is not the petitioner may be granted if the child
11 was born alive as the result of an abortion.

12 (b) In this act, "abortion" means an intentional expulsion of a human
13 fetus from the body of a woman induced by any means for the purpose of causing
14 the death of the fetus.

15 (c) The court or the jury may not terminate the parent-child
16 relationship under this section with respect to a parent who:

17 (1) Had no knowledge of the abortion; or

18 (2) Participated in or consented to the abortion for the sole
19 purpose of preventing the death of the mother.

20
21 SECTION 7. Termination When Pregnancy Results From Criminal Act.

22 The court may order the termination of the parent-child relationship
23 of a parent and a child if the court finds that:

24 (1) The parent has been convicted of a sexual offense or a criminal
25 offense involving violence;

26 (2) As a direct result of the commission of the offense by the parent,
27 the victim of the offense became pregnant with the parent's child; and

28 (3) Termination is in the best interest of the child.

29
30 SECTION 8. Petition Allegations.

31 A petition for the termination of the parent-child relationship is
32 sufficient without the necessity of specifying the underlying facts if the
33 petition alleges in the statutory language the ground for the termination and
34 that termination is in the best interest of the child.

35
36 SECTION 9. Filing Suit for Termination Before Birth.

1 (a) A suit for termination may be filed before the birth of the child.

2 (b) If the suit is filed before the birth of the child, the petition
3 shall be styled "In the Interest of an Unborn Child."

4
5 SECTION 10. Affidavit of Voluntary Relinquishment of Parental Rights.

6 (a) An affidavit for voluntary relinquishment of parental rights must
7 be:

8 (1) Signed after the birth of the child, but not before forty-
9 eight (48) hours after the birth of the child, by the parent, whether or not a
10 minor, whose parental rights are to be relinquished;

11 (2) Witnessed by two (2) credible persons; and

12 (3) Verified before a person authorized to take oaths.

13 (b) The affidavit must contain:

14 (1) The name, address, and age of the parent whose parental
15 rights are being relinquished;

16 (2) The name, age, and birth date of the child;

17 (3) The names and addresses of the guardians of the person and
18 estate of the child, if any;

19 (4) A statement that the affiant is or is not presently
20 obligated by court order to make payments for the support of the child;

21 (5) A full description and statement of value of all property
22 owned or possessed by the child;

23 (6) An allegation that termination of the parent-child
24 relationship is in the best interest of the child;

25 (7) One of the following, as applicable:

26 (A) The name and address of the other parent;

27 (B) A statement that the parental rights of the other
28 parent have been terminated by death or court order; or

29 (C) A statement that the child has no presumed father
30 and that an affidavit of status of the child has been executed as provided by
31 this act;

32 (8) A statement that the parent has been informed of parental
33 rights and duties;

34 (9) A statement that the relinquishment is revocable, that the
35 relinquishment is irrevocable, or that the relinquishment is irrevocable for a
36 stated period of time;

1 (10) If the relinquishment is revocable, a statement in
2 boldfaced type concerning the right of the parent signing the affidavit to
3 revoke the relinquishment only if the revocation is made before the eleventh
4 (11th) day after the date the affidavit is executed;

5 (11) If the relinquishment is revocable, the name and address
6 of a person to whom the revocation is to be delivered; and

7 (12) The designation of a prospective adoptive parent, the
8 Department of Human Services, if the department has consented in writing to
9 the designation, or a licensed child-placing agency to serve as managing
10 conservator of the child and the address of the person or agency.

11 (c) The affidavit may contain:

12 (1) A waiver of process in a suit to terminate the parent-
13 child relationship filed under this act or in a suit to terminate joined with
14 a petition for adoption; and

15 (2) A consent to the placement of the child for adoption by
16 the Department of Human Services or by a licensed child-placing agency.

17 (d) A copy of the affidavit shall be provided to the parent at
18 the time the parent signs the affidavit.

19 (e) The relinquishment in an affidavit that designates the Department
20 of Human Services or a licensed child-placing agency to serve as the managing
21 conservator is irrevocable. A relinquishment in any other affidavit of
22 relinquishment is revocable unless it expressly provides that it is
23 irrevocable for a stated period of time not to exceed sixty (60) days after
24 the date of its execution.

25 (f) A relinquishment in an affidavit of relinquishment of parental
26 rights that fails to state that the relinquishment is irrevocable for a stated
27 time is revocable as provided by Section 11.

28 (g) To revoke a relinquishment under Subsection (e) the parent must
29 sign a statement witnessed by two credible persons and verified before a
30 person authorized to take oaths. A copy of the revocation shall be delivered
31 to the person designated in the affidavit. If a parent attempting to revoke a
32 relinquishment under this subsection has knowledge that a suit for termination
33 of the parent-child relationship has been filed based on the parent's
34 affidavit of relinquishment of parental rights, the parent shall file a copy
35 of the revocation with the clerk of the court.

36

1 SECTION 11. Revocability of Certain Affidavits.

2 An affidavit of relinquishment of parental rights or affidavit of
3 waiver of interest in a child that fails to state that the relinquishment or
4 waiver is irrevocable for a stated time is:

5 (1) Revocable only if the revocation is made before the eleventh
6 (11th) day after the date the affidavit is executed; and

7 (2) Irrevocable on or after the eleventh (11th) day after the date the
8 affidavit is executed.

9
10 SECTION 12. Rights of Designated Managing Conservator Pending Court
11 Appointment.

12 A person, licensed child-placing agency, or authorized agency
13 designated managing conservator of a child in an irrevocable or unrevoked
14 affidavit of relinquishment has a right to possession of the child superior to
15 the right of the person executing the affidavit, the right to consent to
16 medical, surgical, dental, and psychological treatment of the child, and the
17 rights and duties granted by law to a possessory conservator until such time
18 as these rights and duties are modified or terminated by court order.

19
20 SECTION 13. Affidavit of Status of Child.

21 (a) If the child has no presumed father, an affidavit shall be:

22 (1) Signed by the mother, whether or not a minor;

23 (2) Witnessed by two (2) credible persons; and

24 (3) Verified before a person authorized to take oaths.

25 (b) The affidavit must:

26 (1) State that the mother is not and has not been married to
27 the alleged father of the child;

28 (2) State that the mother and alleged father have not
29 attempted to marry under the laws of this state or another state or nation;

30 (3) State that paternity has not been established under the
31 laws of any state or nation; and

32 (4) Contain one of the following, as applicable:

33 (A) The name and whereabouts of a man alleged to be
34 the father;

35 (B) The name of an alleged father and a statement that
36 the affiant does not know the whereabouts of the father;

1 (C) A statement that an alleged father has executed a
2 statement of paternity and an affidavit of relinquishment of parental rights
3 under this act and that both affidavits have been filed with the court; or

4 (D) A statement that the name of an alleged father is
5 unknown.

6 (c) The affidavit of status of child may be executed at any
7 time after the first trimester of the pregnancy of the mother.

8
9 SECTION 14. Affidavit of Waiver of Interest in Child.

10 (a) A man may sign an affidavit disclaiming any interest in a child
11 and waiving notice or the service of citation in any suit filed or to be filed
12 affecting the parent-child relationship with respect to the child.

13 (b) The affidavit may be signed before the birth of the child.

14 (c) The affidavit shall be:

15 (1) Signed by the man, whether or not a minor;

16 (2) Witnessed by two (2) credible persons; and

17 (3) Verified before a person authorized to take oaths.

18 (d) The affidavit may contain a statement that the affiant does not
19 admit being the father of the child or having had a sexual relationship with
20 the mother of the child.

21 (e) An affidavit of waiver of interest in a child may be used in a
22 suit in which the affiant attempts to establish an interest in the child. The
23 affidavit may not be used in a suit brought by another person, licensed child-
24 placing agency, or authorized agency to establish the affiant's paternity of
25 the child.

26 (f) A waiver in an affidavit under this section that designates the
27 Department of Human Services or a licensed child-placing agency to serve as
28 the managing conservator is irrevocable. A waiver in any other affidavit
29 under this section is revocable unless it expressly provides that it is
30 irrevocable for a stated period not to exceed sixty (60) days after the date
31 of execution.

32 (g) A waiver in an affidavit under this section that fails to state
33 that the waiver is irrevocable for a stated time is revocable as provided by
34 Section 11.

35 (h) An affidavit under this section that contains a waiver that is
36 revocable must contain:

1 (1) A statement in boldfaced type concerning the right of the
2 person who executed the affidavit to revoke the affidavit only if the
3 revocation is made before the eleventh (11th) day after the date the affidavit
4 is executed; and

5 (2) The name and address of the person to whom the revocation
6 is to be delivered.

7 (i) A copy of the affidavit shall be provided to the person who
8 executed the affidavit at the time the person signs the affidavit.

9 (j) To revoke a waiver, the person who executed the affidavit must
10 sign a statement witnessed by two (2) credible persons and verified before a
11 person authorized to take oaths. A copy of the revocation shall be delivered
12 to the person designated in the affidavit of waiver of interest in a child.
13 If a person attempting to revoke an affidavit under this subsection has
14 knowledge that a suit for termination of the parent-child relationship based
15 on the person's waiver of interest in a child has been filed, the person shall
16 file a copy of the revocation with the clerk of the court.

17
18 SECTION 15. Missing Parent or Relative.

19 (a) In this section:

20 (1) "Parent" means a parent whose parent-child relationship
21 with a child has not been terminated; and

22 (2) "Relative" means a parent, grandparent, or adult sibling
23 or child.

24 (b) If a parent of the child has not been personally served in a suit
25 in which the Department of Human Services seeks termination, the department
26 must make a diligent effort to locate that parent.

27 (c) If a parent has not been personally served and cannot be located,
28 the department shall make a diligent effort to locate a relative of the
29 missing parent to give the relative an opportunity to request appointment as
30 the child's managing conservator.

31 (d) If the department is not able to locate a missing parent or a
32 relative of that parent and sufficient information is available concerning the
33 physical whereabouts of the parent or relative, the department shall request
34 the state agency designated to administer a statewide plan for child support
35 to use the parental locator service established under 42 U.S.C. Section 653 to
36 determine the location of the missing parent or relative.

1 (e) The department shall be required to provide evidence to the court
2 to show what actions were taken by the department in making a diligent effort
3 to locate the missing parent and relative of the missing parent.

4
5 SECTION 16. Release of Child From Hospital or Birthing Center.

6 (a) Before or at the time an affidavit of relinquishment of parental
7 rights under Section 10 is executed, the mother of a newborn child may
8 authorize the release of the child from the hospital or birthing center to a
9 licensed child-placing agency, the Department of Human Services, or another
10 designated person.

11 (b) A release under this section must be:

12 (1) Executed in writing;

13 (2) Witnessed by two (2) credible adults; and

14 (3) Verified before a person authorized to take oaths.

15 (c) A hospital or birthing center shall comply with the terms of a
16 release executed under this section without requiring a court order.

17
18 SECTION 17. Requirement of Paternity Registry Certificate.

19 (a) If an affidavit of status of child as provided by this act states
20 that the father of the child is unknown and no probable father is known, a
21 certificate from the Department of Health stating that a diligent search has
22 been made of the putative father registry, and that a registration has not
23 been found pertaining to the father of the child in question must be filed
24 with the court before a trial on the merits in the suit for termination may be
25 held.

26 (b) In a proceeding to terminate parental rights in which the alleged
27 or probable father has not been personally served with citation or signed an
28 affidavit of relinquishment or an affidavit of waiver of interest, the court
29 may not terminate the parental rights of the alleged or probable father,
30 whether known or unknown, unless a certificate from the Department of Health
31 states that a diligent search has been made of the putative father registry,
32 and that a filing or registration has not been found pertaining to the father
33 of the child in question.

34
35 SECTION 18. No Final Order Until Child Five Days Old.

36 If the petition in a suit for termination is filed before the birth of the

1 child, the court may not conduct a hearing in the suit nor render an order
2 other than a temporary order until the child is at least five (5) days old.

3
4 SECTION 19. Continuance - Access to Child.

5 (a) The court shall not proceed to final trial in a suit to terminate
6 the parent-child relationship during the time that any criminal charges filed
7 against a parent whose rights are subject to termination in the suit are
8 pending if the criminal charges are directly related to the grounds for which
9 termination of the parent's rights are sought unless it determines that it is
10 in the best interest of the child.

11 (b) Nothing in this section precludes the court from issuing
12 appropriate temporary orders as authorized in this act.

13 (c) The court in which a suit to terminate the parent-child
14 relationship is pending may render an order denying a parent access to a child
15 if the parent is indicted for criminal activity that constitutes a ground for
16 terminating the parent-child relationship under Section 1. The denial of
17 access under this section shall continue until the date the criminal charges
18 for which the parent was indicted are resolved and the court renders an order
19 providing for access to the child by the parent.

20
21 SECTION 20. Preferential Setting - Suit by Governmental Entity.

22 In a termination suit filed by a governmental entity, licensed child-
23 placing agency, or authorized agency, after a hearing, the court shall grant a
24 motion for a preferential setting for a final hearing on the merits filed by a
25 party to the suit or by the attorney or guardian ad litem for the child and
26 shall give precedence to that hearing over other civil cases if:

27 (1) Termination would make the child eligible for adoption; and

28 (2) Discovery has been completed or sufficient time has elapsed since
29 the filing of the suit for the completion of all necessary and reasonable
30 discovery if diligently pursued.

31
32 SECTION 21. Dismissal of Petition.

33 A suit to terminate may not be dismissed nor may a nonsuit be taken
34 unless the dismissal or nonsuit is approved by the court.

35
36 SECTION 22. Termination Based on Affidavit of Waiver of Interest.

1 In a suit for termination, the court may render an order terminating
2 all legal relationships and rights which exist or may exist between a child
3 and a man who has signed an affidavit of waiver of interest in the child, if
4 the termination is in the best interest of the child.

5
6 SECTION 23. Order Denying Termination.

7 If the court does not order termination of the parent-child
8 relationship, it shall:

9 (1) Dismiss the petition; or

10 (2) Render any order in the best interest of the child.

11
12 SECTION 24. Order Terminating Parental Rights.

13 (a) If the court finds by clear and convincing evidence grounds for
14 termination of the parent-child relationship, it shall render an order
15 terminating the parent-child relationship.

16 (b) An order terminating the parent-child relationship divests the
17 parent and the child of all legal rights and duties with respect to each
18 other, except that the child retains the right to inherit from and through the
19 parent unless the court otherwise provides.

20 (c) Nothing in this act precludes or affects the rights of a
21 biological or adoptive maternal or paternal grandparent to reasonable access
22 as provided by law.

23
24 SECTION 25. Appointment of Managing Conservator on Termination.

25 (a) If the court terminates the parent-child relationship with respect
26 to both parents or to the only living parent, the court shall appoint a
27 suitable, competent adult, the Department of Human Services, a licensed child-
28 placing agency, or an authorized agency as managing conservator of the child.
29 An agency designated managing conservator in an unrevoked or irrevocable
30 affidavit of relinquishment shall be appointed managing conservator.

31 (b) The order of appointment may refer to the docket number of the
32 suit and need not refer to the parties nor be accompanied by any other papers
33 in the record.

34
35 SECTION 26. Appointment of Department of Human Services as Managing
36 Conservator.

1 If a parent of the child has not been personally served in a suit in
2 which the Department of Human Services seeks termination, the court that
3 terminates a parent-child relationship may not appoint the Department of Human
4 Services as permanent managing conservator of the child unless the court
5 determines that:

6 (1) The department has made a diligent effort to locate a missing
7 parent who has not been personally served and a relative of that parent; and

8 (2) A relative located by the department has had a reasonable
9 opportunity to request appointment as managing conservator of the child or the
10 department has not been able to locate the missing parent or a relative of the
11 missing parent.

12
13 SECTION 27. Sealing of File.

14 The court, on the motion of a party or on the court's own motion, may
15 order the sealing of the file, the minutes of the court, or both, in a suit
16 for termination.

17
18 SECTION 28. Direct or Collateral Attack on Termination Order.

19 (a) The validity of an order terminating the parental rights of a
20 person who has been personally served or who has executed an affidavit of
21 relinquishment of parental rights or an affidavit of waiver of interest in a
22 child or whose rights have been terminated under Section 2(b) is not subject
23 to collateral or direct attack after the sixth (6th) month after the date the
24 order was rendered.

25 (b) The validity of an order terminating the parental rights of a
26 person who is served by citation by publication is not subject to collateral
27 or direct attack after the sixth (6th) month after the date the order was
28 rendered.

29 (c) A direct or collateral attack on an order terminating parental
30 rights based on an unrevoked affidavit of relinquishment of parental rights or
31 affidavit of waiver of interest in a child is limited to issues relating to
32 fraud, duress, or coercion in the execution of the affidavit.

33
34 SECTION 29. All provisions of this act of a general and permanent
35 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas
36 Code Revision Commission shall incorporate the same in the Code.

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SECTION 30. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

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

/s/ Critcher