

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.

State of Arkansas

As Engrossed: H1/31/01 H2/5/01

83rd General Assembly

A Bill

Regular Session, 2001

HOUSE BILL 1316

By: Representatives Bledsoe, Green, Agee, Borhauer, W. Walker, Dees, Shoffner, Salmon, Carson, Judy, Rodgers, King, J. Elliott, Bond

By: Senator Gullett

For An Act To Be Entitled

AN ACT TO AMEND JURISDICTION IN THE ARKANSAS REVISED
UNIFORM ADOPTION ACT; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND JURISDICTION IN THE ARKANSAS
REVISED UNIFORM ADOPTION ACT.

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

SECTION 1. Arkansas Code 9-9-205 is amended to read as follows:

9-9-205. Jurisdiction – Venue – Inconvenient forum – Disclosure of
name.

(a) Jurisdiction of adoption of minors:

(1) ~~The petitioner or petitioners or legal parent or parents must have been physically present (resided) in the State of Arkansas for at least thirty (30) days immediately preceding the filing of a petition for adoption, relinquishment of parental rights, or execution of consent to termination of parental rights or adoption;~~ The state shall possess jurisdiction over the adoption of a minor if the person seeking to adopt the child, or the child, is a resident of this state.

(2) ~~Provided, however, that when the parental rights of the legal parent or parents have been relinquished or terminated more than thirty (30) days prior to the filing of an adoption petition, or the consent of the legal parent or parents is not required under other laws relating to adoption, physical presence of the petitioner or petitioners or the individual to be~~

1 ~~adopted shall be sufficient to confer subject matter jurisdiction. For~~
2 purposes of this subchapter:

3 (A) A child under the age of six (6) months shall be
4 considered a resident of this state if the:

5 (i) Child's birth mother resided in Arkansas for more
6 than four (4) months immediately preceding the birth of the child;

7 (ii) Child was born in this state or in any border
8 city which adjoins the Arkansas state line or is separated only by a navigable
9 river from an Arkansas city which adjoins the Arkansas state line; and

10 (iii) Child remains in this state until the interlocutory decree
11 has been entered.

12 (B) A child over the age of six (6) months shall be
13 considered a resident of this state if the child:

14 (i) Has resided in this state for a period of six (6)
15 months;

16 (ii) Currently resides in Arkansas; and

17 (iii) Is present in this state at the time the
18 petition for adoption is filed and heard by a court having appropriate
19 jurisdiction.

20 (C) A person seeking to adopt is a resident of this state;
21 if:

22 (i) The person occupies a dwelling within the state,

23 (ii) Has a present intent to remain within the state
24 for a period of time; and

25 (iii) Manifests the genuineness of that intent by
26 establishing an ongoing physical presence within the state together with
27 indicia that the person's presence within the state is something other than
28 merely transitory in nature.

29 (b) Jurisdiction of adoption of adults: Physical presence of the
30 petitioner or petitioners or the individual to be adopted shall be sufficient
31 to confer subject matter jurisdiction.

32 (c) Venue:

33 (1) Proceedings for adoption must be brought in the county in
34 which, at the time of filing or granting the petition, the petitioner or
35 petitioners, ~~any person required to consent to the adoption,~~ or the individual
36 to be adopted resides or is in military service or in which the agency having

1 the care, custody, or control of the minor is located;

2 (2) If the court finds in the interest of substantial justice
3 that the matter should be heard in another forum, the court may transfer,
4 stay, or dismiss the proceedings in whole or in part on any conditions that
5 are just.

6 (d) The caption of a petition for adoption shall be styled
7 substantially "In the matter of the Adoption . . ." The person to be adopted
8 shall be designated in the caption under the name by which he is to be known
9 if the petition is granted.

10 (e) If the child is placed for adoption by an agency, any name by which
11 the child was previously known shall not be disclosed in the petition, the
12 notice of hearing, or in the decree of adoption.

13 /s/ Bledsoe, et al.
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