

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.

1 State of Arkansas
2 83rd General Assembly
3 Regular Session, 2001
4

As Engrossed: H3/20/01 H4/2/01

A Bill

HOUSE BILL 2379

5 By: Representative Cleveland
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For An Act To Be Entitled

9 AN ACT TO AMEND ARKANSAS CODE 9-9-101 TO REQUIRE
10 HOSPITALS *AND BIRTHING CENTERS* TO OBTAIN CERTAIN
11 INFORMATION BEFORE SURRENDERING CUSTODY OF A
12 MINOR TO BE ADOPTED; AND FOR OTHER PURPOSES.
13

Subtitle

14 TO AMEND ARKANSAS CODE 9-9-101 TO
15 REQUIRE HOSPITALS *AND BIRTHING CENTERS*
16 TO OBTAIN CERTAIN INFORMATION BEFORE
17 SURRENDERING CUSTODY OF A MINOR TO BE
18 ADOPTED.
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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24 *SECTION 1. Arkansas Code 9-9-101 is amended to read as follows:*

25 *9-9-101. Surrender of custody of minor by hospital or birthing center.*

26 *(a) ~~At the time a petition to adopt or a petition for guardianship in~~*
27 *~~a pending adoption is filed for a minor in the physical custody of a hospital~~*
28 *~~within the State of Arkansas, the court shall issue an order directing the~~*
29 *~~hospital to surrender physical custody of the minor to the petitioners or to~~*
30 *~~the agency or attorney acting for either. After a consent to adoption under~~*
31 *§ 9-9-208 or a relinquishment of parental rights under § 9-9-220 is executed*
32 *with regard to a minor in the physical custody of a hospital or birthing*
33 *center within the State of Arkansas, the biological mother of a minor child*
34 *may authorize the release of the child from the hospital or birthing center*
35 *to the petitioners for adoption, the guardian of the minor child, the child*
36 *placement agency licensed under the Child Welfare Agency Licensing Act, which*

1 begins at § 9-28-401, the Division of Children and Family Services, or the
2 attorney acting on the behalf of any of the foregoing entities.

3 (b)(1) A Hospital or Birthing Center Release Form under this section
4 must:

5 (A) Be executed in writing;

6 (B) Be witnessed by two (2) credible adults;

7 (C) Authorize the petitioners for adoption, the guardian
8 of the minor child, the licensed child placement agency, the Division of
9 Children and Family Services, or the attorney acting on the behalf of any of
10 the foregoing entities, to obtain any medical treatment, including
11 circumcision of a male child, reasonably necessary for the care of the minor
12 and to authorize any physician or medical services provider to furnish
13 additional services deemed reasonable and necessary; and

14 (D) Be verified before a person authorized to take oaths.

15 (2) ~~If a court in an adoption proceeding or guardianship~~
16 ~~proceeding in which an adoption is pending orders a hospital to surrender~~
17 ~~custody of a child to the adoptive parents, or to the agency or attorney~~
18 ~~acting in their behalf, those entities obeying the order shall not be liable~~
19 ~~to any person because of their acts. If a hospital or birthing center~~
20 ~~surrenders custody of a minor child to the petitioners for adoption, the~~
21 ~~guardian of the minor child, a licensed child placement agency, the Division~~
22 ~~of Children and Family Services, or the attorney acting on the behalf of any~~
23 ~~of the foregoing entities, the hospital or birthing center releasing the~~
24 ~~minor shall not be liable to any person because of their acts if the hospital~~
25 ~~or birthing center has complied with this section.~~

26 (c)(1) A hospital or birthing center shall comply with the terms of a
27 release executed under this section without requiring a court order.

28 (2) Once the Hospital or Birthing Center Release Form described
29 in subsection (b) of this section is presented to the hospital or birthing
30 center, the hospital or birthing center shall discharge the minor child to
31 the petitioners for adoption, the guardian of the minor child, a licensed
32 child placement agency, the Division of Children and Family Services, or the
33 attorney acting on the behalf of any of the foregoing entities, after the
34 hospital or birthing center is presented photo identification of the
35 receiving party.

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/s/ Cleveland