

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 85th General Assembly  
3 Regular Session, 2005

# A Bill

HOUSE BILL 2776

4  
5 By: Representative Thyer  
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## For An Act To Be Entitled

9 AN ACT TO REQUIRE NOTICE IN CASES TERMINATING  
10 PARENT AND CHILD RELATIONSHIPS; AND FOR OTHER  
11 PURPOSES.  
12

## Subtitle

13 AN ACT TO REQUIRE NOTICE IN CASES  
14 TERMINATING PARENT AND CHILD  
15 RELATIONSHIPS.  
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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21 SECTION 1. Arkansas Code § 9-9-220(c) and (d), pertaining to  
22 proceedings terminating parental rights, is amended to read as follows:

23 (c) In addition to any other proceeding provided by law, after  
24 compliance with the requirements of subsection (f) of this section, the  
25 relationship of parent and child may be terminated by a court order issued  
26 under this subchapter on any ground provided by other law for termination of  
27 the relationship, or on the following grounds:

28 (1) Abandonment. (A) A child support order shall provide notice  
29 to the non-custodial parent that failure to pay child support or to visit the  
30 child for at least one (1) year shall provide the custodial parent with the  
31 right to initiate proceedings to terminate the parental rights of the non-  
32 custodial parent.

33 (B) If the notification clause required by subdivision  
34 (c)(1)(A) of this section is not in the child support order, the custodial  
35 parent, prior to termination of parental rights, shall notify the non-  
36 custodial parent that he or she intends to petition the court to terminate



1 parental rights.

2 (C)(i) The non-custodial parent shall have three (3)  
 3 months from the filing of the petition to pay a substantial amount of past  
 4 due payments owed and to establish a relationship with his or her child or  
 5 children.

6 (ii) Once the requirements under subdivision  
 7 (c)(1)(C)(i) of this section are met, the custodial parent shall not be  
 8 permitted to proceed with the adoption nor the termination of parental rights  
 9 of the non-custodial parent.

10 (iii) The court may terminate parental rights of the  
 11 non-custodial parent upon a showing that:

12 (a) Child support payments have not been made  
 13 for one (1) year or the non-custodial parent has not visited the child in the  
 14 preceding year and the non-custodial parent has not fulfilled the  
 15 requirements of subdivision (c)(1)(C)(i) of this section; and

16 (b) It would be in the best interest of the  
 17 child to terminate the parental relationship.

18 (D) The provisions of subdivisions (c)(1)(A) - (C) of this  
 19 section apply only to child support orders entered after August 13, 2001.

20 (2) Neglect or abuse, when the court finds the causes are  
 21 irremediable or will not be remedied by the parent.

22 (A) If the parents have failed to make reasonable efforts  
 23 to remedy the causes and such failure has occurred for twelve (12) months,  
 24 such failure shall raise the rebuttable presumption that the causes will not  
 25 be remedied.

26 (B) If the parents have attempted to remedy the causes but  
 27 have failed to do so within twelve (12) months, and the court finds there is  
 28 no reasonable likelihood the causes will be remedied by the eighteenth month,  
 29 the failures shall raise the rebuttable presumption that the causes will not  
 30 be remedied.

31 (3) That in the case of a parent not having custody of a child,  
 32 his consent is being unreasonably withheld contrary to the best interest of  
 33 the child.

34 (d)(1) For the purpose of proceeding under this subchapter, a decree  
 35 terminating all rights of a parent with reference to a child or the  
 36 relationship of parent and child issued by a court of competent jurisdiction

1 in this or any other state dispenses with the consent to adoption proceedings  
2 of a parent whose rights or parent and child relationship are terminated by  
3 the decree and with any required notice of an adoption proceeding other than  
4 as provided in this section.

5 (2) A court in this state that issues a decree described in  
6 subdivision (d)(1) of this section shall provide notice to the parent whose  
7 rights are terminated that entry of the decree dispenses with the parent's  
8 consent to adoption proceedings and with any required notice of an adoption  
9 proceeding other than as provided in this section.

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