

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 86th General Assembly
3 Regular Session, 2007

A Bill

HOUSE BILL 2270

4
5 By: Representative Hyde
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For An Act To Be Entitled

8
9 AN ACT TO AMEND ARKANSAS CODE §§ 9-9-209(b) AND
10 9-9-220(b) TO CHANGE THE NUMBER OF DAYS FROM TEN
11 (10) TO FIVE (5) THAT A PARENT HAS TO WITHDRAW
12 CONSENT OR RELINQUISHMENT OF PARENTAL RIGHTS FOR
13 AN ADOPTION; AND FOR OTHER PURPOSES.
14

Subtitle

15
16 AN ACT TO AMEND ARKANSAS CODE §§ 9-9-209
17 (b) AND 9-9-220(b) TO CHANGE THE NUMBER
18 OF DAYS FROM TEN (10) TO FIVE (5) THAT A
19 PARENT HAS TO WITHDRAW CONSENT OR
20 RELINQUISHMENT OF PARENTAL RIGHTS FOR AN
21 ADOPTION.
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23

24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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26 SECTION 1. Arkansas Code § 9-9-209(b), concerning the number of days
27 to withdraw consent for an adoption, is amended to read as follows:

28 (b)(1) A consent to adopt may be withdrawn within ~~ten (10)~~ five (5)
29 calendar days after it is signed by filing an affidavit with the ~~probate~~
30 clerk of the circuit court in the county designated by the consent as the
31 county in which the guardianship petition will be filed, if there is a
32 guardianship, or where the petition for adoption will be filed, if there is
33 no guardianship. If the ~~ten~~ five-day period ends on a weekend or a legal
34 holiday, the person may file the affidavit the next working day. No fee shall
35 be charged for the filing of the affidavit. The court may waive the ~~ten-day~~
36 five day period for filing a withdrawal of consent for agencies as defined by



1 § 9-9-202(5), minors over ten (10) years of age who consented to the
2 adoption, or biological parents if a step-parent is adopting.

3 (2) The consent shall state that the person has the right of
4 withdrawal of consent and shall provide the address of the ~~probate~~ clerk of
5 the circuit court of the county in which the guardianship will be filed, if
6 there is a guardianship, or where the petition for adoption will be filed, if
7 there is no guardianship.

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10 SECTION 2. Arkansas Code § 9-9-220(b), concerning the number of days
11 to withdraw relinquishment and termination of parent rights for an adoption,
12 is amended to read as follows:

13 (b) All rights of a parent with reference to a child, including the
14 right to receive notice of a hearing on a petition for adoption, may be
15 relinquished and the relationship of parent and child terminated by a
16 writing, signed by an adult parent, subject to the court's approval.

17 If the parent is a minor, the writing shall be signed by a guardian ad
18 litem who is appointed to appear on behalf of the minor parent for the
19 purpose of executing such a writing. The signing shall occur in the presence
20 of a representative of an agency taking custody of the child, or in the
21 presence of a notary public, whether the agency is within or without the
22 state, or in the presence and with the approval of a judge of a court of
23 record of this state or any other state in which the minor was present at the
24 time it was signed. The relinquishment shall be executed in the same manner
25 as for a consent to adopt under § 9-9-208.

26 (1)(A) The relinquishment may be withdrawn within ~~ten (10)~~ five
27 (5) calendar days after it is signed or the child is born, whichever is
28 later.

29 (i) Notice of withdrawal shall be given by filing an
30 affidavit with the ~~probate~~ clerk of the circuit court in the county
31 designated by the writing as the county in which the guardianship petition
32 will be filed if there is a guardianship, or where the petition for adoption
33 will be filed, if there is no guardianship. If the ~~ten-day~~ five-day period
34 ends on a weekend or legal holiday, the person may file the affidavit the
35 next working day.

36 (ii) No fee shall be charged for the filing of the

1 affidavit.

2 (B) The relinquishment shall state that the parent has
3 this right of withdrawal, and shall provide the address of the ~~probate~~ clerk
4 of the circuit court in which the guardianship will be filed if there is a
5 guardianship, or where the petition for adoption will be filed if there is no
6 guardianship; or

7 (2) In any other situation, if notice of the adoption proceeding
8 has been given to the parent and the court finds, after considering the
9 circumstances of the relinquishment and the continued custody by the
10 petitioner, that the best interest of the child requires the granting of the
11 adoption.

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13 SECTION 3. EMERGENCY CLAUSE. It is found and determined by the
14 General Assembly of the State of Arkansas that it is in the best interest of
15 a child to be determined to be legally free for adoption without undue delay.
16 Therefore, an emergency is declared to exist and this act being necessary for
17 the preservation of the public peace, health, and safety shall become
18 effective on:

19 (1) The date of its approval by the Governor;

20 (2) If the bill is neither approved nor vetoed by the Governor,
21 the expiration of the period of time during which the Governor may veto the
22 bill; or

23 (3) If the bill is vetoed by the Governor and the veto is
24 overridden, the date the last house overrides the veto.

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