

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
4

As Engrossed: S3/20/07

A Bill

HOUSE BILL 2270

5 By: Representative Hyde
6 By: *Senator Salmon*
7

For An Act To Be Entitled

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

Subtitle

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18 AN ACT TO AMEND ARKANSAS CODE §§ 9-9-209
19 (b) AND 9-9-220(b) TO PROVIDE A PARENT
20 WITH AN OPTION TO WAIVE THE NUMBER OF
21 DAYS FROM TEN (10) TO FIVE (5) TO
22 WITHDRAW CONSENT OR RELINQUISHMENT OF
23 PARENTAL RIGHTS FOR AN ADOPTION.
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26 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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28 SECTION 1. Arkansas Code § 9-9-209(b), concerning the number of days
29 to withdraw consent for an adoption, is amended to read as follows:

30 (b)(1) A consent to adopt may be withdrawn within ten (10) calendar
31 days, or, if a waiver of the ten-day period is elected under subdivision
32 (b)(3) of this section, five (5) calendar days after it is signed or the
33 child is born, whichever is later, by filing an affidavit with the ~~probate~~
34 clerk of the circuit court in the county designated by the consent as the
35 county in which the guardianship petition will be filed, if there is a
36 guardianship, or where the petition for adoption will be filed, if there is



1 no guardianship. If the ten-day period, or, if a waiver of the ten-day period
2 is elected under subdivision (b)(3) of this section, the five-day period ends
3 on a weekend or a legal holiday, the person may file the affidavit the next
4 working day. No fee shall be charged for the filing of the affidavit. The
5 court may waive the ten-day period for filing a withdrawal of consent for
6 agencies as defined by § 9-9-202(5), minors over ten (10) years of age who
7 consented to the adoption, or biological parents if a step-parent is
8 adopting.

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

14 (3) The consent shall state that the person has the right to
15 waive the ten-day period for the withdrawal of consent for an adoption and to
16 elect to limit the maximum time for the withdrawal of consent for an adoption
17 to five (5) days.

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

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

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

36 (1)(A) The relinquishment may be withdrawn within ten (10)

1 calendar days, or, if a waiver of the ten-day period is elected under § 9-9-
2 220 (b)(3), five (5) calendar days after it is signed or the child is born,
3 whichever is later.

4 (i) Notice of withdrawal shall be given by filing an
5 affidavit with the ~~probate~~ clerk of the circuit court in the county
6 designated by the writing as the county in which the guardianship petition
7 will be filed if there is a guardianship, or where the petition for adoption
8 will be filed, if there is no guardianship. If the ten-day period, or, if a
9 waiver of the ten-day period is elected under subdivision (b)(3) of this
10 section, the five-day period ends on a weekend or legal holiday, the person
11 may file the affidavit the next working day.

12 (ii) No fee shall be charged for the filing of the
13 affidavit.

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

19 (2) In any other situation, if notice of the adoption proceeding
20 has been given to the parent and the court finds, after considering the
21 circumstances of the relinquishment and the continued custody by the
22 petitioner, that the best interest of the child requires the granting of the
23 adoption.

24 (3) The relinquishment shall state that the person has the right
25 to waive the ten-day period for the withdrawal of relinquishment for an
26 adoption and to elect to limit the maximum time for the withdrawal of
27 relinquishment for an adoption to five (5) days.

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

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

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

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

/s/ Hyde