

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 87th General Assembly  
3 Regular Session, 2009  
4

As Engrossed: H2/4/09  
**A Bill**

HOUSE BILL 1280

5 By: Representatives Hyde, *Slinkard*  
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8 **For An Act To Be Entitled**

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

15 **Subtitle**

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

27 (b)(1)(A) A consent to adopt may be withdrawn within ten (10) calendar  
28 days, or, if a waiver of the ten-day period is elected under subdivision  
29 (b)(3) of this section, five (5) calendar days after it is signed or the  
30 child is born, whichever is later, by filing an affidavit with the *probate*  
31 *division* clerk of the circuit court in the county designated by the consent  
32 as the county in which the guardianship petition will be filed, if there is a  
33 guardianship, or where the petition for adoption will be filed, if there is  
34 no guardianship. If the ten-day period, or, if a waiver of the ten-day  
35 period is elected under subdivision (b)(3) of this section, the five-day  
36 period ends on a weekend or a legal holiday, the person may file the



1 affidavit the next working day. No fee shall be charged for the filing of  
2 the affidavit. The court may waive the ten-day period for filing a  
3 withdrawal of consent for agencies as defined by § 9-9-202(5), minors over  
4 ten (10) years of age who consented to the adoption, or biological parents if  
5 a step-parent is adopting.

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

11 (3) The consent shall state that the person may waive the ten-  
12 day period for the withdrawal of consent for an adoption and elect to limit  
13 the maximum time for the withdrawal of consent for an adoption to five (5)  
14 days.

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

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

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

32 (1)(A) The relinquishment may be withdrawn within ten (10)  
33 calendar days, or, if a waiver of the ten-day period is elected under § 9-9-  
34 220(b)(3), five (5) calendar days after it is signed or the child is born,  
35 whichever is later.

36 (i) Notice of withdrawal shall be given by filing an

1 affidavit with the *probate* division clerk of the circuit court in the county  
2 designated by the writing as the county in which the guardianship petition  
3 will be filed if there is a guardianship, or where the petition for adoption  
4 will be filed, if there is no guardianship. If the ten-day period, or, if a  
5 waiver of the ten-day period is elected under subdivision (b)(3) of this  
6 section, the five-day period ends on a weekend or legal holiday, the person  
7 may file the affidavit the next working day.

8 (ii) No fee shall be charged for the filing of the  
9 affidavit.

10 (B) The relinquishment shall state that the parent has  
11 this right of withdrawal, and shall provide the address of the *probate*  
12 division clerk of the circuit court in which the guardianship will be filed  
13 if there is a guardianship, or where the petition for adoption will be filed  
14 if there is no guardianship; or

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

20 (3) The relinquishment shall state that the person may waive the  
21 ten-day period for the withdrawal of relinquishment for an adoption and to  
22 elect to limit the maximum time for the withdrawal of relinquishment for an  
23 adoption to five (5) days.

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

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

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

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

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*/s/ Hyde*