

1 State of Arkansas  
2 89th General Assembly  
3 Regular Session, 2013  
4

# A Bill

HOUSE BILL 1790

5 By: Representative Broadaway  
6

## For An Act To Be Entitled

8 AN ACT CONCERNING WHO IS REQUIRED TO CONSENT TO AN  
9 ADOPTION AND WHO IS ENTITLED TO A NOTICE THAT AN  
10 ADOPTION PROCEEDING HAS BEEN INITIATED; AND FOR OTHER  
11 PURPOSES.  
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## Subtitle

14 ACT CONCERNING WHO IS REQUIRED TO CONSENT  
15 TO AN ADOPTION AND WHO IS ENTITLED TO A  
16 NOTICE THAT AN ADOPTION PROCEEDING HAS  
17 BEEN INITIATED.  
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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23 SECTION 1. Arkansas Code § 9-9-206(a)(2), concerning persons who are  
24 required to consent to an adoption, is amended to read as a follows:

25 (2) The father of the minor if:

26 (A) the The father was married to the mother at the time  
27 the minor was conceived or at any time thereafter;;

28 (B) the The minor is his child by adoption;;

29 (C) he He has physical custody of the minor at the time the  
30 petition is filed;;

31 (D) he He has a written order granting him legal custody of  
32 the minor at the time the petition for adoption is filed;;

33 (E) a A court has adjudicated him to be the legal father  
34 prior to the time the petition for adoption is filed;—or;

35 (F) he He proves a significant custodial, personal, or  
36 financial relationship existed with the minor before the petition for



1 adoption is filed; or

2 (G) He has acknowledged paternity under § 9-10-120(a);

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4 SECTION 2. Arkansas Code § 9-9-207 is amended to read as follows:

5 9-9-207. Persons as to whom consent not required.

6 (a) Consent to adoption is not required of:

7 (1) ~~a~~ A parent who has deserted a child without affording means  
8 of identification or who has abandoned a child;

9 (2) ~~a~~ A parent of a child in the custody of another, if the  
10 parent for a period of at least one (1) year has failed significantly without  
11 justifiable cause;

12 ~~(i) to~~ (A) To communicate with the child; or

13 ~~(ii) to~~ (B) To provide for the care and support of the  
14 child as required by law or judicial decree;

15 (3) ~~the~~ The father of a minor if the father's consent is not  
16 required by § 9-9-206(a)(2);

17 (4) ~~a~~ A parent who has relinquished his or her right to consent  
18 under § 9-9-220;

19 (5) ~~a~~ A parent whose parental rights have been terminated by  
20 order of court under § 9-9-220 or § 9-27-341;

21 (6) ~~a~~ A parent judicially declared incompetent or mentally  
22 defective if the court dispenses with the parent's consent;

23 (7) ~~any~~ Any parent of the individual to be adopted, if the  
24 individual is an adult;

25 (8) ~~any~~ Any legal guardian or lawful custodian of the individual  
26 to be adopted, other than a parent, who has failed to respond in writing to a  
27 request for consent for a period of sixty (60) days or who, after examination  
28 of his or her written reasons for withholding consent, is found by the court  
29 to be withholding his or her consent unreasonably;

30 (9) ~~the~~ The spouse of the individual to be adopted, if the  
31 failure of the spouse to consent to the adoption is excused by the court by  
32 reason of prolonged unexplained absence, unavailability, incapacity, or  
33 circumstances constituting an unreasonable withholding of consent;

34 (10) ~~a~~ A putative father of a minor who signed an  
35 acknowledgement of paternity but who failed to establish a significant  
36 custodial, personal, or financial relationship with the juvenile prior to the

1 time the petition for adoption is filed; or

2 (11) a A putative father of a minor who is listed on the  
3 Putative Father Registry but who failed to establish a significant custodial,  
4 personal, or financial relationship with the juvenile prior to the time the  
5 petition for adoption is filed.

6 (b)(1) Except as provided in §§ 9-9-212 and 9-9-224, notice of a  
7 hearing on a petition for adoption need not be given to a person whose  
8 consent is not required or to a person whose consent or relinquishment has  
9 been filed with the petition.

10 (2) However, notice of the initiation of a proceeding under this  
11 subchapter shall be served on those persons listed in this section.

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