

1 State of Arkansas  
2 93rd General Assembly  
3 Regular Session, 2021  
4

As Engrossed: H2/24/21 H3/8/21

# A Bill

HOUSE BILL 1379

5 By: Representative Penzo  
6 By: Senator B. Ballinger  
7

## For An Act To Be Entitled

9 AN ACT TO AMEND THE LAW CONCERNING CONSENT TO  
10 ADOPTION AND RELINQUISHMENT OF PARENTAL RIGHTS DURING  
11 THE ADOPTION PROCESS; CONCERNING THE REPORT OF  
12 EXPENDITURES RELATED TO AN ADOPTION; AND FOR OTHER  
13 PURPOSES.  
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## Subtitle

17 TO AMEND THE LAW CONCERNING CONSENT TO  
18 ADOPTION AND RELINQUISHMENT OF PARENTAL  
19 RIGHTS DURING THE ADOPTION PROCESS; AND  
20 CONCERNING THE REPORT OF EXPENDITURES  
21 RELATED TO AN ADOPTION.  
22  
23

24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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26 *SECTION 1. Arkansas Code § 9-9-208, concerning the execution of*  
27 *consent to adoption, is amended to add additional subsections to read as*  
28 *follows:*

29 *(d)(1) A parent whose consent to adoption is required under this*  
30 *subchapter shall have limited, independent legal representation for the*  
31 *purpose of:*

32 *(A) Executing the consent to adoption; and*

33 *(B) Withdrawing the consent to adoption if the parent*  
34 *elects to withdraw the consent as permitted under this subchapter.*

35 *(2) The attorney:*

36 *(A) Shall not represent any other party in the adoption;*



1 and

2 (B) Shall certify, by signing the writing after its  
3 execution by the parent, that:

4 (i) The attorney has explained to the parent the  
5 effect of consenting to the adoption; and

6 (ii) The parent appeared to consent voluntarily and  
7 of his or her own free will.

8 (3) This subsection shall not apply to an adoption if the  
9 petitioner is:

10 (A) A stepparent whose spouse is a natural or adoptive  
11 parent of the child to be adopted;

12 (B) Related to the child to be adopted within the second  
13 degree as defined in § 28-9-212; or

14 (C) Represented by an attorney pro bono in the adoption  
15 proceeding.

16 (4)(A) A parent whose consent to adoption is required under this  
17 subchapter may elect not to be represented by an independent attorney as  
18 provided in subdivision (d)(1) of this section by signing under oath, in the  
19 presence of a notary public, an affidavit that includes the following:

20 (i) A statement that the parent understands that he  
21 or she has been offered limited representation by an attorney, who does not  
22 also represent the petitioner, to provide him or her with independent legal  
23 advice concerning the effects of consenting to the adoption;

24 (ii) A statement that the parent understands that  
25 the petitioner is willing to pay for the limited representation; and

26 (iii) A statement that the parent has, after  
27 considering his or her right to an independent attorney, knowingly and  
28 voluntarily and without coercion or undue influence from any other person  
29 elected not to be represented by an attorney for the purpose of executing the  
30 consent and, if the parent elects, withdrawing the consent.

31 (B) This affidavit shall, before the petition is heard, be  
32 filed with the court having jurisdiction over the adoption proceeding.

33 (e)(1) If a parent whose consent to adoption is required under this  
34 subchapter does not speak English as a native language, the parent shall be  
35 provided a qualified interpreter for the purpose of interpreting the consent  
36 adoption into the native language of the parent before its execution by the

1 parent unless a petitioner is:

2 (A) A stepparent whose spouse is a natural or adoptive  
3 parent of the child to be adopted;

4 (B) Related to the child to be adopted within the second  
5 degree as defined in § 28-9-212; or

6 (C) Represented by an attorney pro bono in the adoption  
7 proceeding.

8 (2) For the purposes of this section, a qualified interpreter is  
9 an interpreter who appears on the current registry of court interpreters  
10 maintained by the Administrative Office of the Courts under § 16-10-1101 et  
11 seq.

12 (3) The interpreter services:

13 (A) Shall be paid for by the petitioner; and

14 (B) May be provided in person, by telephone, by a video-  
15 conferencing application, or by comparable means.

16 (4) If required, the consent to adoption shall:

17 (A) Identify the native language of the parent;

18 (B) Provide the name and qualifications of the qualified  
19 interpreter; and

20 (C) Describe the method used by the qualified interpreter  
21 to interpret the consent to adoption.

22 (5) A parent to whom subdivision (e)(1) of this section applies  
23 may elect not to use a court interpreter by signing under oath, in the  
24 presence of a notary public, an affidavit that includes the following:

25 (A) A statement that identifies the native language of the  
26 parent;

27 (B) An acknowledgment that the parent has been offered a  
28 qualified interpreter to interpret the consent to adoption into the parent's  
29 native language;

30 (C) An acknowledgment that the petitioner is willing to  
31 pay for the qualified interpreter;

32 (D) A statement that the parent elects not to use a  
33 qualified interpreter in executing the consent because:

34 (i) The parent is proficient enough in English to  
35 understand the legal documents without the assistance of a qualified  
36 interpreter; or

1 (ii) The parent's attorney can explain in the  
2 parent's native language the consent and implications of signing a consent to  
3 adoption; and

4 (E) A statement that the parent elects not to use a  
5 qualified interpreter knowingly and voluntarily, and without coercion or  
6 undue influence from any other person.

7 (6) The affidavit under subdivision (e)(5) of this section shall  
8 be:

9 (A) In English; and

10 (B) Translated into the native language of the parent by a  
11 qualified interpreter; and

12 (C) Filed, before the petition is heard, with the court  
13 having jurisdiction over the adoption proceeding.

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15 SECTION 2. Arkansas Code § 9-9-211, concerning reports of expenditures  
16 made by a petitioner in an adoption proceeding, is amended to add additional  
17 subsections to read as follows:

18 (d) A full accounting report required under subsection (a) of this  
19 section shall include:

20 (1) The amounts paid;

21 (2) An itemization of expenses listed in § 9-9-206(c); and

22 (3) The time periods during which each reimbursement or benefit  
23 has been paid or will be paid.

24 (e)(1) A parent or guardian whose consent to adoption is required  
25 under this subchapter and who receives reimbursement for an expense incurred  
26 or a fee for services rendered incidental to prenatal, delivery, and  
27 postnatal care shall file:

28 (A) A full accounting report of anything of value that has  
29 been or will be received from the petitioner or a third party acting on  
30 behalf of the petitioner in connection with the adoption; and

31 (B) An affidavit verifying the full accounting report.

32 (2) A full accounting report required under subdivision (e)(1)  
33 of this section shall include:

34 (A) The amounts paid;

35 (B) An itemization of expenses listed in § 9-9-206(c); and

36 (C) The time periods during which each reimbursement or

1 benefit has been paid or will be paid.

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3 SECTION 3. Arkansas Code § 9-9-220, concerning the relinquishment and  
4 termination of parent and child relationships in adoption proceedings, is  
5 amended to add additional subsections to read as follows:

6 (h)(1) A parent who relinquishes his or her parental rights under this  
7 section shall have limited, independent legal representation for the purpose  
8 of:

9 (A) Executing the relinquishment; and

10 (B) Withdrawing the relinquishment if the parent elects to  
11 withdraw the relinquishment as permitted under this section.

12 (2) The attorney:

13 (A) Shall not represent any other party in the adoption;

14 and

15 (B) Shall certify, by signing the writing after its  
16 execution by the parent, that:

17 (i) The attorney has explained to the parent the  
18 effect of relinquishing his or her parental rights; and

19 (ii) The parent appeared to relinquish his or her  
20 parental rights voluntarily and of his or her own free will.

21 (3) This subsection shall not apply to an adoption if the  
22 petitioner is:

23 (A) A stepparent whose spouse is a natural or adoptive  
24 parent of the child to be adopted;

25 (B) Related to the child to be adopted within the second  
26 degree as defined in § 28-9-212; or

27 (C) Represented by an attorney pro bono in the adoption  
28 proceeding.

29 (4)(A) A parent who relinquishes his or her parental rights  
30 under this section may elect not to be represented by independent attorney as  
31 provided in subdivision (h)(1) of this section by signing under oath, in the  
32 presence of a notary public, an affidavit that includes the following:

33 (i) A statement that the parent understands that he  
34 or she has been offered limited representation by an attorney, who does not  
35 also represent the petitioner, to provide the parent with independent legal  
36 advice concerning the effects of relinquishing parental rights;

1 (ii) A statement that the parent understands that  
2 the petitioner is willing to pay for the limited representation; and

3 (iii) A statement that the parent has, after  
4 considering his or her right to an independent attorney, knowingly and  
5 voluntarily and without coercion or undue influence from any other person  
6 elected not to be represented by an attorney for the purpose of executing the  
7 relinquishment and, if the parent elects, withdrawing the relinquishment.

8 (B) This affidavit shall, before the petition is heard, be  
9 filed with the court having jurisdiction over the adoption proceeding.

10 (i)(1) If a parent who relinquishes his or her parental rights under  
11 this section does not speak English as a native language, the parent shall be  
12 provided a qualified interpreter for the purpose of interpreting the  
13 relinquishment into the native language of the parent before its execution by  
14 the parent unless a petitioner is:

15 (A) A stepparent whose spouse is a natural or adoptive  
16 parent of the child to be adopted;

17 (B) Related to the child to be adopted within the second  
18 degree as defined in § 28-9-212; or

19 (C) Represented by an attorney pro bono in the adoption  
20 proceeding.

21 (2) For the purposes of this section, a qualified interpreter is  
22 an interpreter who appears on the current registry of court interpreters  
23 maintained by the Administrative Office of the Courts under § 16-10-1101 et  
24 seq.

25 (3) The interpreter services:

26 (A) Shall be paid for by the petitioner; and

27 (B) May be provided in person, by telephone, by a video-  
28 conferencing application, or by comparable means.

29 (4) If required, the relinquishment shall:

30 (A) Identify the native language of the parent;

31 (B) Provide the name and qualifications of the qualified  
32 interpreter; and

33 (C) Describe the method used by the qualified interpreter  
34 to interpret the relinquishment.

35 (5) A parent to whom subdivision (i)(1) of this section applies  
36 may elect not to use a court interpreter by signing under oath, in the

1 presence of a notary public, an affidavit that includes the following:

2 (A) A statement that identifies the native language of the  
3 parent;

4 (B) An acknowledgment that the parent has been offered a  
5 qualified interpreter to interpret the relinquishment into the parent's  
6 native language;

7 (C) An acknowledgment that the petitioner is willing to  
8 pay for the qualified interpreter;

9 (D) A statement that the parent elects not to use a  
10 qualified interpreter in executing the relinquishment because:

11 (i) The parent is proficient enough in English to  
12 understand the legal documents without the assistance of a qualified  
13 interpreter; or

14 (ii) The parent's attorney can explain in the  
15 parent's native language the relinquishment and implications of signing a  
16 relinquishment of parental rights; and

17 (E) A statement that the parent elects not to use a  
18 qualified interpreter knowingly and voluntarily, and without coercion or  
19 undue influence from any other person.

20 (6) The affidavit under subdivision (i)(5) of this section shall  
21 be:

22 (A) In English; and

23 (B) Translated into the native language of the parent by a  
24 qualified interpreter; and

25 (C) Filed, before the petition is heard, with the court  
26 having jurisdiction over the adoption proceeding.

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28 /s/Penzo  
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