

State of Arkansas
93rd General Assembly
Regular Session, 2021

A Bill

HOUSE BILL 1921

By: Representative Penzo

For An Act To Be Entitled

AN ACT TO AMEND THE LAW CONCERNING THE WITHDRAWAL OF
CONSENT TO ADOPTION; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND THE LAW CONCERNING THE
WITHDRAWAL OF CONSENT TO ADOPTION.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code § 9-9-209 is amended to read as follows:
9-9-209. Withdrawal of consent.

(a) A consent to adoption cannot be withdrawn after the entry of a decree of adoption.

(b)(1)(A) A natural person may withdraw his or her consent to adopt ~~may be withdrawn~~ within ten (10) calendar days, or, if a waiver of the ten-day period is elected under subdivision (b)(3) of this section, five (5) calendar days after it is signed or the child is born, whichever is later, by filing an affidavit with the probate division clerk of the circuit court in the county designated by the consent as the county in which the guardianship petition will be filed, if there is a guardianship, or where the petition for adoption will be filed, if there is no guardianship.

(B)(i) If the ten-day period, or, if a waiver of the ten-day period is elected under subdivision (b)(3) of this section, the five-day period ends on a weekend or a legal holiday, the natural person may file the affidavit the next working day.

(ii) No fee shall be charged for the filing of the affidavit. ~~The court may waive the ten-day period for filing a withdrawal of~~



~~consent for agencies as defined by § 9-9-202(5), minors over ten (10) years of age who consented to the adoption, or biological parents if a stepparent is adopting.~~

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

(3) ~~The~~ If a natural person is consenting to the adoption, the consent shall state that the person may waive the ten-day period for the withdrawal of consent for an adoption and elect to limit the maximum time for the withdrawal of consent for an adoption to five (5) days.

(c)(1) The court may excuse the period for filing a withdrawal of consent under subsection (b) of this section for a biological parent if a stepparent is adopting.

(2) The period for filing a withdrawal of consent under subsection (b) of this section does not apply to:

(A) An agency as defined in 9-9-202; or

(B) A minor:

(i) Who is over twelve (12) years of age; and

(ii) Whose consent to adoption is required.