

"AN ACT TO AMEND SECTION 12 OF CHAPTER 51 OF THE REVISED STATUTES, AS AMENDED, [ARK. STAT. 34-1213] TO PROVIDE THAT UNPAID CHILD SUPPORT BECOMES A JUDGEMENT; TO PROHIBIT RETROACTIVE MODIFICATION THEREOF UNTIL NOTICE IS SERVED ON THE OTHER PARTY; AND FOR OTHER PURPOSES."

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

SECTION 1. Section 12 of Chapter 51 of the Revised Statutes, as amended, the same being Arkansas Statute 34-1213, is hereby amended to read as follows:

"Section 12. (A) The Court, upon application of either party, may make such alterations from time to time, as to the allowance of alimony and maintenance, as may be proper, and may order any reasonable sum to be paid for the support of the wife or the husband, during the pending of a complaint for a divorce.

(B) Any decree, judgment or order which contains a provision for the payment of money for the support and care of any child or children through the Registry of the Court shall be final judgment as to any installment or payment of money which has accrued until such time either party moves through proper Motion filed with the Court and served on the other party to set aside, alter or modify the decree, judgment or order.

(C) The Court may not set aside, alter or modify any decree, judgment or order which has accrued unpaid support prior to the filing of such Motion. However, the court may off-set against future support to be paid those amounts accruing during time periods, other than reasonable visitation in which the non-custodial parent had physical custody of the child with the knowledge and consent of the custodial parent.

(D) Nothing herein shall be construed to limit the jurisdiction of the Court to proceed to enforce a decree, judgment or order for the support of a minor child or children through contempt proceedings when the arrearage is reduced to judgment under subsection (B) above."

SECTION 2. All laws and parts of laws in conflict with this Act are hereby repealed.

APPROVED: April 17, 1987

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