

As Engrossed: 3/22/91

1 **State of Arkansas**
2 **78th General Assembly**
3 **Regular Session, 1991**
4 **By: Representative Mahony**

A Bill ACT 870 OF 1991
HOUSE BILL 1251

For An Act To Be Entitled

8 "AN ACT TO AMEND TITLE 9, CHAPTER 9, SUBCHAPTER 1 AND
9 CHAPTER 14, SUBCHAPTER 2 OF THE ARKANSAS CODE OF 1987 TO
10 LIMIT THE TIME FOR AN ACTION TO ESTABLISH OR ENFORCE A
11 CHILD SUPPORT OBLIGATION; AND FOR OTHER PURPOSES."

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

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15 SECTION 1. Arkansas Code §9-14-105 is hereby amended by adding three
16 (3) new subsections to read as follows:

17 "(e) Any action filed pursuant to this subchapter may be brought at any
18 time up to and including five (5) years from the date the child reaches the
19 age of eighteen (18) years of age.

20 "(f) This section shall apply to all actions pending as of its effective
21 date, and filed thereafter and shall retroactively apply to all child support
22 orders now existing."

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24 SECTION 2. Arkansas Code §9-14-236 is hereby amended to read as
25 follows:

26 "9-14-236 (a) As used in this section:

27 (1) "Action" means any complaint, petition, motion, or other
28 pleading seeking recovery of accrued child support arrearages.

29 (2) "Moving party" means any of the following:

30 (A) the custodial parent;

31 (B) any person or agency to whom custody of a minor child
32 has been given or relinquished;

33 (C) the minor child through his guardian or next-of-friend;

34 (D) a person for whose benefit the support was ordered,
35 within five (5) years of obtaining his majority; or

36 (E) the Department of Human Services when the custodial

1 parent or person to whom custody has been relinquished or awarded is or has
2 been receiving assistance in the form of Aid to Families with Dependent
3 Children or has contracted with the Department for the collection of support.

4 (3) "Accrued child support arrearages" means a delinquency owed
5 under a court order or an order of an administrative process established under
6 state law for support of any child or children, which is past due and unpaid.

7 (4) "Initial support order" means the earliest order, judgement,
8 or decree entered in the case by the court or by administrative process which
9 contains a provision for the payment of money for the support and care of any
10 child or children.

11 (b) In any action involving the support of any minor child or children,
12 the moving party shall be entitled to recover the full amount of accrued child
13 support arrearages from the date of the initial support order until the filing
14 of the action.

15 (c) Any action filed pursuant to subsection (b) may be brought at any
16 time up to and including five (5) years beyond the date the child for whose
17 benefit the initial support order was entered reaches the age of eighteen (18)
18 years.

19 (d) No statute of limitation shall apply to an action brought for the
20 collection of a child support obligation or arrearage against any party who
21 leaves or remains outside the State of Arkansas with the purpose to avoid the
22 payment of child support.

23 (e) This section shall apply to all actions pending as of its effective
24 date, and filed thereafter and shall retroactively apply to all child support
25 orders now existing."

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27 SECTION 3. All provisions of this act of a general and permanent nature
28 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
29 Revision Commission shall incorporate the same in the Code.

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31 SECTION 4. If any provision of this act or the application thereof to
32 any person or circumstance is held invalid, such invalidity shall not affect
33 other provisions or applications of the act which can be given effect without
34 the invalid provision or application, and to this end the provisions of this
35 act are declared to be severable.

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SECTION 5. All laws and parts of laws in conflict with this act are hereby repealed.

SECTION 6. Emergency. It is hereby found and determined by the General Assembly that it is in the best interest of the people of the State of Arkansas that child support be collected and enforced in the most expedient manner for all children of this state; that smooth transition from current requirements to those of this act require that the provisions become effective immediately. Therefore, an emergency is hereby declared to exist and this act being necessary for the preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval.

/s/ J. Mahony

APPROVED: 3/29/91