

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

# A Bill

HOUSE BILL 1731

5 By: Representatives Williams, Vines  
6

## For An Act To Be Entitled

8 AN ACT TO REPEAL PROVISIONS OF TITLE 9 OF THE  
9 ARKANSAS CODE CONCERNING FAMILY LAW; AND FOR OTHER  
10 PURPOSES.  
11

## Subtitle

12  
13  
14 TO REPEAL PROVISIONS OF TITLE 9 OF THE  
15 ARKANSAS CODE CONCERNING FAMILY LAW.  
16

17  
18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
19

20 SECTION 1. Arkansas Code § 9-3-108, an unconstitutional gender-based  
21 provision, is repealed.

22 ~~9-3-108. Effect of marriage to resident.~~

23 ~~Any woman who marries a resident domiciled under this chapter shall not~~  
24 ~~become a resident domiciled in this state by reason of the marriage. However,~~  
25 ~~if eligible to become a resident domiciled under this chapter, she may become~~  
26 ~~a resident domiciled in this state upon full and complete compliance with all~~  
27 ~~requirements of this chapter.~~  
28

29 SECTION 2. Arkansas Code § 9-3-109, an unconstitutional gender-based  
30 provision, is repealed.

31 ~~9-3-109. Status of women who lost domicile by marriage.~~

32 ~~A woman who, before March 26, 1941, had ceased to be a resident~~  
33 ~~domiciled in this state may become a resident domiciled in this state as~~  
34 ~~provided in § 9-3-108. After having received a certificate of domicile, she~~  
35 ~~shall have the same status as if her marriage had taken place after March 26,~~  
36 ~~1941.~~



1  
2 SECTION 3. Arkansas Code Title 9, Chapter 8, Subchapter 3, held  
3 unconstitutional in Ark. Dep't of Human Servs. v. Cole, 2011 Ark. 145, \_\_  
4 S.W. 3d \_\_ (2011), is repealed.

5 ~~9-8-301.— Finding and declaration.~~

6 ~~The people of Arkansas find and declare that it is in the best interest~~  
7 ~~of children in need of adoption or foster care to be reared in homes in which~~  
8 ~~adoptive or foster parents are not cohabiting outside of marriage.~~

9  
10 ~~9-8-302.— Public policy.~~

11 ~~The public policy of the state is to favor marriage as defined by the~~  
12 ~~constitution and laws of this state over unmarried cohabitation with regard~~  
13 ~~to adoption and foster care.~~

14  
15 ~~9-8-303.— Definition.~~

16 ~~As used in this subchapter, "minor" means an individual under eighteen~~  
17 ~~(18) years of age.~~

18  
19 ~~9-8-304.— Adoption and foster care of minors.~~

20 ~~(a) A minor may not be adopted or placed in a foster home if the~~  
21 ~~individual seeking to adopt or to serve as a foster parent is cohabiting with~~  
22 ~~a sexual partner outside of a marriage that is valid under the Arkansas~~  
23 ~~Constitution and the laws of this state.~~

24 ~~(b) The prohibition of this section applies equally to cohabiting~~  
25 ~~opposite-sex and same-sex individuals.~~

26  
27 ~~9-8-305.— Guardianship of minors.~~

28 ~~This subchapter will not affect the guardianship of minors.~~

29  
30 ~~9-8-306.— Regulations.~~

31 ~~The Director of the Department of Human Services or the successor~~  
32 ~~agency or agencies responsible for adoption and foster care shall promulgate~~  
33 ~~regulations consistent with this subchapter.~~

34  
35 SECTION 4. Arkansas Code § 9-9-303, a provision that is no longer  
36 applicable and is addressed under Arkansas Code § 9-28-103, is repealed.

1           ~~9-9-303. Administrative reviewers of petitions for appointment of~~  
 2 ~~guardian.~~

3           ~~(a) There shall be created within the Administrative Office of the~~  
 4 ~~Courts up to two (2) positions for the administration of reviews of the~~  
 5 ~~status of children for whom a petition has been filed or granted for~~  
 6 ~~appointment of a guardian with the power to consent to adoption or for~~  
 7 ~~termination of parental rights.~~

8           ~~(b)(1) The persons appointed as administrative reviewers shall serve~~  
 9 ~~under the direction of the Director of the Administrative Office of the~~  
 10 ~~Courts and shall be appointed by the Chief Justice of the Supreme Court,~~  
 11 ~~conditioned upon the approval of the circuit judge in the affected area.~~

12           ~~(2) The persons so appointed shall hold office at the pleasure~~  
 13 ~~of the Chief Justice and shall possess the same qualifications and shall be~~  
 14 ~~subject to the same restrictions as circuit judges.~~

15           ~~(3) The persons so appointed shall receive such salaries as may~~  
 16 ~~be fixed by the biennial appropriations salary act for the Administrative~~  
 17 ~~Office of the Courts.~~

18           ~~(4) The persons so appointed shall not engage, directly or~~  
 19 ~~indirectly, in the practice of law and shall hold no other office or~~  
 20 ~~employment.~~

21           ~~(5) The persons so appointed shall, in addition to the functions~~  
 22 ~~set forth in this subsection, perform such additional duties as may be~~  
 23 ~~prescribed by the Chief Justice of the Supreme Court.~~

24  
 25           SECTION 5. Arkansas Code § 9-11-502, an unconstitutional gender-based  
 26 provision, is repealed.

27           ~~9-11-502. Removal of disabilities of married women.~~

28           ~~(a) Every married woman and every woman who may in the future become~~  
 29 ~~married shall have all rights to contract and be contracted with, to sue and~~  
 30 ~~be sued, and in law and equity shall enjoy all rights and be subjected to all~~  
 31 ~~the laws of this state, as though she were a femme sole.~~

32           ~~(b) It is expressly declared to be the intention of this section to~~  
 33 ~~remove all statutory disabilities of married women as well as common law~~  
 34 ~~disabilities.~~

35  
 36           SECTION 6. Arkansas Code § 9-11-504, an unconstitutional gender-based

1 provision, is repealed.

2 ~~9-11-504. Authority to make executory contracts—Power of attorney.~~

3 ~~It shall be lawful for married women to make executory contracts and to~~  
 4 ~~execute letters of attorney containing a power to convey real estate as~~  
 5 ~~agents or attorneys that shall have the same force and effect as those made~~  
 6 ~~by unmarried persons.~~

7  
 8 SECTION 7. Arkansas Code § 9-11-515, an unconstitutional gender-based  
 9 provision, is repealed.

10 ~~9-11-515. Reformation of deeds.~~

11 ~~The circuit courts of this state shall reform all deeds or other~~  
 12 ~~instruments of conveyance of married women that have been executed and~~  
 13 ~~delivered to the purchaser wherein mistakes were or may be made by oversight~~  
 14 ~~in describing the property therein conveyed upon like conditions and to the~~  
 15 ~~same extent as if the married woman was a femme sole.~~

16  
 17 SECTION 8. Arkansas Code § 9-25-103, an outdated, unconstitutional,  
 18 gender-based provision, is repealed.

19 ~~9-25-103. Mother's assent to child's apprenticeship.~~

20 ~~No man shall bind his child to apprenticeship or service, part with the~~  
 21 ~~control of the child, or create any testamentary guardian therefor unless the~~  
 22 ~~mother, if living, shall in writing signify her assent thereto.~~

23  
 24 SECTION 9. Arkansas Code Title 9, Chapter 33, Subchapter 2,  
 25 establishing the Common Ground Program which is no longer active and has had  
 26 no appropriation since 2005, is repealed.

27 ~~9-33-201. Legislative findings.~~

28 ~~(a) The General Assembly, in response to the recommendations from the~~  
 29 ~~Governor's Summit on Youth Violence Prevention in December 1994, and the~~  
 30 ~~regional summits held in December 1996, finds that:~~

31 ~~(1) For too many Arkansas children, the environment in which~~  
 32 ~~they live prevents their healthy development, resulting in school failure,~~  
 33 ~~substance abuse, teen pregnancy, violence, and other destructive behaviors;~~

34 ~~(2) Intervention or treatment programs and punishment or~~  
 35 ~~incarceration are far more costly than working to prevent destructive~~  
 36 ~~behaviors from occurring;~~

1           ~~(3) An environment in which youths can grow up healthy, safe,~~  
 2 ~~succeeding in school, participating in community life, and ready to enter~~  
 3 ~~productive adulthood is inseparable from the well-being of families and the~~  
 4 ~~safety, stability, and economic viability of the neighborhoods and~~  
 5 ~~communities where they live;~~

6           ~~(4) New relationships are needed between state government, local~~  
 7 ~~communities, public and private service agencies, and the families and young~~  
 8 ~~people who need services, so that help will be more accessible, easier to~~  
 9 ~~use, and more effective;~~

10           ~~(5) Better evaluation tools are needed to identify youth crime~~  
 11 ~~and violence prevention programs that are working and those that are not, so~~  
 12 ~~that scarce resources can be more effectively utilized;~~

13           ~~(6) A better communication system is needed to connect and~~  
 14 ~~streamline the array of services, coalitions, and committees already under~~  
 15 ~~way, to track programs and publicize successful models; and~~

16           ~~(7) Solving the current problems of youth cannot be accomplished~~  
 17 ~~in a short-term program but will take a long-term commitment on the part of~~  
 18 ~~state and local government and all those who touch the lives of our youth.~~

19           ~~(b) Therefore, the Common Ground Program, established by the 1995~~  
 20 ~~General Assembly and that will cease to exist March 1, 1997, is hereby~~  
 21 ~~reestablished as hereinafter provided to serve as a bridge connecting and~~  
 22 ~~assisting government, communities, and citizens to build a more responsive~~  
 23 ~~human educational and economic system in which children and families can~~  
 24 ~~thrive.~~

25  
 26           ~~9-33-202. Common Ground Program Committee—Members.~~

27           ~~(a) The Common Ground Program and the Common Ground Program Committee~~  
 28 ~~shall work in collaboration with the Governor's Partnership Council for~~  
 29 ~~Children and Families in coordinating grants, programs, and services. The~~  
 30 ~~committee shall be composed of twenty-three (23) members to serve at the~~  
 31 ~~pleasure of the Governor with (20) appointed by the Governor as follows:~~

32           ~~(1) One (1) member shall be a state Senator;~~

33           ~~(2) One (1) member shall be a state Representative;~~

34           ~~(3) Two (2) members shall be representatives of the Governor's~~  
 35 ~~Youth Commission to be selected by the Governor from a list of three (3)~~  
 36 ~~names per position submitted by the Governor's Youth Commission or if the~~

~~Governor's Youth Commission fails to submit the names or ceases to exist, two (2) youth member representatives;~~

~~(4) Two (2) representatives of the Governor's Partnership Council for Children and Families with at least one (1) of the representatives being chosen from the council's membership at large;~~

~~(5) Fourteen (14) members shall be culturally diverse representatives of the statewide community at large, and may include parents, educators, representatives of religious organizations, health care professionals, youth service providers, law enforcement officers, representatives of business, and those working in the juvenile justice system; and~~

~~(6) The three (3) directors of the Department of Health, the Department of Human Services, and the Department of Education, or their respective designees, shall be members of the committee.~~

~~(b) Members of the committee shall serve without compensation, but may, to the extent moneys are appropriated therefor and subject to reasonable limitations established by the Department of Finance and Administration, be reimbursed for actual reasonable expenses incurred in the performance of their official duties in accordance with rates and standards for reimbursement of state employees.~~

~~9-33-203. Common Ground Program Committee—Officers and activities.~~

~~(a) The Common Ground Program Committee shall select a chair and any other officers it deems appropriate from its membership.~~

~~(b) The committee shall exist until such time as it has completed its work or is dissolved by the General Assembly, whichever comes first.~~

~~(c) The activities of the committee shall be governed by the rules established by the committee.~~

~~9-33-204. Common Ground Program Committee—Powers and duties.~~

~~The Common Ground Program Committee shall have responsibility to:~~

~~(1) Periodically review grants using committee members or a peer review process, or both, and make recommendations as needed to the Governor's office and to the General Assembly regarding the performance of grantees;~~

~~(2) Develop criteria and priorities for a grant program to be based on the recommendations from the Governor's Youth Summit on Violence~~

~~Prevention that was held in December 1994, the regional summits held in 1996-1997, and from regional summits, public hearings, and surveys thereafter;~~

~~(3) Award grants using the criteria and priorities established by the committee and report the awards to the Governor's office;~~

~~(4) Develop information about the grant program that the Governor's office, the General Assembly, and others can use to disseminate information to the general public;~~

~~(5) Report the results of the grant program annually to the Governor and the General Assembly; and~~

~~(6) Administer the Arkansas After School Enrichment Program, including, at least, developing criteria and priorities for a grant program, awarding grants, developing information about the Arkansas After-School Enrichment Program that the Governor's office, the General Assembly, and others can use to disseminate information to the general public, and reporting the results of the program annually to the Governor, the Speaker of the House of Representatives, and the President Pro Tempore of the Senate.~~

~~9-33-205. Department of Health Powers and duties.~~

~~(a) The Department of Health shall be the agency designated to serve as the administrative and fiscal agent for the Common Ground Program.~~

~~(b) Funds appropriated for the Common Ground Program may only be used for activities in support of the Common Ground Program that comply with the stated legislative purpose as contained in this chapter.~~

~~(c) The department shall have the following authority and responsibilities in acting as fiscal agent for the Common Ground Program:~~

~~(1) To disburse program grant funds to qualifying entities as directed by the Common Ground Program Committee;~~

~~(2) To submit applications on behalf of the committee for funds that may become available from public and private funding sources that would be used to implement the activities of the Common Ground Program; and~~

~~(3) To contract for fund raising and fiscal investment and management services.~~

~~(d) The department shall carry out or contract for the following administrative functions for the Common Ground Program:~~

~~(1) The establishment of a Clearinghouse for Youth Crime Prevention Program in the Office of Alcohol and Drug Abuse Prevention of the~~

1 ~~Department of Human Services, that shall, in collaboration with the Division~~  
 2 ~~of Chronic Disease and Disability Prevention of the Department of Health;~~

3 ~~(A) Maintain a database that tracks successful youth crime~~  
 4 ~~and violence prevention programs in Arkansas and other states;~~

5 ~~(B) Develop and implement procedures for the collection of~~  
 6 ~~information about youth crime and violence prevention programs in conjunction~~  
 7 ~~with the committee; and~~

8 ~~(C) Develop and implement procedures for the dissemination~~  
 9 ~~of information about youth crime and violence prevention programs in~~  
 10 ~~conjunction with the committee;~~

11 ~~(2) The development and administration of an outreach and grant~~  
 12 ~~program component, that shall:~~

13 ~~(A) Conduct public education activities about the Common~~  
 14 ~~Ground Program, the committee, and the programs developed and implemented~~  
 15 ~~thereunder;~~

16 ~~(B) Assist groups in developing grant applications by~~  
 17 ~~providing grantees, the committee and staff, and others with the information~~  
 18 ~~and skills necessary to successfully plan, develop, implement, and finance~~  
 19 ~~youth crime and violence prevention programs; and~~

20 ~~(C)(i) In order to solicit the opinions and~~  
 21 ~~recommendations of citizens, youths, and public officials regarding~~  
 22 ~~strategies and programs to prevent youths from becoming influenced by and~~  
 23 ~~involved in youth crime and violence, conduct:~~

24 ~~(a) Regional summits or public hearings at the~~  
 25 ~~discretion of the Common Ground Program; and~~

26 ~~(b) Surveys.~~

27 ~~(ii) Based on those opinions and recommendations,~~  
 28 ~~the outreach and grant program component shall submit a biennial report~~  
 29 ~~suggesting funding priorities to the committee for presentation to the~~  
 30 ~~Governor and the General Assembly;~~

31 ~~(3) The development and administration of evaluation,~~  
 32 ~~assessment, and reporting components, that will evaluate grant recipients and~~  
 33 ~~collect information about other information about youth crime and violence~~  
 34 ~~prevention programs to enhance the success of the Common Ground Program;~~

35 ~~(4) The provision of administrative support to the committee in~~  
 36 ~~performing its statutory duties; and~~



1           ~~(5) The provision of peer review of the Common Ground Program~~  
 2 ~~grant applications.~~

3  
 4           ~~9-33-206. Grants priority.~~

5           ~~Priority for Common Ground Program grants shall be given to applicants~~  
 6 ~~that:~~

7           ~~(1)(A) Provide matching funds for the youth crime prevention~~  
 8 ~~programs in an amount equal to at least fifty percent (50%) of the grant~~  
 9 ~~award.~~

10           ~~(B) Matching funds may be in cash or in goods and~~  
 11 ~~services; and~~

12           ~~(2) Demonstrate support for the youth crime and violence~~  
 13 ~~prevention programs from the local community, including elected officials.~~

14  
 15           SECTION 10. Arkansas Code Title 9, Chapter 33, Subchapter 3,  
 16 establishing the Arkansas After-School Enrichment Program which is no longer  
 17 active and has had no appropriation, is repealed.

18           ~~9-33-301. Definitions.~~

19           ~~As used in this subchapter:~~

20           ~~(1) "After-school enrichment program" means a program conducted~~  
 21 ~~after regular school hours to provide additional assistance for at-risk high~~  
 22 ~~school students requiring tutorial or mentoring assistance with character~~  
 23 ~~building, communication skills, conflict resolution skills, and career or~~  
 24 ~~other life skills;~~

25           ~~(2) "At-risk school district" means a school district in which a~~  
 26 ~~middle school, junior high school, or high school has high drop-out rates,~~  
 27 ~~low grade retention rates, or high rates of suspensions, detention referrals,~~  
 28 ~~violent behavior, or other disruptive student behavior; and~~

29           ~~(3) "At-risk students" means high school students who are in~~  
 30 ~~danger of dropping out as measured by academic performance, attendance,~~  
 31 ~~discipline problems, and other factors affecting school performance,~~  
 32 ~~including, at least, teenage pregnancy or parenting, alcohol or other illegal~~  
 33 ~~drugs, residence in an unstable or temporary living arrangement, child abuse~~  
 34 ~~or neglect, poor communication skills, character building, conflict~~  
 35 ~~resolution skills, and career or other life skills.~~

36

1           ~~9-33-302. Creation—Purpose.~~

2           ~~(a) There is created the Arkansas After School Enrichment Program.~~

3           ~~(b) The purpose of the program is to provide grants to at-risk school~~  
4 ~~districts for locally designed programs based on criteria developed through~~  
5 ~~research-based prevention programs deemed effective by the Department of~~  
6 ~~Education that target at-risk students in middle school, junior high school,~~  
7 ~~high school, or any combination of the three (3) by:~~

8                   ~~(1) Enhancing educational attainment through coordinated~~  
9 ~~services to respond to the needs of students who are at risk of school~~  
10 ~~failure and at risk of failure in their lives and careers following their~~  
11 ~~school years;~~

12                   ~~(2) Providing financial assistance for at-risk students to those~~  
13 ~~at-risk school districts that by definition are identified to have the~~  
14 ~~greatest need; and~~

15                   ~~(3) Providing for a safe and secure learning environment.~~

16  
17           ~~9-33-303. Administration—Funding.~~

18           ~~(a) The Department of Health shall be the agency designated to serve~~  
19 ~~as the administrative and fiscal agent for the Arkansas After-School~~  
20 ~~Enrichment Program.~~

21           ~~(b) Funds appropriated for the Arkansas After-School Enrichment~~  
22 ~~Program may only be used for activities in support of the Arkansas After-~~  
23 ~~School Enrichment Program that comply with the stated legislative purpose as~~  
24 ~~contained in this subchapter.~~

25           ~~(c) The Department of Health shall have the following authority and~~  
26 ~~responsibilities in acting as fiscal agent for the Arkansas After-School~~  
27 ~~Enrichment Program within the Common Ground Program:~~

28                   ~~(1) To disburse the Arkansas After-School Enrichment Program~~  
29 ~~grant funds to qualifying entities at a minimum of forty percent (40%) of the~~  
30 ~~allocation of Common Ground Program funds as directed by the Common Ground~~  
31 ~~Program Committee;~~

32                   ~~(2) To solicit proposals from at-risk school districts with high~~  
33 ~~percentages of at-risk high schools for after-school enrichment programs;~~

34                   ~~(3) To ensure that applications include evidence of a district-~~  
35 ~~wide needs assessment and planning processes, program objectives and~~  
36 ~~activities, anticipated results, evaluation plans, and proposed linkages with~~

1 community health and human service agencies and existing school programs;  
 2 ~~(4) To provide technical assistance to at risk school districts,~~  
 3 ~~including information about effective research based prevention programs and~~  
 4 ~~agency services, to provide for program review and evaluation and, in~~  
 5 ~~consultation with other state agencies, including the Department of~~  
 6 ~~Education, to develop program guidelines for coordinated service delivery and~~  
 7 ~~to establish standards against which programs may be judged for efficiency~~  
 8 ~~and effectiveness; and~~

9 ~~(5) To submit applications on behalf of the Common Ground~~  
 10 ~~Program Committee for funds that may become available from public and private~~  
 11 ~~funding sources that would be used to implement the activities of the~~  
 12 ~~Arkansas After-School Enrichment Program.~~

13  
 14 ~~9-33-304. Cooperation by other agencies.~~

15 ~~(a) All agencies of the state and local governments, including~~  
 16 ~~departments of social services, health departments, local mental health,~~  
 17 ~~mental retardation, and substance abuse authorities, court personnel, law~~  
 18 ~~enforcement agencies, state supported institutions of higher learning, the~~  
 19 ~~community college system, and cities and counties shall cooperate with the~~  
 20 ~~Common Ground Program, the Common Ground Program Committee, and with at-risk~~  
 21 ~~school districts that receive grants in coordinating the Arkansas After-~~  
 22 ~~School Enrichment Program at the state level and in implementing the program~~  
 23 ~~at the local level.~~

24 ~~(b) The Department of Human Services, in consultation with the~~  
 25 ~~Director of the Department of Education, shall develop a plan for ensuring~~  
 26 ~~the cooperation of state agencies and for local agencies and encouraging the~~  
 27 ~~cooperation of private entities, especially those receiving state funds, in~~  
 28 ~~the coordination and implementation of the Arkansas After-School Enrichment~~  
 29 ~~Program.~~

30  
 31 SECTION 11. DO NOT CODIFY. The enactment and adoption of this act  
 32 shall not repeal, expressly or impliedly, the acts passed at the regular  
 33 session of the Eighty-Ninth General Assembly. All such acts shall have full  
 34 force and effect, and so far as those acts intentionally vary from or  
 35 conflict with any provision contained in this act, those acts shall have the  
 36 effect of subsequent acts amending or repealing the appropriate parts of the

1 Arkansas Code of 1987.

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**APPROVED: 04/11/2013**