

1 **State of Arkansas**
2 **79th General Assembly**
3 **Regular Session, 1993**
4 **By: Senator Hopkins**

A Bill

SENATE BILL 238

For An Act To Be Entitled

8 "AN ACT TO REQUIRE THAT AN OBLIGATION TO PAY CHILD SUPPORT
9 SHALL EXPIRE BY OPERATION OF LAW UNDER CERTAIN CONDITIONS;
10 THAT THE COURT SHALL REASSESS CHILD SUPPORT OBLIGATIONS
11 FOR OTHER CHILDREN WHEN AN OBLIGOR_S DUTY TO PAY SUPPORT
12 FOR A CHILD EXPIRES; AND FOR OTHER PURPOSES."

Subtitle

14 "TO REQUIRE THAT OBLIGATIONS TO PAY CHILD SUPPORT SHALL
15 EXPIRE BY OPERATION OF LAW UNDER CERTAIN CONDITIONS."
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18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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20 SECTION 1. (a) An obligor_s duty to pay child support for a child
21 shall automatically *terminate* by operation of law when the child reaches
22 *eighteen (18) years of age* or should have graduated from high school,
23 *whichever is later*, or the child is *emancipated by a court of competent*
24 *jurisdiction, marries, or dies, unless the court order for child support*
25 *specifically extends child support after such circumstances*; provided,
26 *however, that any unpaid child support obligations owed under a judgment or in*
27 *arrears pursuant to a child support order shall be satisfied pursuant to §9-*
28 *14-235.*

29 (b) If the obligor has additional child support obligations after the
30 duty to pay support for a child *terminates*, the court shall reassess the
31 remaining obligations using the Family Support Chart pursuant to § 9-12-
32 312(a)(2). *In the event a review is requested, the court shall apply the*
33 *child support chart for the remaining number of children from the date of the*
34 *termination of the duty subject to any changed circumstances, which shall be*
35 *noted in writing by the court. The obligor shall provide written notification*

1 of the termination of the duty to support to the clerk of the court
2 responsible for receipt of the child support payments, the obligor's employer,
3 if income withholding is in effect, the Child Support Enforcement Unit, if
4 applicable, within ten (10) days of the termination of the duty of support.

5 (c) Any action filed for arrearages in child support that accrued after
6 a child turned eighteen (18) or graduated from high school, whichever was
7 later, or the child was emancipated by a court of competent jurisdiction,
8 married, or died, and such support obligation accrued prior to the effective
9 date of this act, unless modified by a court of competent jurisdiction, must
10 be brought within one (1) year of the effective date of this act; provided
11 that this subsection shall in no way be interpreted to lengthen the five (5)
12 year statute of limitations pursuant to §9-14-236(c).

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

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18 SECTION 2. All provisions of this act of a general and permanent nature
19 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
20 Revision Commission shall incorporate the same in the Code.

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22 SECTION 3. If any provision of this act or the application thereof to
23 any person or circumstance is held invalid, such invalidity shall not affect
24 other provisions or applications of the act which can be given effect without
25 the invalid provision or application, and to this end the provisions of this
26 act are declared to be severable.

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28 SECTION 4. All laws and parts of laws in conflict with this act are
29 hereby repealed.

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/s/ Senator Hopkins

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