

1 State of Arkansas
2 92nd General Assembly
3 Regular Session, 2019
4
5 By: Senator B. Ballinger

A Bill

SENATE BILL 496

For An Act To Be Entitled

8 AN ACT TO AMEND PROVISIONS OF THE LAW CONCERNING
9 ALIMONY SUPPORT; AND FOR OTHER PURPOSES.

Subtitle

12 TO AMEND PROVISIONS OF THE LAW CONCERNING
13 ALIMONY SUPPORT.

16
17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

18
19 SECTION 1. Arkansas Code § 9-12-312(b), concerning the award of
20 rehabilitative alimony support, is amended to read as follows:

21 (b)(1)(A) Alimony may be awarded under proper circumstances concerning
22 rehabilitation to either party in fixed installments for a specified period
23 of time so that the payments qualify as periodic payments within the meaning
24 of the Internal Revenue Code.

25 (B) The purpose of rehabilitative alimony is to help the
26 recipient become self-supporting.

27 (2) When a request for rehabilitative alimony or a request to
28 modify an existing alimony support order is made to the court, the payor may
29 request or the court may require the recipient to provide a plan of
30 rehabilitation for the court to consider in determining:

31 (A) Whether or not the plan is feasible; and

32 (B) The amount and duration of the award.

33 (3) If the recipient fails to meet the requirements of the
34 rehabilitative plan, the payor may petition the court for a review to
35 determine if rehabilitative alimony shall continue or be modified.

36 (4) A person paying alimony is entitled to petition the court



1 for a review, modification, or both of the court's alimony order at any time
 2 based upon a significant and material change of circumstances.

3 (5) A payor may request that the recipient of the award provide
 4 a plan of rehabilitation under subdivision (b)(2) of this section.

5 (6) Unless the court makes specific findings regarding the
 6 payor's ability to pay an additional percentage, an award of alimony shall
 7 not exceed:

8 (A) Twenty percent (20%) of the net income of the payor
 9 when marital property is divided equally by court order; or

10 (B) Ten percent (10%) of the net income of the payor when
 11 the payor retires and is sixty-two (62) years of age or older.

12 (7)(A) Unless the court makes specific findings of fact
 13 regarding the payee's need to receive alimony for an additional period of
 14 time, a court order awarding rehabilitative alimony may provide support for
 15 up to three (3) years from the date the divorce is granted.

16 (B) A recipient of alimony may petition the court to
 17 extend the award of alimony within six (6) months of the expiration of the
 18 initial award of alimony.

19 (8) As used in this section:

20 (A) "Payee" means a person to whom a payor must pay an
 21 award of alimony; and

22 (B) "Payor" means a person who pays an award of alimony to
 23 a former spouse who is the recipient of the award.

24
 25 SECTION 2. DO NOT CODIFY. Effect of act – Material change of
 26 circumstances.

27 This act is a material change of circumstances that is sufficient to
 28 warrant a modification of a spousal support order issued by a court.

29
 30 SECTION 3. DO NOT CODIFY. Effect of act – Existing court orders.

31 This act does not nullify a court order concerning alimony support that
 32 was entered before the effective date of this act.