1 State of Arkansas

2 82nd General Assembly

3 Regular Session, 1999

A Bill

Act 539 of 1999

SENATE BILL 472

4

5 By: Senator Beebe

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8 ## For An Act To Be Entitled

9 "AN ACT TO AMEND ARKANSAS CODE 9-12-320 AND 9-10-

10 102(f) TO CLARIFY THE PROCESS FOR THE TRANSFER OF

11 CASES TO OTHER JUDICIAL DISTRICTS WHEN THE PARTIES

12 HAVE CHANGED RESIDENCE; AND FOR OTHER PURPOSES."

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14 ## Subtitle

15 "TO CLARIFY THE PROCESS FOR THE TRANSFER

16 OF CASES TO OTHER JUDICIAL DISTRICTS

17 WHEN THE PARTIES HAVE CHANGED RESIDENCE."

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

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22 SECTION 1. Arkansas Code Annotated 9-12-320 is hereby amended to read

23 as follows:

24 "9-12-320. Proceedings subsequent to decree - change of venue.

25 (a) The court where the final decree of divorce is rendered shall retain

26 jurisdiction for all matters following the entry of the decree. ~~In divorce~~

27 ~~proceedings, when a complaint for divorce is filed in a chancery court of one~~

28 ~~(1) chancery district and the final decree is rendered by the court and,~~ If

29 more than six (6) months subsequent to the final decree, however, both of the

30 parties to the divorce proceedings have established a residence in a county of

31 another chancery district within the state, one or both of the parties may

32 petition the court which granted the final decree to request that the case be

33 transferred to another county. The case shall not be transferred absent a

34 showing that the best interest of the parties justifies the transfer. In

35 cases where children are involved and a justification for transfer of the case

36 has been made, there shall be an initial presumption for transfer of the case

RCK212

1 to the county of residence of the custodial parent. ~~further action upon such~~
2 ~~case may be brought in the county of residence of the custodial parent or~~
3 ~~where the final decree is rendered. The court where the final decree is~~
4 ~~rendered shall retain jurisdiction for a minimum of six (6) months following~~
5 ~~entry of that decree.~~
6   (b) ~~At the request of the party seeking~~ If the court which granted the
7 final decree agrees to transfer the case to another chancery district, the
8 court shall enter an order transferring the case and charging the chancery
9 clerk of the court of original jurisdiction to transmit forthwith certified
10 copies of all records pertaining to the case.
11   (c) The provisions of this section shall not repeal any laws or parts of
12 laws in effect on March 3, 1975, relating to venue for divorce actions, but
13 shall be supplemental thereto."
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15   SECTION 2. Arkansas Code Annotated 9-10-102 (f) is amended to read as
16 follows:
17   "(f)(1) The court where the final decree of paternity is rendered shall
18 retain jurisdiction of all matters following the entry of the decree. ~~In~~
19 ~~paternity proceedings, when a complaint for paternity is filed in a chancery~~
20 ~~court, or juvenile division thereof, of one chancery district and the final~~
21 ~~adjudication is rendered by the court and,~~ If more than six (6) months
22 subsequent to the final adjudication, however, each of the parties to the
23 action ~~the mother, father, or physical custodian~~ has established a residence
24 in a county of another chancery district within the state, one or both of the
25 parties may petition the court which entered the final adjudication to request
26 that the case be transferred to another county. The case shall not be
27 transferred absent a showing that the best interest of the parties justifies
28 the transfer. If a justification for transfer of the case has been made,
29 there shall be an initial presumption for transfer of the case to the county
30 of residence of the physical custodian of the child. ~~,further action upon such~~
31 ~~case may be brought in the county where the mother, father, or physical~~
32 ~~custodian resides as provided herein. The court where the paternity~~
33 ~~adjudication is rendered shall retain jurisdiction for a minimum of six (6)~~
34 ~~months following adjudication of paternity.~~
35   (2) ~~At the request of the person seeking~~ If the court which
36 entered the final adjudication agrees to transfer the case to another

1   chancery district, upon proper motion and affidavit, notice and payment of a

2   refiling fee, the court shall enter an order transferring the case and the

3   refiling fee and charging the clerk of the court to transmit forthwith

4   certified copies of all records pertaining to the case to the clerk of court

5   in the chancery district where the case is being transferred.

6   (3) An affidavit shall accompany the motion to transfer and

7   recite that the parent(s), the physical custodian, and the Office of Child

8   Support Enforcement, as appropriate, have been notified in writing that a

9   request has been made to transfer the case to another chancery district.

10   (4) Notification pursuant to this section must inform each

11   recipient that any objection must be filed within twenty (20) days from the

12   date of receipt of the affidavit and motion for transfer.

13   (5) The chancery clerk receiving a transferred case shall, within

14   fourteen (14) days of receipt, set up a case file, docket the case, and afford

15   the case full faith and credit as if the case had originated in that judicial

16   district."

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18   SECTION 3. 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 4. 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 5. All laws and parts of laws in conflict with this act are

29   hereby repealed.

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32   **APPROVED: 3/11/1999**

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