

1 State of Arkansas  
2 88th General Assembly  
3 Regular Session, 2011  
4

As Engrossed: S3/10/11

# A Bill

SENATE BILL 628

5 By: Senators Madison, D. Johnson  
6 By: Representatives Williams, J. Edwards  
7

## For An Act To Be Entitled

9 AN ACT TO MAKE VARIOUS CORRECTIONS TO TITLE 9 OF THE  
10 ARKANSAS CODE CONCERNING FAMILY LAW; AND FOR OTHER  
11 PURPOSES.  
12  
13

## Subtitle

15 TO MAKE VARIOUS CORRECTIONS TO TITLE 9 OF  
16 THE ARKANSAS CODE CONCERNING FAMILY LAW.  
17  
18

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

21 SECTION 1. Arkansas Code § 9-9-504(d)(3)(E) is amended to remove  
22 repetitive language:

23 (E)(i) The name and address of the adoption agency or  
24 other entity, organization, or person placing the adopted child, if known.

25 (ii) The affiant shall notify the registry of any  
26 change in name or location which occurs subsequent to his or her filing the  
27 affidavit.

28 (iii) The registry shall have no duty to search for  
29 the affiant who fails to register his or her most recent address;

30 ~~(ii) The affiant shall notify the registry of any change~~  
31 ~~in name or location that occurs subsequent to his or her filing the~~  
32 ~~affidavit. The registry shall have no duty to search for the affiant who~~  
33 ~~fails to register his or her most recent address;~~

34 ~~(iii) The registry shall have no duty to search for the~~  
35 ~~affiant who fails to register his or her most recent address;~~  
36



1 SECTION 2. Arkansas Code § 9-11-208 is amended to reorganize the  
2 section as a result of its amendment:

3 9-11-208. License not issued to persons of the same sex.

4 (a)(1)(A) It ~~shall be the declared~~ is the public policy of the State  
5 of Arkansas to recognize the marital union only of man and woman.

6 (B) ~~No A~~ license shall not be issued to ~~persons~~ a person  
7 to marry another person of the same sex and no same-sex marriage shall be  
8 recognized as entitled to the benefits of marriage.

9 (b)(2) Marriages between persons of the same sex are prohibited  
10 in this state. Any marriage entered into by ~~persons~~ a person of the same  
11 sex, when a marriage license is issued by another state or by a foreign  
12 jurisdiction, shall be void in Arkansas, and any contractual or other rights  
13 granted by virtue of that license, including its termination, shall be  
14 unenforceable in the Arkansas courts.

15 (c)(3) However, nothing in this section shall prevent an  
16 employer from extending benefits to ~~persons~~ a person who ~~are~~ is a domestic  
17 ~~partners~~ partner of ~~employees~~ an employee.

18 (d)(b) ~~No A~~ license shall not be issued to ~~persons~~ a person to marry  
19 unless and until the female shall attain the age of sixteen (16) years and  
20 the male the age of seventeen (17) years and then only by written consent by  
21 a parent or guardian until the male shall have attained the age of eighteen  
22 (18) years and the female the age of eighteen (18) years.

23  
24 SECTION 3. Arkansas Code § 9-11-804(a)(2) and (a)(3) are amended to  
25 properly subdivide to read as follows:

26 (2)(A) An affidavit by the parties that they have received  
27 authorized counseling that shall include a discussion of the seriousness of  
28 covenant marriage, communication of the fact that a covenant marriage is a  
29 commitment for life, a discussion of the obligation to seek marital  
30 counseling in times of marital difficulties, and a discussion of the  
31 exclusive grounds for legally terminating a covenant marriage by divorce;

32 (B)(3) An attestation, signed by the counselor and attached to  
33 or included in the parties' affidavit, confirming that the parties received  
34 authorized counseling as to the nature and purpose of the marriage and the  
35 grounds for termination of the marriage and an acknowledgment that the  
36 counselor provided to the parties the informational pamphlet developed and

1 promulgated by the Administrative Office of the Courts under this subchapter  
2 that provides a full explanation of the terms and conditions of a covenant  
3 marriage; and

4 ~~(3)~~(4)(A) The signature of both parties witnessed by a notary.

5 (B) If one (1) of the parties is a minor, or both are  
6 minors, the written consent or authorization of those persons required under  
7 this chapter to consent to or authorize the marriage of minors.

8  
9 SECTION 4. Arkansas Code § 9-15-211 is amended to repeal obsolete  
10 language:

11 ~~9-15-211. Jurisdiction generally.~~

12 ~~If any provision of this chapter granting jurisdiction in the chancery~~  
13 ~~court is held invalid or if, for some reason the chancery court cannot~~  
14 ~~exercise jurisdiction under this chapter, then pursuant to Arkansas~~  
15 ~~Constitution, Article 7, § 11 [repealed], the circuit court shall have~~  
16 ~~jurisdiction over such matters.~~

17  
18 SECTION 5. The first unnumbered paragraph of Arkansas Code § 9-16-102  
19 is amended to read as follows:

20 As used in this chapter, "Family family preservation services" means  
21 services for children and families that are designed to help families at risk  
22 or in crisis, including adoptive and extended families, and include:

23  
24 SECTION 6. Arkansas Code § 9-20-113(a)(3) is amended to add  
25 introductory language and to be properly subdivided:

26 (3) An adequate assessment of the following cannot be made in  
27 the adult's place of residence:

28 (A) The adult's capacity to comprehend the nature and  
29 consequences of remaining in the situation or condition ~~cannot be adequately~~  
30 ~~assessed in the adult's place of residence;~~ or

31 (B) The adult's mental or physical impairment and ability  
32 to protect himself or herself from adult maltreatment ~~cannot be adequately~~  
33 ~~assessed in the adult's place of residence.~~

34  
35 SECTION 7. Arkansas Code § 9-27-303(3)(C)(ii)(f) is amended to make a  
36 stylistic change to read as follows:

1 (f)~~(1)~~ The restraint is for a reasonable  
2 period of time, and

3 ~~(2) The restraint~~ is in conformity with  
4 training and agency policy and procedures.

5  
6 SECTION 8. Arkansas Code § 9-27-359(a)(2) is amended to make a  
7 stylistic change to read as follows:

8 (2) The goal at the permanency planning hearing was either+

9 ~~(A) Reunification,~~ reunification or

10 ~~(B) Another~~ another planned permanent living arrangement.

11  
12 SECTION 9. DO NOT CODIFY. The enactment and adoption of this act  
13 shall not repeal, expressly or impliedly, the acts passed at the regular  
14 session of the Eighty-Eighth General Assembly. All such acts shall have the  
15 full force and effect and, so far as those acts intentionally vary from or  
16 conflict with any provision contained in this act, those acts shall have the  
17 effect of subsequent acts and as amending or repealing the appropriate parts  
18 of the Arkansas Code of 1987.

19  
20 /s/Madison

21  
22  
23 **APPROVED: 03/30/2011**  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36