## Stricken language would be deleted from and underlined language would be added to present law. Act 470 of the Regular Session

1	State of Arkansas	A Bill	
2	93rd General Assembly	A DIII	GENTLE DATE AND
3	Regular Session, 2021		SENATE BILL 428
4	D C + D D II'		
5	By: Senator B. Ballinger		
6	By: Representative Gazaway		
7		For An Act To Be Entitled	
8	AN ACT TO MAIZ	E TECHNICAL CORRECTIONS TO T	TTTE O OF
9 10			
10	OTHER PURPOSE	CODE CONCERNING FAMILY LAW;	AND FOR
12	OTHER PURPOSE	.5•	
13			
14		Subtitle	
15	TO MAKE	TECHNICAL CORRECTIONS TO TIT	T.F. 9
16		ARKANSAS CODE CONCERNING FAMI	
17	LAW.		-4-
18			
19			
20	BE IT ENACTED BY THE GENE	CRAL ASSEMBLY OF THE STATE OF	ARKANSAS:
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22	SECTION 1. Arkansa	us Code § 9-9-217(a)(1)(B)(ii	), concerning
23	confidentiality of hearin	ngs and records, is amended t	o repeal old language
24	and add new language for	clarification to read as fol	lows:
25	(	ii) Except as otherwise pro	vided by law, a member
26	of the General Assembly w	ho attends a hearing in acco	rdance with subdivision
27	(a)(l)(B)(i) of this sect	ion shall not <del>rediselose</del> <u>dis</u>	close information
28	obtained during his or he	er attendance at the hearing.	
29			
30	SECTION 2. Arkansa	s Code § 9-11-102 is amended	to repeal old language
31	and add new language for	clarification to read as fol	lows:
32	9-11-102. Minimum	age — Parental <u>or guardian</u> c	onsent - Definition.
33	(a) Every male who	has arrived at the full age	of seventeen (17) is at
34	<u>least eighteen (18)</u> years	of age and every female who	has arrived at the full
35	age of seventeen (17) is	at least eighteen (18) years	of age shall be capable
36	in law of contracting mar	riage.	

- 1 (b)(1)(A) However, males and females under the age of eighteen (18) 2 years shall furnish the clerk, before the marriage license can be issued, 3 satisfactory evidence of the consent of the parent or parents or guardian to the marriage a male or female who is at least seventeen (17) years of age but 4 5 under the age of eighteen (18) years may contract marriage as provided under 6 this subsection. 7 (2) As used in subsection (b) of this section, "contracting 8 party" means a male or female who is at least seventeen (17) years of age but 9 under the age of eighteen (18) years. 10 (3) Before a marriage license may be issued under this subsection, a contracting party shall furnish the clerk with a verified 11 12 affidavit signed in the presence of a notary public that states that the 13 parent or parents or guardian of the contracting party consents to the 14 marriage. 15 (B) As used in subdivision (b)(1)(A) of this section, 16 "satisfactory evidence" means a verified affidavit signed in the presence of 17 a notary that states that the parent or parents or guardian of the minor 18 consents to the marriage. 19  $\frac{(2)(A)}{(4)}$  The consent of both parents of each a contracting 20 party shall be is necessary before the marriage license can be issued by the 21 clerk unless: 22 (A) the The parents have been divorced and custody of the 23 child contracting party has been awarded to one (1) of the parents exclusive 24 of the other, or unless the; 25 (B) The custody of the child contracting party has been 26 surrendered by one (1) of the parents through abandonment or desertion, in 27 which eases case the consent of the parent who has custody of the child shall 28 be contracting party is sufficient; or 29 (C) A guardian has been appointed for the contracting 30 party, in which case the consent of the guardian of the contracting party is 31 sufficient. 32 (B) (5) The consent of the parent or guardian may be voided
- 35 (i)(A) The parent <u>or guardian</u> is not fit to make 36 decisions concerning the <del>child</del> contracting party; and

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that:

by the order of a circuit court on a showing by clear and convincing evidence

1	(ii)(B) The marriage is not in the child's		
2	contracting party's best interest.		
3	$\frac{(e)}{(6)}$ There shall be a waiting period of five (5) business days for		
4	$\frac{1}{2}$ any $\frac{1}{2}$ marriage license issued under subdivision (b)(2) of this section $\frac{1}{2}$		
5	subsection.		
6	$\frac{(d)}{(7)}$ If a child contracting party has a pending case in the a		
7	circuit court, a parent or guardian who files consent under subsection (b) of		
8	$\frac{\text{this section}}{\text{this subsection}}$ shall immediately notify the circuit court, and		
9	all parties, and attorneys to the pending case.		
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11	SECTION 3. Arkansas Code § 9-14-402 is repealed to repeal obsolete		
12	language.		
13	9-14-402. Staff.		
14	The Administrator of the Office of Child Support Enforcement of the		
15	Revenue Division of the Department of Finance and Administration shall assign		
16	staff of the Office of Child Support Enforcement of the Revenue Division of		
17	the Department of Finance and Administration to assist the State Commission		
18	on Child Support [repealed] in carrying out its duties and responsibilities.		
19			
20	SECTION 4. Arkansas Code § 9-14-403 is repealed to repeal obsolete		
21	language.		
22	9-14-403. Duties.		
23	The State Commission on Child Support [repealed] shall have the		
24	following duties:		
25	(1) To examine, investigate, and study the operation of the		
26	state's child support system to determine the extent to which such system is		
27	successful in securing support and parental involvement for children;		
28	(2) To make recommendations for legislation which would clarify		
29	and improve state laws in the areas of visitation, standards for support,		
30	enforcement of interstate obligations, paternity establishment, and support		
31	collection methods;		
32	(3) To evaluate the availability, cost, and effectiveness of		
33	services for support enforcement to children receiving aid and those not		
34	receiving aid and assist the Title IV-D agency in program improvements or		
35	enhancements which would increase the availability of support enforcement;		
36	(4) To examine proposed legislation and make recommendations		

1	concerning compliance with federal requirements for support collection; and		
2	(5) To review expedited process reporting for child support		
3	cases pending in the judicial districts from data furnished by the		
4	Administrative Office of the Courts and assist in compliance with case		
5	processing standards.		
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7	SECTION 5. Arkansas Code § 9-20-121(a)(10)(A)(ii), concerning the		
8	availability of custody and protective services records, is amended to repe		
9	old language and add new language for clarification to read as follows:		
10	(ii) Federal and state representatives and senators		
11	shall not redisclose the disclose information obtained under this section.		
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13	SECTION 6. DO NOT CODIFY. CONSTRUCTION AND LEGISLATIVE INTENT.		
14	It is the intent of the General Assembly that:		
15	(1) The enactment and adoption of this act shall not expressly		
16	or impliedly repeal an act passed during the regular session of the Ninety-		
17	Third General Assembly;		
18	(2) To the extent that a conflict exists between an act of the		
19	regular session of the Ninety-Third General Assembly and this act:		
20	(A) The act of the regular session of the Ninety-Third		
21	General Assembly shall be treated as a subsequent act passed by the General		
22	Assembly for the purposes of:		
23	(i) Giving the act of the regular session of the		
24	Ninety-Third General Assembly its full force and effect; and		
25	(ii) Amending or repealing the appropriate parts of		
26	the Arkansas Code of 1987; and		
27	(B) Section 1-2-107 shall not apply; and		
28	(3) This act shall make only technical, not substantive, changes		
29	to the Arkansas Code of 1987.		
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32	APPROVED: 3/25/21		
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