

1 State of Arkansas
2 93rd General Assembly
3 Regular Session, 2021
4

A Bill

SENATE BILL 428

5 By: Senator B. Ballinger
6 By: Representative Gazaway
7

For An Act To Be Entitled

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

Subtitle

15 TO MAKE TECHNICAL CORRECTIONS TO TITLE 9
16 OF THE ARKANSAS CODE CONCERNING FAMILY
17 LAW.
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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 § 9-9-217(a)(1)(B)(ii), concerning
23 confidentiality of hearings and records, is amended to repeal old language
24 and add new language for clarification to read as follows:

25 (ii) Except as otherwise provided by law, a member
26 of the General Assembly who attends a hearing in accordance with subdivision
27 (a)(1)(B)(i) of this section shall not ~~redisclose~~ disclose information
28 obtained during his or her attendance at the hearing.
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30 SECTION 2. Arkansas Code § 9-11-102 is amended to repeal old language
31 and add new language for clarification to read as follows:

32 9-11-102. Minimum age – Parental or guardian consent – Definition.

33 (a) Every male who ~~has arrived at the full age of seventeen (17)~~ is at
34 least eighteen (18) 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 marriage.



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~~
 4 ~~the marriage~~ a male or female who is at least seventeen (17) years of age but
 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
 11 subsection, a contracting party shall furnish the clerk with a verified
 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 ~~(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~~ 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 ~~The~~ 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
 33 by the order of a circuit court on a showing by clear and convincing evidence
 34 that:

35 ~~(i)(A)~~ The parent or guardian is not fit to make
 36 decisions concerning the ~~child~~ contracting party; and

1 ~~(ii)(B)~~ The marriage is not in the ~~child's~~
 2 contracting party's best interest.

3 ~~(e)(6)~~ There shall be a waiting period of five (5) business days for
 4 ~~any a~~ marriage license issued under ~~subdivision (b)(2) of this section~~ this
 5 subsection.

6 ~~(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 ~~this section~~ this subsection shall immediately notify the circuit court, and
 9 all parties, and attorneys to the pending case.

10
 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.~~

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 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 ~~eases 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 repeal
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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