

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

As Engrossed: H3/18/11 H3/22/11

A Bill

HOUSE BILL 1544

5 By: Representative Stewart
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For An Act To Be Entitled

8 *AN ACT TO MAKE THE MILITARY CODE OF ARKANSAS*
9 *CONSISTENT WITH FEDERAL LAW CONCERNING DEPENDENCY-*
10 *NEGLECT ACTIONS; AND FOR OTHER PURPOSES.*

Subtitle

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13 *TO MAKE THE MILITARY CODE OF ARKANSAS*
14 *CONSISTENT WITH FEDERAL LAW CONCERNING*
15 *DEPENDENCY-NEGLECT ACTIONS.*
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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21 SECTION 1. Arkansas Code § 12-62-406 is amended to read as follows:
22 12-62-406. Stay of proceedings.

23 (a) All lawsuits pending in any court of this state in which any
24 attorney for either party or any party is a member of the reserve components
25 of the armed forces and who has been ordered to a period of active duty in
26 the armed forces of the State of Arkansas or of the United States, pursuant
27 to a written order issued by the authority of the President of the United
28 States or the Governor of the State of Arkansas, upon written notice to the
29 parties and the court, shall be stayed for a period of not less than fifteen
30 (15) days preceding the period of active duty and for thirty (30) days
31 following the period of active duty, unless for a time less as requested by
32 the party or attorney. The proceedings shall be stayed without regard to the
33 number of other attorneys also representing parties litigant. Judgments,
34 decrees, sentences, or fines rendered or imposed in violation hereof after
35 written notice for continuance has been filed hereunder shall be void and
36 unenforceable.



~~(b) This section does not apply to a party who shall be represented by counsel or to an attorney in a dependency neglect case in which the circuit court has made specific written findings by clear and convincing evidence that:~~

~~(1) The child has been adjudicated dependent neglected as defined by the Arkansas Juvenile Code of 1989, § 9-27-301 et seq.;~~

~~(2) The delay in the judicial proceedings would result in a delay of permanency for the child and that delay would result in harm to the child; and~~

~~(3) It is in the child's best interest to proceed with the dependency neglect case without delay.~~

(b)(1) This section does not apply to any dependency-neglect actions.

(2) However, in dependency-neglect actions, a member of the National Guard or reserve component of the armed forces of the United States who has been ordered to a period of active duty in the armed forces of the State of Arkansas or the United States pursuant to a written order issued by the authority of the President of the United States or the Governor of the State of Arkansas shall be afforded the protections under the Servicemembers Civil Relief Act, 50 App. U.S.C. § 501 et seq., as in effect on February 1, 2011, to the same extent as if his or her duties were for federal military status.

/s/Stewart

APPROVED: 04/04/2011

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