

State of Arkansas

76th General Assembly

Regular Session, 1987

HOUSE BILL 1128

By: Representative McGinnis

"AN ACT TO PROVIDE THAT THE NATURAL MOTHER OF A CHILD, HER HUSBAND, AND THE ALLEGED FATHER OF THE CHILD MAY TESTIFY IN COURT OR AT ADMINISTRATIVE HEARINGS AS TO THE PATERNITY OF THE CHILD; AND FOR OTHER PURPOSES."

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

SECTION 1. (a) The natural mother of a child, whether that child be born to a lawful marriage or whether the child is illegitimate, is a competent witness to testify in any court of law or administrative hearing as to who is the natural father of the child, the time and place of conception, support or lack of support for the child provided by the natural father or by her absent husband, and any other matters necessary to establish the correct and lawful paternity of the child.

(b) In a paternity suit, or suit for child support, the lawful husband of a woman litigant is competent to testify as to the date of his marriage, period of cohabitation, non-access and separation from his wife.

(c) In a paternity suit, or suit for child support, the alleged father is competent to testify as to who is or is not the father of the child and who he did or did not have sexual relations with, regardless of whether the mother of the child is married or single.

(d) The purpose of this Act is not to overturn or eliminate the presumptions of legitimacy of children born to a lawful marriage, but to enable the courts to receive into evidence, facts to establish the true paternity of children in paternity cases, divorce cases, and other domestic relations cases.

SECTION 2. All laws and parts of laws in conflict with this Act are hereby repealed.

SECTION 3. Emergency. It is hereby found and determined by the General Assembly that under present law it is extremely difficult to legally identify by competent testimony the natural father of a child born to a woman who is married to a man who is not the natural father of the child; that the natural father cannot, therefore, be forced to contribute to the support of the child; that the result is that the children suffer as a result of our law and will continue to suffer until our law is changed in the manner prescribed by this Act. Therefore, an emergency is hereby declared to exist and this Act being immediately necessary for the preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval.

