

State of Arkansas

77th General Assembly

Regular Session, 1989

A Bill

HOUSE BILL

1624

By: Representatives McGinnis and Mahony

For An Act To Be Entitled

"AN ACT TO PROVIDE THAT THE BIOLOGICAL MOTHER, HER HUSBAND AND THE PUTATIVE FATHER OF THE CHILD MAY TESTIFY IN ANY CAUSE OF ACTION IN WHICH PATERNITY OR CHILD SUPPORT IS AN ISSUE; AND FOR OTHER PURPOSES."

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

SECTION 1. (a) The biological mother of a child shall be a competent witness to testify in any court proceeding or administrative hearing as to who is the biological father of the child, the time and place of conception, access by the putative father and by her husband, support or lack of support for the child provided by the putative father or by her husband, and any other matters necessary to the establishment of paternity or a support obligation for the child.

(b) The husband of the biological mother shall be a competent witness to testify in any court proceeding or administrative hearing in which paternity or child support is an issue or may become an issue as to the following:

- (1) Date of marriage;
- (2) Period of cohabitation with the biological mother;
- (3) Period of non-access with the biological mother;
- (4) Date of separation from the biological mother.

(c) The putative father of a child shall be a competent witness to testify in any court proceeding or administrative hearing in which paternity or child support is an issue or may become an issue as to the following:

- (1) Period of cohabitation with the biological mother;
- (2) Period of access with the biological mother;
- (3) Lack of sexual contact with the biological mother.

(d) Upon a finding of the court by clear and convincing evidence that

the presumption of legitimacy of a child born of a marriage has been rebutted, the court shall determine paternity for the child, establish the biological father of the child, and set a support obligation for the child.

(e) To assist the court in this determination, the court may direct the biological mother, her husband, the putative father and the child to submit to one (1) or more blood tests or other scientific examinations or tests as provided in Ark. Code §9-10-108. Such tests results shall be admissible as provided in Ark. Code §9-10-108.

(f) In any case where the court is unable to determine paternity for the child, the lawful husband of the biological mother shall be presumed to be the father of the child and the court shall establish a support obligation for the child.

(g) The purpose of this act is to enable the courts to receive into evidence relevant facts concerning the paternity of a child in any court proceeding or administrative hearing involving paternity or a support obligation for a child. The court shall consider foremost the interest of the child in making any determination hereunder and consider only testimony and evidence which will serve the best interest of the child in its findings pursuant to this act.

(h) As used in this act, 'putative father' means any man not deemed or adjudicated under the laws of the jurisdiction of the United States to be the biological father of a child who claims or is alleged to be the biological father of the child.

SECTION 2. All provisions of this Act of a general and permanent nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code Revision Commission shall incorporate the same in the Code.

SECTION 3. All laws and parts of laws in conflict with this Act are hereby repealed.

