

State of Arkansas  
77th General Assembly  
Regular Session, 1989  
By: Senator Hopkins

SENATE BILL 57

"AN ACT TO ESTABLISH THE JUVENILE COURT OF EACH COUNTY; TO TRANSFER JURISDICTION OF ALL JUVENILE MATTERS NOW VESTED IN PROBATE AND CIRCUIT COURT TO JUVENILE COURT; TO TRANSFER JURISDICTION OVER PATERNITY CASES FROM COUNTY COURT TO CHANCERY COURT; AND FOR OTHER PURPOSES."

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

SECTION 1. This act may be known and may be cited as the Juvenile Court Act of 1989.

SECTION 2. There is established in every county in the State of Arkansas a court to be known as the juvenile court.

SECTION 3. The juvenile courts shall be styled and known as the juvenile courts of the counties respectively.

SECTION 4. The juvenile courts shall have original jurisdiction over the following causes of action as defined by the Arkansas Juvenile Code of 1975, Ark. Code §§9-27-301 et seq. and any amendments thereto or subsequent act superceding that act.

- (1) Delinquency.
- (2) Family in need of services.
- (3) Dependent and neglected juvenile.
- (4) Termination of parental rights.

SECTION 5. (a) The term of the juvenile courts of this state shall be continuous.

(b) There shall be no final adjournments, but the court may adjourn from

day to day as business demands. Such adjournments shall be considered recesses and shall not prohibit the court from sitting at any time.

SECTION 6. (a) The judge of a juvenile court shall be elected to that office by countywide vote.

(b) Except as provided in subsection (c) below, the judge of the juvenile court shall be at least twenty-five (25) years of age, of good moral character, learned in the law, two (2) years resident of this state, and an elector of the county wherein the court sits. He shall be an attorney at law in good standing and shall have practiced law at least six (6) years.

(c) When there is a vacancy in the office of juvenile judge in an established juvenile court, by virtue of the failure of any qualified attorney to be elected to that office or by reason of the absence of a qualified attorney residing within the county of the court, the quorum court may employ as judge of the court any attorney who meets the qualifications, therefor or may employ the juvenile judge of a juvenile court in an adjoining county to serve as judge of the court.

(d) Except for juvenile judges elected at the special election authorized herein, the term of office shall be four (4) years and until a successor is elected and qualified as such.

(e) Part-time municipal judges may be elected as Juvenile Judge and serve in both offices concurrently.

SECTION 7. (a) Each county shall provide for the election of the juvenile judges of the juvenile court by special election to be held in each county of the state on the third Tuesday in September, 1989.

(b) The juvenile judge elected by special election shall take office January 1, 1990 and serve until December 31, 1992.

SECTION 8. (a) In counties with a part-time juvenile referee or master serving under Act 14 of 1987, the office of juvenile judge shall be part-time and may be held by an attorney in the private practice of law.

(b) In counties with a full-time juvenile referee or master serving under Act 14 of 1987, the office of juvenile judge shall be full-time and the judge is prohibited from engaging in the private practice of law.

(c) Any county which had more than one juvenile referee or master

serving under Act 14 of 1987, shall have the same number of positions for juvenile judge on the special election ballot. Upon election, the office holders shall determine how case load shall be divided in the county.

SECTION 9. (a) (1) The juvenile judge shall employ an intake officer for the juvenile court.

(2) In addition to such other duties as required by law or designated by the juvenile judge, the intake officer shall be responsible for any reporting requirements of the Arkansas Judicial Department for the juvenile court.

(3) The intake officer shall be the clerk of the juvenile court and shall be responsible for preparing the case record for appeal.

(b) The juvenile judge may assign probation duties to the intake officer or may employ additional personnel as probation officers for the juvenile court.

(c) The juvenile judge may employ sufficient other court personnel to effectively carry out the functions of the juvenile court, in accordance with county budgetary controls as set forth in Section 12.

SECTION 10. The juvenile courts may, upon their own initiative or upon petition of the litigants, hear cases and matters in privacy where they deem it in the best interests of the parties and the best interest of the public.

SECTION 11. (a) Appeals to chancery court may be taken from the orders, judgments and decisions of the juvenile courts in the same manner as now provided by law for appeals from municipal court decisions to circuit court.

(b) Appeals to chancery court shall be de novo.

(c) (1) All appeals from juvenile courts shall be docketed and heard within thirty (30) days after the notice of appeal is filed with the chancery clerk.

(2) The chancery clerk shall notify the chancery court in which the appeal has been lodged of the pendency of the appeal.

SECTION 12. (a) The expenses accruing in the juvenile court shall be paid out of the county treasury in the same manner as other demands.

(b) The expenses shall include reasonable sums for the employment of

juvenile court personnel, reasonable office expenses and office supplies of the juvenile court judges.

SECTION 13. Arkansas Code 9-10-101 is hereby amended to read as follows:

"9-10-101. The chancery courts in the several counties in this state shall have exclusive original jurisdiction in all cases and matters relating to paternity."

SECTION 14. Arkansas Code 9-10-104 is hereby amended to read as follows:

"9-10-104. Suit by father to determine paternity of illegitimate child.

(a) Any man alleging to be the father of an illegitimate child may petition the chancery court wherein the mother resides or wherein the child resides for a determination of the paternity of the illegitimate child.

(b) The court may determine the paternity of the child and may order the father to make periodic payments for support of the child.

(c) It is found and determined by the General Assembly that prior to June 17, 1981, a putative father did not have any cause of action to establish the paternity of his illegitimate child and that this was a violation of equal protection of the law."

SECTION 15. Appeals from chancery decisions in paternity cases shall be in the same manner as now provided by law for appeals from the chancery courts in equity cases.

SECTION 16. It is the intent of this act that jurisdiction of paternity cases shall be transferred from county court to chancery court. All provisions of Arkansas Code 9-10-101 et seq. referring to the "county court" shall hereafter refer to the "chancery court"; all references to "county judge or referee" shall hereafter refer to the "chancellor"; and all references to "county clerk" shall hereafter refer to the "chancery clerk."

SECTION 17. (a) All paternity cases pending in the county courts of the various counties in this state on July 1, 1989, shall be transferred and docketed in the chancery court of the county in which they are pending on that date.

(b) All cases involving the alleged delinquency of a juvenile pending in

the circuit courts of the various counties in this state on January 1, 1990, shall be transferred and docketed in the juvenile court of the county in which they are pending on that date.

(c) All cases involving juveniles in need of supervision or dependent-neglected juveniles pending in the probate courts of the various counties in this state on January 1, 1990, shall be transferred and docketed in the juvenile court of the county in which they are pending on that date.

SECTION 18. Section 14 of Act 14 of 1987 is hereby repealed and the remaining provisions of that act shall remain in full force and effect until December 31, 1989.

SECTION 19. Arkansas Code §§9-10-106, 9-10-116, 9-10-117, and 9-10-118 are hereby repealed.

SECTION 20. 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 21. All laws and parts of laws in conflict with this act are hereby repealed.

SECTION 22. Emergency. It is hereby found and determined by the General Assembly that the orderly transition from the juvenile justice system created by Act 14 of 1987 to the system created in this act requires that certain provisions become effective on July 1, 1989; that the people of this state need sufficient time to elect the juvenile judge; and that a smooth transition is in the best interest of all citizens of this state. Therefore, an emergency is hereby declared to exist and this Act, being necessary for the preservation of the public peace, health, and safety, shall be in full force and effect from and after July 1, 1989.