

1 State of Arkansas  
2 80th General Assembly  
3 Regular Session, 1995

# A Bill

HOUSE BILL 1176

4 By: Representatives Northcutt, M. Wilson and Ferrell

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## For An Act To Be Entitled

8 "AN ACT TO AMEND ARK. CODE ANN. § 9-10-111 TO AUTHORIZE  
9 AWARDS FOR BACK CHILD SUPPORT DATING FROM THE BIRTH OF A  
10 MINOR OR THE DATE OF MARITAL SEPARATION IN CERTAIN  
11 INSTANCES; AND FOR OTHER PURPOSES."

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## Subtitle

14 "TO AUTHORIZE AWARDS FOR BACK CHILD  
15 SUPPORT DATING FROM THE BIRTH OF A MINOR  
16 OR THE DATE OF MARITAL SEPARATION IN  
17 CERTAIN INSTANCES."

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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 Annotated § 9-10-111 is hereby amended to  
22 read as follows:

23 "9-10-111. Judgment for child support - Bond.

24 (a)(1) If it is found by the chancery court that the accused is the  
25 father of the child or that the child was born of the parties\_ marriage and  
26 the mother and father have separated and, if claimed by the mother in a  
27 paternity action or by the custodial parent in the case of marital  
28 separation, the chancery court or chancellor may give judgment for back child  
29 support commencing from the birth of the child or from marital separation  
30 until the granting of judgment and initiation of current child support up to  
31 and including a period of up to eighteen (18) years or until the child is  
32 emancipated by a court of competent jurisdiction.

33 (2) In determining the amount of the judgment for back child  
34 support, the court shall refer to the family support chart. It shall be a  
35 rebuttable presumption for the award of back child support that the amount

1 contained in the family support chart is the correct amount of back child  
2 support to be awarded. Only upon a written finding that the application of  
3 the family support chart would be unjust or inappropriate, as determined  
4 under established criteria set forth in the family support chart, shall the  
5 presumption be rebutted.

6 (b)(1) The court shall have discretion and authority to order the  
7 father enter into bond to the State of Arkansas in the penal sum of at least  
8 five hundred dollars (\$500), with good and sufficient security.

9 (2) The bond shall be void if the person or his executors or  
10 administrators indemnify each county in this state from all costs and  
11 expenses for the maintenance or otherwise of the child while under the age of  
12 eighteen (18) years, and for the payment of the monthly payments that may be  
13 adjudged as aforesaid.

14 (3) Bonds shall be approved by the chancellor and an entry made  
15 on the record of the conditions and the securities thereon.

16 (4) If the person refuses or neglects to enter into bond with  
17 security as above provided, the chancellor shall commit him to the jail of  
18 the county, there to remain until he complies with the order or until he is  
19 otherwise discharged according to law."  
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21 SECTION 2. All provisions of this act of a general and permanent  
22 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas  
23 Code Revision Commission shall incorporate the same in the Code.  
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25 SECTION 3. If any provision of this act or the application thereof to  
26 any person or circumstance is held invalid, such invalidity shall not affect  
27 other provisions or applications of the act which can be given effect without  
28 the invalid provision or application, and to this end the provisions of this  
29 act are declared to be severable.  
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31 SECTION 4. All laws and parts of laws in conflict with this act are  
32 hereby repealed.  
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