

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

A Bill

HOUSE BILL 1180

4 By: Representatives Northcutt, M. Wilson and Ferrell

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For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE ANNOTATED §§ 9-10-109 and
9 9-10-115 AND TO ADD A NEW SECTION TO TITLE 9, CHAPTER 10,
10 SUBCHAPTER 1 OF THE ARKANSAS CODE TO CONFORM WITH FEDERAL
11 REQUIREMENTS SET FORTH IN TITLE IV-D OF THE SOCIAL
12 SECURITY ACT RELATIVE TO VOLUNTARY PATERNITY
13 ACKNOWLEDGMENTS; TO DECLARE AN EMERGENCY; AND FOR OTHER
14 PURPOSES."

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Subtitle

17 "TO CONFORM ARKANSAS LAW WITH FEDERAL
18 REQUIREMENTS SET FORTH IN TITLE IV-D OF
19 THE SOCIAL SECURITY ACT RELATIVE TO
20 VOLUNTARY PATERNITY ACKNOWLEDGMENTS."

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

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24 SECTION 1. Title 9, Chapter 10, Subchapter 1 of the Arkansas Code
25 Annotated is hereby amended by adding a new section to read as follows:

26

"9-10-120.

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(a) A man is presumed to be the father of a child for all intents and
28 purposes if he and the mother execute an acknowledgment of paternity of the
29 child pursuant to § 20-18-408, § 20-18-409, or a similar acknowledgment
30 executed during the child_s minority. Acknowledgments of paternity shall by
31 operation of law constitute a conclusive finding of paternity, subject to the
32 modification of orders or judgments under § 9-10-115 and shall be recognized
33 by the chancery courts and juvenile divisions thereof as creating a parent
34 and child relationship between father and child. Such acknowledgments of
35 paternity shall also be recognized as forming the basis for establishment and

1 enforcement of a child support order without a further proceeding to
2 establish paternity.

3 (b) Upon submission of the acknowledgment of paternity to the Division
4 of Vital Records, the State Registrar shall accordingly establish a new
5 certificate of birth reflecting the name of the father as recited in the
6 acknowledgment of paternity."

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8 SECTION 2. Arkansas Code § 9-10-109(a)(1) is hereby amended to read as
9 follows:

10 "(a)(1) Subsequent to the execution of an acknowledgment of paternity
11 by the father and mother of a child pursuant to § 20-18-408, § 20-18-409, or
12 a similar acknowledgment executed during the child_s minority, or subsequent
13 to a finding by the court that the *putative father* in a paternity action is
14 the father of the child, the court shall follow the same guidelines,
15 procedures, and requirements as set forth in the laws of this state
16 applicable to child support orders and judgments entered by the chancery
17 court as if it were a case involving a child born of a marriage in awarding
18 custody, visitation, setting amounts of support, costs and attorney's fees,
19 and directing payments through the clerk of the court."

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21 SECTION 3. Arkansas Code § 9-10-115 is hereby amended to read as
22 follows:

23 "9-10-115. Modification of orders or judgments.

24 (a) The chancery court may, at any time, enlarge, diminish, or vacate
25 any such order or judgment in the proceedings under this section, except in
26 regard to the issue of paternity, as justice may require and on such notice
27 to the defendant as the court may prescribe.

28 (b) The court shall not set aside, alter, or modify any final decree,
29 order, or judgment of paternity where paternity blood testing, genetic
30 testing, or other scientific evidence was used to determine the adjudicated
31 father as the biological father.

32 (c) Upon request for modification of a judicial finding of paternity or
33 a *support order issued pursuant to § 9-10-120*, if the court determines that
34 the original finding of paternity or *support order* did not include results of
35 scientific paternity testing, *consent of the parents*, or was not entered upon

1 a party's failure to comply with scientific paternity testing ordered by the
2 court, the court shall, upon request when paternity is disputed, direct the
3 biological mother, the child, and the adjudicated or presumed father to
4 submit to scientific testing for paternity, which may include
5 deoxyribonucleic acid (DNA) testing or other tests as provided by § 9-10-108.
6 In no event shall the adjudication or acknowledgement of paternity be
7 modified later than five (5) years after such adjudication or execution of
8 such acknowledgement.

9 (d) If the court determines, based upon the results of scientific
10 testing, that the adjudicated or presumed father is not the biological
11 father, the court shall, upon request of an adjudicated or presumed father,
12 set aside a previous finding of paternity and relieve the adjudicated or
13 presumed father of any future obligation of support or any back child support
14 as authorized under § 9-14-234 as of the date of entry of the order of
15 modification.

16 (e) If the court determines, based upon the results of scientific
17 testing, that the presumed father is the biological father, the court shall
18 enter an order adjudicating paternity and setting child support in accordance
19 with § 9-10-109, the guidelines for child support, and the family support
20 chart."
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22 SECTION 4. All provisions of this act of a general and permanent
23 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas
24 Code Revision Commission shall incorporate the same in the Code.
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26 SECTION 5. If any provision of this act or the application thereof to
27 any person or circumstance is held invalid, such invalidity shall not affect
28 other provisions or applications of the act which can be given effect without
29 the invalid provision or application, and to this end the provisions of this
30 act are declared to be severable.
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32 SECTION 6. All laws and parts of laws in conflict with this act are
33 hereby repealed.
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35 SECTION 7. EMERGENCY CLAUSE. It is hereby found and determined by the

1 Eightieth General Assembly that Arkansas law governing voluntary paternity
2 acknowledgments does not conform with current federal requirements set forth
3 in Title IV-D of the Social Security Act; that failure to immediately remedy
4 the law by legislative action will place Title IV-D and Aid to Families With
5 Dependent Children funding in jeopardy. Therefore, an emergency is hereby
6 declared to exist and this act being necessary for the immediate preservation
7 of the public peace, health and safety shall be in full force and effect from
8 and after its passage and approval.

9 */s/Rep. Northcutt, et al*

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As Engrossed: 1/26/95 2/10/95 2/13/95 3/1/95

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