

1 State of Arkansas  
2 80th General Assembly  
3 Regular Session, 1995  
4 By: Representatives Wren and Wooldridge

# A Bill

HOUSE BILL 1799

## For An Act To Be Entitled

"AN ACT TO CREATE PARENTAL LIABILITY FOR THE CHILD SUPPORT  
OF A DEPENDENT IN SUBSTITUTE CARE AND FOR A DEPENDENT  
PERSON'S CHILD OR CHILDREN; AND FOR OTHER PURPOSES."

## Subtitle

"TO CREATE PARENTAL LIABILITY FOR THE  
CHILD SUPPORT OF A DEPENDENT IN  
SUBSTITUTE CARE AND FOR A DEPENDENT  
PERSON'S CHILD OR CHILDREN"

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

SECTION 1. (a) The spouse and parents of any dependent person who is unable to maintain himself or herself shall maintain the dependent person, so far as able, in accordance with the Arkansas child support chart and in a manner approved by the authorities having charge of the dependent person, or by the board in charge of the institution where such dependent person resides.

(b) The parents of a dependent person shall maintain a child of the dependent person, so far as the parent is able and to the extent that the dependent person is unable to do so. The parents of a dependent person who is under the age of eighteen (18) and is alleged to be the father of a child are responsible for maintenance of that child only if the paternity of the child has been determined to be that of the dependent person. The requirements under this act shall apply regardless of whether a court has ordered maintenance by the parent of the dependent person or established a level of maintenance by the parent of the dependent person.

1 SECTION 2. (a)(1) Upon failure of a parent to provide maintenance for  
2 a dependent person, the Office of Child Support Enforcement may apply to the  
3 chancery court for the county in which the dependent person lives for an  
4 order to compel the maintenance. The Office of Child Support Enforcement may  
5 initiate an action to obtain maintenance of the dependent person by the  
6 dependent person's parent regardless of whether the dependent person receives  
7 public assistance.

8 (2) Upon failure of a parent to provide maintenance for a child  
9 of a dependent person, the Office of Child Support Enforcement may apply to  
10 the chancery court for the county in which the child of the dependent person  
11 lives for an order to compel the maintenance. The Office of Child Support  
12 Enforcement may initiate an action to obtain maintenance of the child of a  
13 dependent person by the dependent person's parent regardless of whether the  
14 dependent person's child receives public assistance.

15 (b) Upon failure of a parent to provide maintenance for a dependent  
16 person or a child of a dependent person, another parent who is or may be  
17 required to provide maintenance under this act may apply to the chancery  
18 court for the county in which the dependent person lives or in which the  
19 child of the dependent person lives for an order to compel maintenance.

20  
21 SECTION 3. The chancery court shall by order require maintenance of  
22 dependent persons and the child or children of dependent persons from the  
23 spouse, parents, or grandparents when applicable, if they have sufficient  
24 ability, considering their own future maintenance and making reasonable  
25 allowance for the protection of the property and investments from which they  
26 derive their living and their care and protection in old age, in the  
27 following order: first, the husband or wife; second, the father and mother;  
28 third, the grandparents. If the court is satisfied that any relative is  
29 unable wholly to maintain the dependent person or the child, but is able to  
30 contribute to the dependent person\_s or the child\_s support and maintenance,  
31 the court may direct two or more of the relatives to maintain the dependent  
32 person or child and prescribe the proportion each shall contribute.  
33 Contributions directed by court order, if for less than full support, shall  
34 be paid to the Office of Child Support Enforcement, and distributed as  
35 required by state and federal law. *The term "grandparents" when used in this*

1 *act means the parents of a dependent person who has a child, or the parents*  
2 *of the father of the child, and who are required to provide maintenance for*  
3 *the child of the dependent as required in Section 1 of this act.*

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5 SECTION 4. The parent of a dependent person who maintains a child of  
6 the dependent person may, after the dependent person attains the age of  
7 eighteen (18), apply to the chancery court for the county in which the child  
8 resides for an order to compel restitution by the dependent person of the  
9 amount of maintenance provided to the dependent person\_s child by that  
10 parent.

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12 SECTION 5. All provisions of this act of a general and permanent  
13 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas  
14 Code Revision Commission shall incorporate the same in the Code.

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16 SECTION 6. If any provision of this act or the application thereof to  
17 any person or circumstance is held invalid, such invalidity shall not affect  
18 other provisions or applications of the act which can be given effect without  
19 the invalid provision or application, and to this end the provisions of this  
20 act are declared to be severable.

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22 SECTION 7. All laws and parts of laws in conflict with this act are  
23 hereby repealed.

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25 SECTION 8. EMERGENCY. It is hereby found and determined by the  
26 General Assembly of the State of Arkansas that it is in the best interests of  
27 the people of the State of Arkansas that child support be collected and  
28 enforced in the most expedient manner for all children of this state and that  
29 a smooth transition from current requirements to those of this act requires  
30 the provisions become effective immediately. Therefore, an emergency is  
31 hereby declared to exist and this act being necessary for the immediate  
32 preservation of the public peace, health, and safety, shall be in full force  
33 and effect from and after its passage and approval.

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*/s/Rep. Wren, et al*

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***As Engrossed: 2/27/95 3/29/95***

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