

Stricken language would be deleted from present law. Underlined language would be added to present law.

1 State of Arkansas
2 81st General Assembly
3 Regular Session, 1997
4

As Engrossed: H3/20/97 H3/24/97

A Bill

HOUSE BILL 1230

5 By: Representatives Wren and Molinaro
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For An Act To Be Entitled

9 "AN ACT TO CREATE PARENTAL LIABILITY FOR THE CHILD SUPPORT
10 OF A DEPENDENT IN SUBSTITUTE CARE AND FOR A DEPENDENT
11 PERSONS CHILD OR CHILDREN; AND FOR OTHER PURPOSES."
12

Subtitle

13 "TO CREATE PARENTAL LIABILITY FOR THE
14 CHILD SUPPORT OF A DEPENDENT IN
15 SUBSTITUTE CARE AND FOR A DEPENDENT
16 PERSONS CHILD OR CHILDREN"
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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21 SECTION 1. (a) The spouse and parents of any dependent person who is
22 unable to maintain himself or herself shall maintain the dependent person, so
23 far as able, in accordance with the court order.

24 (b) The parents of a dependent person shall maintain a child of the
25 dependent person, so far as the parent is able and to the extent that the
26 dependent person is unable to do so. The parents of a dependent person who is
27 under the age of eighteen (18) and are responsible for maintenance of that
28 child only if the paternity of the child has been determined to be that of the
29 dependent person. However, the parents of a dependent person shall not be
30 responsible for the maintenance of the child of the dependent person after the
31 dependent person. However, the parents of a dependent person shall not be
32 responsible for the maintenance of the child of the dependent person after the
33 dependent person reaches the age of eighteen (18) years. The requirements
34 under this act shall apply regardless of whether a court has ordered
35 maintenance by the parent of the dependent person or established a level of
36 maintenance by the parent of the dependent person.

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

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

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

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

1 dependent person who has a child, or the parents of the father and mother of
2 the child, and who are required to provide maintenance for the child of the
3 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 persons child by that parent.

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11 SECTION 5. For purposes of this act, the words "dependent person" mean
12 any person under the age of eighteen (18) years.

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14 SECTION 6. All provisions of this act of a general and permanent nature
15 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
16 Revision Commission shall incorporate the same in the Code.

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18 SECTION 7. If any provision of this act or the application thereof to
19 any person or circumstance is held invalid, such invalidity shall not affect
20 other provisions or applications of the act which can be given effect without
21 the invalid provision or application, and to this end the provisions of this
22 act are declared to be severable.

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24 SECTION 8. All laws and parts of laws in conflict with this act are
25 hereby repealed.

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27 SECTION 9. EMERGENCY. It is found and determined by the General
28 Assembly of the State of Arkansas that it is in the best interests of the
29 people of the State of Arkansas that child support be collected and enforced
30 in the most expedient manner for all children of this state and that a smooth
31 transition from current requirements to those of this act requires the
32 provisions become effective immediately. Therefore an emergency is declared
33 to exist and this act being immediately necessary for the preservation of the
34 public peace, health and safety shall become effective on the date of its
35 approval by the Governor. If the bill is neither approved nor vetoed by the
36 Governor, it shall become effective on the expiration of the period of time

1 during which the Governor may veto the bill. If the bill is vetoed by the
2 Governor and the veto is overridden, it shall become effective on the date the
3 last house overrides the veto.

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/s/Rep. Wren et al