

1 State of Arkansas
2 81st General Assembly
3 Regular Session, 1997
4
5 By: Rep. Ferguson

A Bill

HOUSE BILL 1916

For An Act To Be Entitled

9 "AN ACT TO PROVIDE THAT PERSONS WHO RECEIVE FUNDS FROM
10 ANOTHER PERSON FOR THE SUPPORT OF A CHILD IN THEIR CARE
11 MAY BE ORDERED BY THE COURT TO ACCOUNT FOR EXPENDITURE AND
12 MANAGEMENT OF SUCH FUNDS ON MOTION OF THE PAYOR FOR GOOD
13 CAUSE SHOWN; AND FOR OTHER PURPOSES."

Subtitle

16 "TO PROVIDE THAT PERSONS RECEIVING FUNDS
17 FROM ANOTHER PERSON FOR SUPPORT OF A
18 CHILD IN THEIR CARE MAY BE ORDERED TO
19 ACCOUNT FOR EXPENDITURE AND MANAGEMENT
20 OF SUCH FUNDS ON MOTION OF THE PAYOR."

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

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24 SECTION 1. (a) A person who receives funds from another person for the
25 support of a child in his or her care is a fiduciary with respect to such
26 funds and may be ordered by the chancery court, or juvenile division thereof,
27 to account for the expenditure and management of such funds on motion by the
28 payor for good cause shown.

29 (b) Any motion filed for such an accounting shall state with
30 particularity the reasons why it is being sought and the basis for believing
31 that the accounting is necessary.

32 (c) The court may dismiss any motion for such an accounting if the
33 motion does not show good cause why an accounting should be ordered and, in
34 such instance, shall order that all costs and reasonable attorney fees
35 incurred by the fiduciary in his or her defense be paid by the unsuccessful
36 party.

1 (d) The court, if the motion for an accounting is granted, may
2 equitably apportion the costs and reasonable attorney fees among the parties
3 to the proceeding, after taking into account the legal and factual basis for
4 the action, the results obtained, the financial resources of the parties, and
5 such other factors as the court deems just and equitable.

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7 SECTION 2. All provisions of this act of a general and permanent nature
8 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
9 Revision Commission shall incorporate the same in the Code.

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11 SECTION 3. If any provision of this act or the application thereof to
12 any person or circumstance is held invalid, such invalidity shall not affect
13 other provisions or applications of the act which can be given effect without
14 the invalid provision or application, and to this end the provisions of this
15 act are declared to be severable.

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17 SECTION 4. All laws and parts of laws in conflict with this act are
18 hereby repealed.

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