

Stricken language would be deleted from and underlined language would be added to law as it existed prior to the 82nd General Assembly.

1 State of Arkansas
2 82nd General Assembly
3 Regular Session, 1999
4

As Engrossed: H3/31/99

A Bill

HOUSE BILL 2042

5 By: Representative Taylor
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For An Act To Be Entitled

9 " AN ACT TO AMEND ARKANSAS CODE 9-12-320 TO CLARIFY
10 THE PROCESS FOR THE TRANSFER OF CASES TO OTHER
11 JUDICIAL DISTRICTS WHEN THE PARTIES HAVE CHANGED
12 RESIDENCE; AND FOR OTHER PURPOSES. "

Subtitle

15 "AN ACT TO AMEND ARKANSAS CODE 9-12-320
16 TO CLARIFY THE PROCESS FOR THE TRANSFER
17 OF CASES TO OTHER JUDICIAL DISTRICTS
18 WHEN THE PARTIES HAVE CHANGED RESIDENCE;
19 AND FOR OTHER PURPOSES. "

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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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24 SECTION 1. Arkansas Code Annotated 9-12-320 is hereby amended to read
25 as follows:

26 "9-12-320. Proceedings subsequent to decree - change of venue.

27 (a) The court where the final decree of divorce is rendered shall retain
28 jurisdiction for all matters following the entry of the decree. In divorce
29 proceedings, when a complaint for divorce is filed in a chancery court of one
30 (1) chancery district and the final decree is rendered by the court and, if
31 more than six (6) months subsequent to the final decree, however, both of the
32 parties to the divorce proceedings have established a residence in a county of
33 another chancery district within the state, one or both of the parties may
34 petition the court which granted the final decree to request that the case be
35 transferred to another county. The case shall not be transferred absent a
36 showing that the best interest of the parties justifies the transfer. In

1 cases where children are involved and a justification for transfer of the case
2 has been made, there shall be an initial presumption for transfer of the case
3 to the county of residence of the custodial parent. further action upon such
4 case may be brought in the county of residence of the custodial parent or
5 where the final decree is rendered. The court where the final decree is
6 rendered shall retain jurisdiction for a minimum of six (6) months following
7 entry of that decree.

8 (b) At the request of the party seeking if the court which granted the
9 final decree agrees to transfer the case to another chancery district, the
10 court shall enter an order transferring the case and charging the chancery
11 clerk of the court of original jurisdiction to transmit forthwith certified
12 copies of all records pertaining to the case.

13 (c) Subsequent to the transfer to a county in another chancery
14 district, if the party residing in the county to which the case has been
15 transferred removes from that county or from the State of Arkansas, the case
16 shall be transferred back to the county of original jurisdiction or the county
17 of residence of the party still residing in the State of Arkansas.

18 ~~(e)~~(d) The provisions of this section shall not repeal any laws or parts
19 of laws in effect on March 3, 1975, relating to venue for divorce actions, but
20 shall be supplemental thereto."
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22 SECTION 2. All provisions of this act of a general and permanent nature
23 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
24 Revision Commission shall incorporate the same in the Code.
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26 SECTION 3. 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 4. All laws and parts of laws in conflict with this act are
33 hereby repealed.
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35 SECTION 5. EMERGENCY CLAUSE. It is hereby found and determined by the
36 Eighty-second General Assembly that present law does not address the

1 circumstances where subsequent to an Arkansas divorce both parties leave the
2 county of jurisdiction resulting in custody concerns being under the
3 jurisdiction of the chancery court of the county where neither party resides;
4 that this act addresses that problem and allows for the transfer of the case
5 to the county of residence of either party; and that this act should,
6 therefore, go into effect as soon as possible. Therefore, an emergency is
7 declared to exist and this act being immediately necessary for the
8 preservation of the public peace, health and safety shall become effective on
9 the date of its approval by the Governor. If the bill is neither approved nor
10 vetoed by the Governor, it shall become effective on the expiration of the
11 period of time during which the Governor may veto the bill. If the bill is
12 vetoed by the Governor and the veto is overridden, it shall become effective
13 on the date the last house overrides the veto

14 /s/ Taylor

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