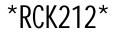
Stricken language would be deleted from and underlined language would be added to law as it existed prior to the 82nd General Assembly.

1	State of Arkansas	A Bill	
2	82nd General Assembly	A DIII	
3	Regular Session, 1999		SENATE BILL 472
4			
5	By: Senator Beebe		
6			
7			
8	For An Act To Be Entitled		
9	"AN ACT TO AMEND ARKANSAS CODE 9-12-320 AND 9-10-		
10	102(f) TO CLARIFY THE PROCESS FOR THE TRANSFER OF		
11	CASES TO OTHER JUDICIAL DISTRICTS WHEN THE PARTIES		
12	HAVE CHANGED RESIDENCE; AND FOR OTHER PURPOSES."		
13			
14		Subtitle	
15	"TO CLARIFY THE PROCESS FOR THE TRANSFER		
16	OF CASES TO OTHER JUDICIAL DISTRICTS		
17	WHEN THE PARTIE	S HAVE CHANGED RESIDENCE."	
18			
19			
20	BE IT ENACTED BY THE GENERAL ASSI	EMBLY OF THE STATE OF ARKANSA	AS:
21			
22	SECTION 1. Arkansas Code /	Annotated 9-12-320 is hereby	amended to read
23	as follows:		
24	"9-12-320. Proceedings sul	osequent to decree - change o	of venue.
25	(a) <u>The court where the fi</u> r	nal decree of divorce is rend	dered shall retain
26	jurisdiction for all matters foll	owing the entry of the decre	<u>e.</u> In divorce
27	proceedings, when a complaint for divorce is filed in a chancery court of one		
28	(1) chancery district and the fir	nal decree is rendered by the	ecourt and, If
29	more than six (6) months subsequent to the final decree, however, both of the		
30	parties to the divorce proceedings have established a residence in a county of		
31	another chancery district within the state, one or both of the parties may		
32	petition the court which granted the final decree to request that the case be		
33	transferred to another county. The case shall not be transferred absent a		
34	showing that the best interest of the parties justifies the transfer. In		
35	cases where children are involved and a justification for transfer of the case		
36	<u>has been made, there shall be an</u>	initial presumption for tran	<u>isfer of the case</u>



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to the county of residence of the custodial parent. further action upon such 1 2 case may be brought in the county of residence of the custodial parent or 3 where the final decree is rendered. The court where the final decree is rendered shall retain jurisdiction for a minimum of six (6) months following 4 entry of that decree. 5 (b) At the request of the party seeking If the court which granted the 6 7 final decree agrees to transfer the case to another chancery district, the court shall enter an order transferring the case and charging the chancery 8 9 clerk of the court of original jurisdiction to transmit forthwith certified copies of all records pertaining to the case. 10 (c) The provisions of this section shall not repeal any laws or parts of 11 12 laws in effect on March 3, 1975, relating to venue for divorce actions, but 13 shall be supplemental thereto." 14 15 SECTION 2. Arkansas Code Annotated 9-10-102 (f) is amended to read as 16 follows: 17 "(f)(1) The court where the final decree of paternity is rendered shall 18 retain jurisdiction of all matters following the entry of the decree. Ηn paternity proceedings, when a complaint for paternity is filed in a chancery 19 20 court, or iuvenile division thereof, of one chancery district and the final adjudication is rendered by the court and, If more than six (6) months 21 22 subsequent to the final adjudication, however, each of the parties to the action the mother, father, or physical custodian has established a residence 23 24 in a county of another chancery district within the state, one or both of the

25 parties may petition the court which entered the final adjudication to request
26 that the case be transferred to another county. The case shall not be

27 transferred absent a showing that the best interest of the parties justifies

28 the transfer. If a justification for transfer of the case has been made,

29 there shall be an initial presumption for transfer of the case to the county

30 <u>of residence of the physical custodian of the child.</u>, further action upon such

31 case may be brought in the county where the mother, father, or physical

32 custodian resides as provided herein. The court where the paternity

33 adjudication is rendered shall retain jurisdiction for a minimum of six (6)

34 months following adjudication of paternity.

35 (2) At the request of the person seeking <u>If the court which</u>
36 <u>entered the final adjudication agrees</u> to transfer the case to another

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1 chancery district, upon proper motion and affidavit, notice and payment of a 2 refiling fee, the court shall enter an order transferring the case and the 3 refiling fee and charging the clerk of the court to transmit forthwith 4 certified copies of all records pertaining to the case to the clerk of court 5 in the chancery district where the case is being transferred.

6 (3) An affidavit shall accompany the motion to transfer and 7 recite that the parent(s), the physical custodian, and the Office of Child 8 Support Enforcement, as appropriate, have been notified in writing that a 9 request has been made to transfer the case to another chancery district.

10 (4) Notification pursuant to this section must inform each
11 recipient that any objection must be filed within twenty (20) days from the
12 date of receipt of the affidavit and motion for transfer.

13 (5) The chancery clerk receiving a transferred case shall, within
14 fourteen (14) days of receipt, set up a case file, docket the case, and afford
15 the case full faith and credit as if the case had originated in that judicial
16 district."

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SECTION 3. All provisions of this act of a general and permanent nature
 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
 Revision Commission shall incorporate the same in the Code.

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SECTION 4. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

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28 SECTION 5. All laws and parts of laws in conflict with this act are 29 hereby repealed.

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