

1 State of Arkansas
2 88th General Assembly
3 Regular Session, 2011
4

As Engrossed: S3/10/11

A Bill

SENATE BILL 628

5 By: Senators Madison, D. Johnson
6 By: Representatives Williams, J. Edwards
7

For An Act To Be Entitled

9 AN ACT TO MAKE VARIOUS CORRECTIONS TO TITLE 9 OF THE
10 ARKANSAS CODE CONCERNING FAMILY LAW; AND FOR OTHER
11 PURPOSES.
12
13

Subtitle

15 TO MAKE VARIOUS CORRECTIONS TO TITLE 9 OF
16 THE ARKANSAS CODE CONCERNING FAMILY LAW.
17
18

19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
20

21 SECTION 1. Arkansas Code § 9-9-504(d)(3)(E) is amended to remove
22 repetitive language:

23 (E)(i) The name and address of the adoption agency or
24 other entity, organization, or person placing the adopted child, if known.

25 (ii) The affiant shall notify the registry of any
26 change in name or location which occurs subsequent to his or her filing the
27 affidavit.

28 (iii) The registry shall have no duty to search for
29 the affiant who fails to register his or her most recent address;

30 ~~(ii) The affiant shall notify the registry of any change~~
31 ~~in name or location that occurs subsequent to his or her filing the~~
32 ~~affidavit. The registry shall have no duty to search for the affiant who~~
33 ~~fails to register his or her most recent address;~~

34 ~~(iii) The registry shall have no duty to search for the~~
35 ~~affiant who fails to register his or her most recent address;~~
36



1 SECTION 2. Arkansas Code § 9-11-208 is amended to reorganize the
2 section as a result of its amendment:

3 9-11-208. License not issued to persons of the same sex.

4 (a)(1)(A) It ~~shall be the declared~~ is the public policy of the State
5 of Arkansas to recognize the marital union only of man and woman.

6 (B) ~~No A~~ license shall not be issued to ~~persons~~ a person
7 to marry another person of the same sex and no same-sex marriage shall be
8 recognized as entitled to the benefits of marriage.

9 (b)(2) Marriages between persons of the same sex are prohibited
10 in this state. Any marriage entered into by ~~persons~~ a person of the same
11 sex, when a marriage license is issued by another state or by a foreign
12 jurisdiction, shall be void in Arkansas, and any contractual or other rights
13 granted by virtue of that license, including its termination, shall be
14 unenforceable in the Arkansas courts.

15 (c)(3) However, nothing in this section shall prevent an
16 employer from extending benefits to ~~persons~~ a person who ~~are~~ is a domestic
17 ~~partners~~ partner of ~~employees~~ an employee.

18 (d)(b) ~~No A~~ license shall not be issued to ~~persons~~ a person to marry
19 unless and until the female shall attain the age of sixteen (16) years and
20 the male the age of seventeen (17) years and then only by written consent by
21 a parent or guardian until the male shall have attained the age of eighteen
22 (18) years and the female the age of eighteen (18) years.

23
24 SECTION 3. Arkansas Code § 9-11-804(a)(2) and (a)(3) are amended to
25 properly subdivide to read as follows:

26 (2)(A) An affidavit by the parties that they have received
27 authorized counseling that shall include a discussion of the seriousness of
28 covenant marriage, communication of the fact that a covenant marriage is a
29 commitment for life, a discussion of the obligation to seek marital
30 counseling in times of marital difficulties, and a discussion of the
31 exclusive grounds for legally terminating a covenant marriage by divorce;

32 (B)(3) An attestation, signed by the counselor and attached to
33 or included in the parties' affidavit, confirming that the parties received
34 authorized counseling as to the nature and purpose of the marriage and the
35 grounds for termination of the marriage and an acknowledgment that the
36 counselor provided to the parties the informational pamphlet developed and

1 promulgated by the Administrative Office of the Courts under this subchapter
2 that provides a full explanation of the terms and conditions of a covenant
3 marriage; and

4 ~~(3)~~(4)(A) The signature of both parties witnessed by a notary.

5 (B) If one (1) of the parties is a minor, or both are
6 minors, the written consent or authorization of those persons required under
7 this chapter to consent to or authorize the marriage of minors.

8
9 SECTION 4. Arkansas Code § 9-15-211 is amended to repeal obsolete
10 language:

11 ~~9-15-211. Jurisdiction generally.~~

12 ~~If any provision of this chapter granting jurisdiction in the chancery~~
13 ~~court is held invalid or if, for some reason the chancery court cannot~~
14 ~~exercise jurisdiction under this chapter, then pursuant to Arkansas~~
15 ~~Constitution, Article 7, § 11 [repealed], the circuit court shall have~~
16 ~~jurisdiction over such matters.~~

17
18 SECTION 5. The first unnumbered paragraph of Arkansas Code § 9-16-102
19 is amended to read as follows:

20 As used in this chapter, "Family family preservation services" means
21 services for children and families that are designed to help families at risk
22 or in crisis, including adoptive and extended families, and include:

23
24 SECTION 6. Arkansas Code § 9-20-113(a)(3) is amended to add
25 introductory language and to be properly subdivided:

26 (3) An adequate assessment of the following cannot be made in
27 the adult's place of residence:

28 (A) The adult's capacity to comprehend the nature and
29 consequences of remaining in the situation or condition ~~cannot be adequately~~
30 ~~assessed in the adult's place of residence;~~ or

31 (B) The adult's mental or physical impairment and ability
32 to protect himself or herself from adult maltreatment ~~cannot be adequately~~
33 ~~assessed in the adult's place of residence.~~

34
35 SECTION 7. Arkansas Code § 9-27-303(3)(C)(ii)(f) is amended to make a
36 stylistic change to read as follows:

1 (f)~~(1)~~ The restraint is for a reasonable
2 period of time, and

3 ~~(2) The restraint~~ is in conformity with
4 training and agency policy and procedures.

5
6 SECTION 8. Arkansas Code § 9-27-359(a)(2) is amended to make a
7 stylistic change to read as follows:

8 (2) The goal at the permanency planning hearing was either+

9 ~~(A) Reunification,~~ reunification or

10 ~~(B) Another~~ another planned permanent living arrangement.

11
12 SECTION 9. DO NOT CODIFY. The enactment and adoption of this act
13 shall not repeal, expressly or impliedly, the acts passed at the regular
14 session of the Eighty-Eighth General Assembly. All such acts shall have the
15 full force and effect and, so far as those acts intentionally vary from or
16 conflict with any provision contained in this act, those acts shall have the
17 effect of subsequent acts and as amending or repealing the appropriate parts
18 of the Arkansas Code of 1987.

19
20 /s/Madison
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36