

1 State of Arkansas
2 93rd General Assembly
3 Regular Session, 2021

A Bill

SENATE BILL 589

4
5 By: Senator B. Ballinger

For An Act To Be Entitled

8 AN ACT CONCERNING THE MODIFICATION OF A CHILD CUSTODY
9 OR VISITATION ORDER; AND FOR OTHER PURPOSES.

Subtitle

12 CONCERNING THE MODIFICATION OF A CHILD
13 CUSTODY OR VISITATION ORDER.

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

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19 SECTION 1. Arkansas Code § 9-13-101, concerning the award of custody,
20 is amended to add an additional subsection to read as follows:

21 (f)(1) Unless a child is in imminent danger of physical harm, a party
22 shall not file a motion or countermotion to modify a child custody or
23 visitation order if:

24 (A) The party requesting the modification has previously
25 been ordered to pay:

26 (i) Child support;

27 (ii) A judgment on child support arrears; or

28 (iii) Attorney's fees and costs to another party in
29 a previous child custody or visitation proceeding involving the child; and

30 (B) The balance of one (1) or more of the items listed in
31 subdivisions (f)(1)(A)(i)-(iii) of this section has not been paid in full
32 before the motion to modify child custody or visitation is filed.

33 (2) As used in this subsection, "imminent danger of physical
34 harm" includes without limitation:

35 (A) Intentional physical injury;

36 (B) Sexual abuse;



1 (C) Sexual exploitation;

2 (D) Drug use in the home of the child or in the presence
3 of the child; and

4 (E) An act or omission giving rise to the imminent danger
5 of physical harm to a child.

6 (3) A party who files or has filed a motion or countermotion to
7 modify a child custody or visitation order and who has an outstanding balance
8 for one (1) or more of the items listed in subdivisions (f)(1)(A)(i)-(iii) of
9 this section shall pay to the party owed the balance:

10 (A) The total outstanding balance in full within five (5)
11 business days; and

12 (B) At least twenty percent (20%) of the court-ordered
13 attorney's fees and costs for which a balance is outstanding at the time of
14 filing.

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