

ARKANSAS SENATE
94th General Assembly - Regular Session, 2023
Amendment Form

Subtitle of Senate Bill No. 311

TO AMEND THE LIMITATIONS PERIOD FOR WHEN A PETITION FOR AN INITIAL ORDER OF CHILD SUPPORT MAY BE SOUGHT AND THE PERIOD OF TIME FOR WHICH RETROACTIVE CHILD SUPPORT MAY BE AWARDED.

Amendment No. 1 to Senate Bill 311

Amend Senate Bill No. 311 as originally introduced:

Delete SECTION 1 in its entirety, and substitute the following:

"SECTION 1. Arkansas Code § 9-10-111(a), concerning the judgment of a monthly sum to be awarded subsequent to a paternity finding being made, is amended to read as follows:

(a)(1) If it is found by the circuit court that the accused is the father of the child and, if claimed by the mother, the circuit court or circuit judge shall give judgment for a monthly sum of not less than ten dollars (\$10.00) per month for every month from ~~the birth of the child~~ three (3) years before the date that the petition, complaint, or other initial pleading was filed or from the birth of the child, if the child is less than three (3) years of age, until the child attains eighteen (18) years of age, except as provided in subdivision (a)(2) of this section.

(2) If the parent ordered to pay support was not served with the petition, complaint, or other initial pleading within ninety (90) days after filing and the court finds that the parent was not intentionally evading service, the child support order shall be effective no earlier than three (3) years before the date of service or from the birth of the child, if the child is less than three (3) years of age.

SECTION 2. Arkansas Code § 9-14-105 is amended to read as follows:
9-14-105. Petition for support – Definitions – Limitations period.

(a) The circuit courts in the several counties in this state shall have exclusive jurisdiction in all civil cases and matters relating to the support of a minor child or support owed to a person eighteen (18) or older that accrued during that person's minority.

(b) The following may file a petition to require the parent or parents of a minor child to provide support for the minor child:

- (1) Any parent having physical custody of a minor child;
- (2) Any other person or agency to whom physical custody of a minor child has been given or relinquished;



(3) A minor child by and through his or her guardian or fictive kin; or

(4) The Office of Child Support Enforcement of the Revenue Division of the Department of Finance and Administration when a person to whom physical custody has been relinquished or awarded, parent, or putative father:

(A) Is receiving assistance under the Transitional Employment Assistance Program, Medicaid, the Supplemental Nutrition Assistance Program, or the Foster Care Program of Title IV-E of the Social Security Act, 42 U.S.C. § 670 et seq.;

(B) Is receiving child support services under 45 C.F.R. §302.33, as it existed on ~~January 1, 2021~~ January 1, 2023; or

(C) Has contracted with the Department of Finance and Administration for child support services.

(c)(1) Any person eighteen (18) years of age or above to whom support was owed during his or her minority may file a petition for a judgment against the nonsupporting parent or parents.

(2) Upon hearing, a judgment may be entered upon proof by a preponderance of the evidence for the amount of support owed and unpaid for the last three (3) years prior to the petitioner reaching the age of majority.

(d) As used in this subchapter:

(1) "Minor child" means a child less than eighteen (18) years of age; and

(2) "Payor parent" means a parent with an obligation to pay support.

(e) Any action filed pursuant to this subchapter may be brought at any time up to and including five (5) years from the date the child reaches eighteen (18) years of age.

(f) This section shall apply to all actions pending as of March 29, 1991, and filed thereafter and shall retroactively apply to all child support orders now existing."

AND

Page 4, delete lines 13 through 15, and substitute the following:

"(c)(1) An initial support order for child support may be made retroactive for a period no earlier than three (3) years before the date that the petition, complaint, or other initial pleading was filed or from the birth of the child, if the child is less than three (3) years of age, except as otherwise provided under § 9-14-105 and as provided in subdivision (c)(2) of this section.

(2) If the parent ordered to pay support was not served with the petition, complaint, or other initial pleading within ninety (90) days after filing and the court finds that the parent was not intentionally evading service, the child support order shall be effective no earlier than three (3) years before the date of service or from the birth of the child, if the child is less than three (3) years of age."

AND

Page 4, delete line 16, and substitute the following:
"(3) As used in this section:"

AND

Appropriately renumber the sections of the bill

The Amendment was read the first time, rules suspended and read the second time and _____
By: Senator A. Clark
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LHR180

Secretary