

State of Arkansas

77th General Assembly

Regular Session, 1989

A Bill

HOUSE BILL

1695

By: Representative Mahony

For An Act To Be Entitled

"AN ACT TO ESTABLISH PUBLIC POLICY CONCERNING VISITATION RIGHTS AND THE PAYMENT OF COURT-ORDERED CHILD SUPPORT; AND FOR OTHER PURPOSES."

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

SECTION 1. It is hereby established as the public policy of the State of Arkansas that the right of a child in this state to receive support from both parents without regard to marital status of the parents shall be considered a separate and equal right to the right to visit with the non-custodial parent when both parents do not reside in the same household. No court in this state shall deny any judgment of child support arrearages owing under court order on the basis that the custodial parent interfered with the visitation rights of the non-custodial parent. No court in this state shall enter an order in which the payment of support is made conditional on the exercise of visitation rights by the non-custodial parent.

SECTION 2. 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.

SECTION 3. All laws and parts of laws in conflict with this act are hereby repealed.

SECTION 4. EMERGENCY. It is hereby found and determined by the General Assembly that public policy dictates that it is in the best interests of the children of this state that they be supported by both parents and that the actions of one parent should not reduce the support owing to the child; it is also recognized that the establishment of a relationship with both parents

when both do not reside in the same household is also of benefit to the children of this state and should be encouraged to the point of enforcement through court action, if necessary; but any right to support is a right belonging to the child and court opinions which have conditioned the receipt of support on the exercise of visitation rights are against public policy and should be legislatively overruled. Therefore, an emergency is hereby declared to exist and this act being necessary for the preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval.