

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
91st General Assembly
Regular Session, 2017

As Engrossed: H3/14/17

A Bill

HOUSE BILL 1959

By: Representative Ballinger

For An Act To Be Entitled

AN ACT TO AMEND THE LAW CONCERNING ALIMONY SUPPORT;
AND FOR OTHER PURPOSES.

Subtitle

TO AMEND THE LAW CONCERNING ALIMONY
SUPPORT.

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

SECTION 1. Arkansas Code § 9-12-312(b), concerning the award of rehabilitative alimony support, is amended to read as follows:

(b)(1)(A) Alimony may be awarded under proper circumstances concerning rehabilitation to either party in fixed installments for a specified period of time so that the payments qualify as periodic payments within the meaning of the Internal Revenue Code.

(B) The purpose of rehabilitative alimony is to help the recipient become self-supporting.

(2) When a request for rehabilitative alimony or a request to modify an existing alimony support order is made to the court, the payor may request or the court may require the recipient to provide a plan of rehabilitation for the court to consider in determining:

(A) Whether or not the plan is feasible; and

(B) The amount and duration of the award.

(3) If the recipient fails to meet the requirements of the rehabilitative plan, the payor may petition the court for a review to determine if rehabilitative alimony shall continue or be modified.

(4) A person paying alimony is entitled to petition the court



for a review, modification, or both of the court's alimony order at any time based upon a significant and material change of circumstances.

(5) A payor may request that the recipient of the award provide a plan of rehabilitation under subdivision (b)(2) of this section.

(6) An award of alimony shall not exceed:

(A) Twenty percent (20%) of the net income of the payor when marital property is divided fifty-fifty (50/50) by court order; or

(B) Ten percent (10%) of the net income of the payor when the payor retires and is sixty-two (62) years of age or older.

(7)(A) A court order awarding alimony may provide support for up to three (3) years from the date the divorce is granted.

(B) A recipient of alimony may petition the court to extend the award of alimony within six (6) months of the expiration of the initial award of alimony.

(8) Evidence of the recipient's inability to return to work because of a disability may include, without limitation, testimony from a medical professional who is qualified to testify as a rehabilitation expert.

(9) As used in this section, "payor" means a person who pays an award of alimony to an ex-spouse recipient of the award.

/s/Ballinger