

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

State of Arkansas
92nd General Assembly
Regular Session, 2019

A Bill

SENATE BILL 496

By: Senator B. Ballinger

For An Act To Be Entitled

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

Subtitle

TO AMEND PROVISIONS OF 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) Unless the court makes specific findings regarding the payor's ability to pay an additional percentage, an award of alimony shall not exceed:

(A) Twenty percent (20%) of the net income of the payor when marital property is divided equally 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) Unless the court makes specific findings of fact regarding the payee's need to receive alimony for an additional period of time, a court order awarding rehabilitative 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) As used in this section:

(A) "Payee" means a person to whom a payor must pay an award of alimony; and

(B) "Payor" means a person who pays an award of alimony to a former spouse who is the recipient of the award.

SECTION 2. DO NOT CODIFY. Effect of act – Material change of circumstances.

This act is a material change of circumstances that is sufficient to warrant a modification of a spousal support order issued by a court.

SECTION 3. DO NOT CODIFY. Effect of act – Existing court orders.

This act does not nullify a court order concerning alimony support that was entered before the effective date of this act.