

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

State of Arkansas
93rd General Assembly
Regular Session, 2021

A Bill

SENATE BILL 428

By: Senator B. Ballinger
By: Representative Gazaway

For An Act To Be Entitled

AN ACT TO MAKE TECHNICAL CORRECTIONS TO TITLE 9 OF
THE ARKANSAS CODE CONCERNING FAMILY LAW; AND FOR
OTHER PURPOSES.

Subtitle

TO MAKE TECHNICAL CORRECTIONS TO TITLE 9
OF THE ARKANSAS CODE CONCERNING FAMILY
LAW.

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

SECTION 1. Arkansas Code § 9-9-217(a)(1)(B)(ii), concerning confidentiality of hearings and records, is amended to repeal old language and add new language for clarification to read as follows:

(ii) Except as otherwise provided by law, a member of the General Assembly who attends a hearing in accordance with subdivision (a)(1)(B)(i) of this section shall not ~~redisclose~~ disclose information obtained during his or her attendance at the hearing.

SECTION 2. Arkansas Code § 9-11-102 is amended to repeal old language and add new language for clarification to read as follows:

9-11-102. Minimum age – Parental or guardian consent – Definition.

(a) Every male who ~~has arrived at the full age of seventeen (17)~~ is at least eighteen (18) years of age and every female who ~~has arrived at the full age of seventeen (17)~~ is at least eighteen (18) years of age shall be capable in law of contracting marriage.



~~(b)(1)(A)~~ However, ~~males and females under the age of eighteen (18) years shall furnish the clerk, before the marriage license can be issued, satisfactory evidence of the consent of the parent or parents or guardian to the marriage~~ a male or female who is at least seventeen (17) years of age but under the age of eighteen (18) years may contract marriage as provided under this subsection.

(2) As used in subsection (b) of this section, "contracting party" means a male or female who is at least seventeen (17) years of age but under the age of eighteen (18) years.

(3) Before a marriage license may be issued under this subsection, a contracting party shall furnish the clerk with a verified affidavit signed in the presence of a notary public that states that the parent or parents or guardian of the contracting party consents to the marriage.

~~(B) As used in subdivision (b)(1)(A) of this section, "satisfactory evidence" means a verified affidavit signed in the presence of a notary that states that the parent or parents or guardian of the minor consents to the marriage.~~

~~(2)(A)(4)~~ The consent of both parents of ~~each~~ a contracting party shall be is necessary before the marriage license can be issued by the clerk unless:

(A) The ~~the~~ The parents have been divorced and custody of the ~~child~~ contracting party has been awarded to one (1) of the parents exclusive of the other, ~~or unless the;~~

(B) The ~~The~~ custody of the ~~child~~ contracting party has been surrendered by one (1) of the parents through abandonment or desertion, in which ~~eases~~ case the consent of the parent who has custody of the ~~child~~ contracting party is sufficient; or

(C) A guardian has been appointed for the contracting party, in which case the consent of the guardian of the contracting party is sufficient.

~~(B)(5)~~ The consent of the parent or guardian may be voided by the order of a circuit court on a showing by clear and convincing evidence that:

~~(i)(A)~~ The parent or guardian is not fit to make decisions concerning the ~~child~~ contracting party; and

~~(ii)(B)~~ The marriage is not in the ~~child's~~ contracting party's best interest.

~~(e)(6)~~ There shall be a waiting period of five (5) business days for any a marriage license issued under ~~subdivision (b)(2) of this section~~ this subsection.

~~(d)(7)~~ If a ~~child~~ contracting party has a pending case in the a circuit court, a parent or guardian who files consent under ~~subsection (b) of this section~~ this subsection shall immediately notify the circuit court, and all parties, and attorneys to the pending case.

SECTION 3. Arkansas Code § 9-14-402 is repealed to repeal obsolete language.

~~9-14-402. Staff.~~

~~The Administrator of the Office of Child Support Enforcement of the Revenue Division of the Department of Finance and Administration shall assign staff of the Office of Child Support Enforcement of the Revenue Division of the Department of Finance and Administration to assist the State Commission on Child Support [repealed] in carrying out its duties and responsibilities.~~

SECTION 4. Arkansas Code § 9-14-403 is repealed to repeal obsolete language.

~~9-14-403. Duties.~~

~~The State Commission on Child Support [repealed] shall have the following duties:~~

~~(1) To examine, investigate, and study the operation of the state's child support system to determine the extent to which such system is successful in securing support and parental involvement for children;~~

~~(2) To make recommendations for legislation which would clarify and improve state laws in the areas of visitation, standards for support, enforcement of interstate obligations, paternity establishment, and support collection methods;~~

~~(3) To evaluate the availability, cost, and effectiveness of services for support enforcement to children receiving aid and those not receiving aid and assist the Title IV-D agency in program improvements or enhancements which would increase the availability of support enforcement;~~

~~(4) To examine proposed legislation and make recommendations~~

~~concerning compliance with federal requirements for support collection; and
(5) To review expedited process reporting for child support
cases pending in the judicial districts from data furnished by the
Administrative Office of the Courts and assist in compliance with case
processing standards.~~

SECTION 5. Arkansas Code § 9-20-121(a)(10)(A)(ii), concerning the availability of custody and protective services records, is amended to repeal old language and add new language for clarification to read as follows:

(ii) Federal and state representatives and senators shall not ~~redisclose the~~ disclose information obtained under this section.

SECTION 6. DO NOT CODIFY. CONSTRUCTION AND LEGISLATIVE INTENT.

It is the intent of the General Assembly that:

(1) The enactment and adoption of this act shall not expressly or impliedly repeal an act passed during the regular session of the Ninety-Third General Assembly;

(2) To the extent that a conflict exists between an act of the regular session of the Ninety-Third General Assembly and this act:

(A) The act of the regular session of the Ninety-Third General Assembly shall be treated as a subsequent act passed by the General Assembly for the purposes of:

(i) Giving the act of the regular session of the Ninety-Third General Assembly its full force and effect; and

(ii) Amending or repealing the appropriate parts of the Arkansas Code of 1987; and

(B) Section 1-2-107 shall not apply; and

(3) This act shall make only technical, not substantive, changes to the Arkansas Code of 1987.