

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

State of Arkansas  
93rd General Assembly  
Regular Session, 2021

As Engrossed: S4/1/21 H4/13/21

# A Bill

SENATE BILL 589

By: Senator B. Ballinger

By: Representatives Underwood, V. Flowers, Pilkington

## For An Act To Be Entitled

AN ACT CONCERNING THE MODIFICATION OF A CHILD CUSTODY  
OR VISITATION ORDER; AND FOR OTHER PURPOSES.

### Subtitle

CONCERNING THE MODIFICATION OF A CHILD  
CUSTODY OR VISITATION ORDER.

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

SECTION 1. Arkansas Code § 9-13-101, concerning the award of custody, is amended to add an additional subsection to read as follows:

(f)(1) Unless a child is in imminent danger of physical harm or living with a third party nonparent, a party shall not file a motion or countermotion to modify a child custody or visitation order if:

(A) The party requesting the modification has previously been ordered to pay and has or has had the ability to pay:

(i) Child support that has accrued unadjudicated arrears in an amount equal to or greater than twenty-five thousand dollars (\$25,000);

(ii) A judgment on child support arrears in an amount equal to or greater than twenty-five thousand dollars (\$25,000) that is not ordered to be paid back in monthly installments; or

(iii) Attorney's fees and costs equal to or greater than twenty-five thousand dollars (\$25,000) to another party in a previous child custody or visitation proceeding involving the child; and

(B) The balance of one (1) or more of the items listed in subdivisions



(f)(1)(A)(i)-(iii) of this section has not been paid in full before the motion to modify child custody or visitation is filed.

(2) As used in this subsection, "imminent danger of physical harm" includes without limitation:

(A) Intentional physical injury;

(B) Sexual abuse;

(C) Sexual exploitation;

(D) Drug use in the home of the child or in the presence of the child; and

(E) An act or omission giving rise to the imminent danger of physical harm to a child.

(3) A party who files or has filed a motion or countermotion to modify a child custody or visitation order and who has an outstanding balance for one (1) or more of the items listed in subdivisions (f)(1)(A)(i)-(iii) of this section shall pay to the party owed the balance:

(A) The total outstanding balance and any accrued interest in full within five (5) business days; and

(B) An additional payment in the amount of twenty percent (20%) of the outstanding balance due at the time of filing of the motion or countermotion to modify the child custody or visitation order for attorney's fees and costs of participating in proceedings concerning the motion or countermotion to modify the child custody or visitation order.

*/s/B. Ballinger*