

1 State of Arkansas
2 93rd General Assembly
3 Regular Session, 2021
4

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

A Bill

SENATE BILL 589

5 By: Senator B. Ballinger
6 *By: Representatives Underwood, V. Flowers, Pilkington*
7

For An Act To Be Entitled

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

Subtitle

14 CONCERNING THE MODIFICATION OF A CHILD
15 CUSTODY OR VISITATION ORDER.
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18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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20 SECTION 1. Arkansas Code § 9-13-101, concerning the award of custody,
21 is amended to add an additional subsection to read as follows:

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

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

27 (i) Child support that has accrued unadjudicated
28 arrears in an amount equal to or greater than twenty-five thousand dollars
29 (\$25,000);

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

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

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



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

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

5 (A) Intentional physical injury;

6 (B) Sexual abuse;

7 (C) Sexual exploitation;

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

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

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

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

18 (B) An additional payment in the amount of twenty percent
19 (20%) of the outstanding balance due at the time of filing of the motion or
20 countermotion to modify the child custody or visitation order for attorney's
21 fees and costs of participating in proceedings concerning the motion or
22 countermotion to modify the child custody or visitation order.

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25 /s/B. Ballinger
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