

1 **State of Arkansas**  
2 **78th General Assembly**  
3 **Regular Session, 1991**  
4 **By: Representative Jordan**

**A BILL ACT 1102 OF 1991**  
**HOUSE BILL 1616**

**For An Act To Be Entitled**

8 "AN ACT TO AMEND TITLE 9, CHAPTERS 10 AND 12 OF THE  
9 ARKANSAS CODE OF 1987 TO PROVIDE A METHOD OF COLLECTION  
10 FOR UNPAID ANNUAL CHILD SUPPORT FEES; AND FOR OTHER  
11 PURPOSES."

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

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15 SECTION 1. Subsection (b) of Arkansas Code §9-10-109 is hereby amended  
16 to read as follows:

17 "(b) (1) All orders directing payments through the registry of the court  
18 shall set forth a fee to be paid by the noncustodial parent or obligated  
19 spouse in the amount of one dollar (\$1.00) for each payment or accumulation of  
20 payments received or an annual fee to be set by the court of not more than  
21 twenty-four dollars (\$24.00) per year, but not both a fee per payment or  
22 payments and an annual fee. If the court sets an annual fee, it shall be  
23 collected from the noncustodial parent or obligated spouse at the time of the  
24 first support payment and during the anniversary month of the entry of the  
25 order each year thereafter until no children remain minor and the support  
26 obligation is extinguished.

27 (2) The clerk, upon direction from the court and as an  
28 alternative to collecting the annual fee during the anniversary month each  
29 year after entry of the order, may prorate the first fee collected at the time  
30 of the first payment of support under the order to the number of months  
31 remaining in the calendar year and thereafter collect all fees as provided in  
32 this subsection during the month of January of each year.

33 (3) Payments made for this fee shall be made on an annual basis  
34 in the form of a check or money order payable to the clerk of the court or  
35 other such legal tender which the clerk may accept. This fee payment shall be  
36 separate and apart from the support payment, and under no circumstances shall

1 the support payment be reduced to fulfill the payment of this fee.

2           (4) Upon the nonpayment of the annual fee by the noncustodial  
3 parent within ninety (90) days, the clerk may notify the payor under the order  
4 of income withholding for child support who shall withhold the fee in addition  
5 to any support and remit such to the clerk.

6           (5) All moneys collected by the clerk as a fee as provided in  
7 this subsection shall be used by the clerk's office to offset administrative  
8 costs as a result of this subchapter and to purchase, maintain, and operate an  
9 automated data system for use in administering the requirements of this  
10 subchapter. All fees collected under this subsection shall be paid into the  
11 county treasury to the credit of the fund to be known as the 'Support  
12 Collection Costs Fund'. Moneys deposited in this fund shall be appropriated  
13 for the uses designated in this subdivision by the quorum court upon the  
14 request of the clerk of the court."  
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16           SECTION 2. Subsection (e) of Arkansas Code §9-12-312 is hereby amended  
17 to read as follows:

18           "(e)(1) Except as set forth in subdivision (5) of this subsection, all  
19 orders directing payments through the registry of the court shall set forth a  
20 fee to be paid by the noncustodial parent or obligated spouse in the amount of  
21 one dollar (\$1.00) for each payment or accumulation of payments received, or  
22 an annual fee to be set by the court of not more than twenty-four dollars  
23 (\$24.00) per year, but not both a fee per payment or payments and an annual  
24 fee. If the court sets an annual fee, it shall be collected from the  
25 noncustodial parent or obligated spouse at the time of the first support  
26 payment and during the anniversary month of the entry of the order each year  
27 thereafter until no children remain minor and the support obligation is  
28 extinguished.

29           (2) The clerk, upon direction from the court and as an  
30 alternative to collecting the annual fee during the anniversary month each  
31 year after entry of the order, may prorate the first fee collected at the time  
32 of the first payment of support under the order to the number of months  
33 remaining in the calendar year and thereafter collect all fees as provided in  
34 this subsection during the month of January of each year.

35           (3) Payments made for this fee shall be made on an annual basis

1 in the form of a check or money order payable to the clerk of the court or  
2 such other legal tender which the clerk may accept. This fee payment shall be  
3 separate and apart from the support payment and under no circumstances shall  
4 the support payment be reduced to fulfill the payment of this fee.

5 (4) Upon the nonpayment of the annual fee by the noncustodial  
6 parent within ninety (90) days, the clerk may notify the payor under the order  
7 of income withholding for child support who shall withhold the fee in addition  
8 to any support and remit such to the clerk.

9 (5) In counties where an annual fee is collected and the court  
10 grants at least two thousand five hundred (2,500) divorces each year, the  
11 court may require that the initial annual fee be paid by the noncustodial  
12 parent or obligated spouse prior to the filing of the order.

13 (6) All moneys collected by the clerk as a fee as provided in  
14 this subsection shall be used by the clerk's office to offset administrative  
15 costs as a result of this subchapter and to purchase, maintain, and operate an  
16 automated data system for use in administering the requirements of this  
17 subchapter. All fees collected under this subsection shall be paid into the  
18 county treasury to the credit of the fund to be known as the 'Support  
19 Collection Costs Fund'. Moneys deposited in this fund shall be appropriated  
20 for the uses designated in this subdivision by the quorum court upon the  
21 request of the clerk of the court."

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23 SECTION 3. All provisions of this act of a general and permanent nature  
24 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
25 Revision Commission shall incorporate the same in the Code.

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27 SECTION 4. If any provision of this act or the application thereof to  
28 any person or circumstance is held invalid, such invalidity shall not affect  
29 other provisions or applications of the act which can be given effect without  
30 the invalid provision or application, and to this end the provisions of this  
31 act are declared to be severable.

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33 SECTION 5. All laws and parts of laws in conflict with this act are  
34 hereby repealed.

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APPROVED: 4/9/91