

1 **State of Arkansas**
2 **79th General Assembly**
3 **Regular Session, 1993**

A Bill

ACT 396 OF 1993
HOUSE BILL 1022

4 **By: Representatives Mahony and Northcutt**

5
6
7

For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE ANNOTATED §§9-14-218, 9-14-
9 221, AND 9-10-112 TO PROVIDE THAT THE ADDITIONAL AMOUNT OF
10 PERIODIC CHILD SUPPORT PAYMENT TO BE WITHHELD AND APPLIED
11 TOWARD LIQUIDATION OF ANY ACCRUED ARREARAGE DUE UNDER AN
12 ORDER SHALL BE NO LESS THAN TEN PERCENT (10%); TO PROVIDE
13 THAT INCOME WITHHOLDING DOES NOT CONSTITUTE AN ELECTION OF
14 REMEDIES; AND FOR OTHER PURPOSES."

15

Subtitle

16
17 "AN ACT TO ESTABLISH A MINIMUM ADDITIONAL AMOUNT OF
18 PERIODIC CHILD SUPPORT WITHHELD FOR LIQUIDATION OF ACCRUED
19 ARREARAGES; TO PROVIDE THAT INCOME WITHHOLDING IS NOT AN
20 ELECTION OF REMEDIES."

21

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

23

24 SECTION 1. Arkansas Code Annotated § 9-14-218(a)(1) is hereby amended
25 to read as follows:

26 "(a)(1) In all decrees or orders which provide for the payment of money
27 for the support and care of any children, the court shall include a provision
28 directing a payor to deduct from money, income, or periodic earnings due the
29 noncustodial parent an amount which is sufficient to meet the periodic child
30 support payments imposed by the court plus an additional amount of not less
31 than ten percent (10%) of the periodic child support payment to be applied
32 toward liquidation of any accrued arrearage due under the order. The use of
33 income withholding does not constitute an election of remedies and does not
34 preclude the use of other enforcement remedies."

35

36 SECTION 2. Arkansas Code Annotated § 9-14-221(b) is hereby amended to

1 read as follows:

2 "(b) (1) Prior to notification to the payor, for orders to be effective
3 under this section, the noncustodial parent shall be sent a notice by any form
4 of mail addressed to the parent at his or her last known address as contained
5 in the records of the court clerk.

6 (2) Actual costs of mailing the notice may be collected by the
7 clerk from the custodial parent.

8 (3) The notice shall contain the following information:

9 (A) The amount to be withheld;

10 (B) The amount of arrearages alleged to have accrued under
11 the support order and that an additional amount of not less than ten percent
12 (10%) of the support ordered will be withheld to liquidate the arrearages or
13 such amount as set forth by an order, if applicable;

14 (C) That the income withholding applies to current and
15 subsequent periods of employment, if used in employment, or remuneration;

16 (D) The procedure available to contest the withholding on
17 the grounds that the withholding is not proper because of mistake of fact;

18 (E) That failure to contest the withholding within ten (10)
19 days of the receipt or refusal of the notice will result in the payor being
20 notified to begin the withholding;

21 (F) That if the noncustodial parent contests the
22 withholding, he will be afforded an opportunity to present his case to the
23 court or its representative in that jurisdiction within thirty (30) days of
24 receipt of the notice of contest; and

25 (G) That state law prohibits employers from retaliating
26 against a noncustodial parent under an income withholding order and that the
27 court or its representative should be contacted if the noncustodial parent has
28 been retaliated against by his employer as a result of the income withholding
29 order."

30

31 SECTION 3. Arkansas Code Annotated §9-10-112(a) is hereby amended to
32 read as follows:

33 "(a) (1) Except as provided in subsection (b) of this section, all
34 persons under court order on August 1, 1985, to pay support who become
35 delinquent thereunder in an amount equal to the total court-ordered support

1 payable for thirty (30) days shall be subject to income withholding.

2 (2) In all orders which provide for the payment of money for the
3 support of any child, the court shall include a provision directing a payor to
4 deduct from money, income, or periodic earnings due the non-custodial parent
5 an amount which is sufficient to meet the periodic child support payments
6 imposed by the court, plus an additional amount of not less than ten percent
7 (10%) of the periodic child support payment to be applied toward liquidation
8 of any accrued arrearage due under the order. The use of income withholding
9 does not constitute an election of remedies and does not preclude the use of
10 other enforcement remedies."

11

12 SECTION 4. All provisions of this act of a general and permanent nature
13 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
14 Revision Commission shall incorporate the same in the Code.

15

16 SECTION 5. If any provision of this act or the application thereof to
17 any person or circumstance is held invalid, such invalidity shall not affect
18 other provisions or applications of the act which can be given effect without
19 the invalid provision or application, and to this end the provisions of this
20 act are declared to be severable.

21

22 SECTION 6. All laws and parts of laws in conflict with this act are
23 hereby repealed.

24

25 SECTION 7. EMERGENCY. It is hereby found and determined by the General
26 Assembly that it is in the best interests of the people of the State of
27 Arkansas that child support be collected and enforced in the most expedient
28 manner for all children of this state; that a smooth transition from current
29 requirements to those of this Act requires that the provisions become
30 effective immediately. Therefore, an emergency is hereby declared to exist
31 and this Act being necessary for the preservation of the public peace, health,
32 and safety shall be in full force and effect from and after its passage and
33 approval.

34

35

APPROVED: 03-09-93

