

Hall of the House of Representatives
84th General Assembly - Regular Session, 2003
Amendment Form

Subtitle of House Bill No. 1087

"AN ACT TO AMEND ARKANSAS CODE § 9-14-107 TO REQUIRE NONCUSTODIAL
PARENTS TO NOTIFY THE COURT OF MATERIAL CHANGES IN INCOME."

Amendment No. 6 to House Bill No. 1087.

Amend House Bill No. 1087 as engrossed, 1/31/03:

Delete everything after the enacting clause and substitute:

“SECTION 1. Arkansas Code § 9-14-107 is amended to read as follows:
9-14-107. Change in payor income warranting modification.

(a)(1) A change in gross income of the payor in an amount equal to or more than twenty percent (20%) or more than one hundred dollars (\$100) per month shall constitute a material change of circumstances sufficient to petition the court for ~~review and adjustment~~ modification of the child support ~~obligated amount~~ according to the family support chart after appropriate deductions.

(2)(A)(i) Any time a court orders child support, the court shall order the noncustodial parent to provide the custodial parent and, when applicable, the Office of Child Support Enforcement of the Revenue Division of the Department of Finance and Administration with annual proof of income for the previous calendar year, and whenever requested in writing, but not more than once a year, by the custodial parent.

(ii) Whenever a custodial parent requests in writing that the noncustodial parent provide proof of income, the noncustodial parent shall respond by certified mail within fifteen (15) days.

(B) If the noncustodial parent fails to provide annual proof of income as directed by the court, or fails to respond to a written request for proof of income, the noncustodial parent may be subject to contempt.

(C) If a custodial parent or the Office of Child Support Enforcement of the Revenue Division of the Department of Finance and Administration has to petition the court to obtain the information, the custodial parent or the Office of Child Support Enforcement may be entitled to recover costs and a reasonable attorney's fee.

(D) Once notified of an increase, the Office of Child Support Enforcement shall file a motion within thirty (30) days for modification of child support.

(E)(i) All income information received by the Office of Child Support Enforcement shall only be used as permitted and required by



law.

(ii) All income information received by the custodial parent shall be treated confidentially and used for child support purposes only.

(b)(1) A change in the noncustodial parent's health insurance status as defined in subdivision (b)(2) of this section shall constitute a material change of circumstances sufficient to petition the court for ~~review and adjustment~~ modification of the child support order according to the guidelines for child support and the family support chart.

(2) For purposes of this section, the term "health insurance status" shall mean that the noncustodial parent can obtain health insurance through his or her employer or other group health insurance. Health insurance shall be considered reasonable in cost if it is employment-related or is other group health insurance, regardless of the service delivery mechanism.

(3) In no event shall eligibility for or receipt of medicaid be considered adequate provision for the child's health care needs in a child support award.

(c) An inconsistency between the existent child support award and the amount of child support that results from application of the family support chart shall constitute a material change of circumstances sufficient to petition the court for ~~review and adjustment~~ modification of the child support obligated amount according to the family support chart after appropriate deductions unless:

(1) The inconsistency does not meet a reasonable quantitative standard established by the state, in accordance with subsection (a) of this section; or

(2) The inconsistency is due to the fact that the amount of the current child support award resulted from a rebuttal of the guideline amount and there has not been a change of circumstances that resulted in the rebuttal of the guideline amount.

(d) Any modification of a child support order which is based on a change in gross income of the noncustodial parent shall be effective as of the date of filing a motion for increase or decrease in child support, unless otherwise ordered by the court.

(e) When a person is ordered by a court of record to pay for the support of his or her children, the court, at the time an order of support is made or any time thereafter, upon a showing of good cause, may order periodic drafts of his or her accounts at a financial institution to deduct moneys due or payable for child support in amounts the court may find to be necessary to comply with its order for the support of the children.

The Amendment was read _____
By: Representative Hutchinson
PBB/RCK - 020420031001
RCK271

Chief Clerk