

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

A Bill

HOUSE BILL 1248

For An Act To Be Entitled

8 "AN ACT TO AMEND TITLE 11, CHAPTER 10, SUBCHAPTER 3 OF THE
9 ARKANSAS CODE OF 1987 TO PROVIDE WAGE INFORMATION TO THE
10 COURT FOR PURPOSES OF SETTING CHILD SUPPORT AMOUNTS; AND
11 FOR OTHER 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. Arkansas Code §11-10-314 is hereby amended by adding a new
16 subsection to read as follows:

17 "(1) (1) Upon receipt of an order from a court of record of this state
18 by the director of the Arkansas Employment Security Department for information
19 pertaining to an individual's current wage file and unemployment benefit
20 payment record as contained in the records of the department, such information
21 shall be made available to the court for the purpose of determining an amount
22 of support to be set during a proceeding for the establishment or collection
23 of child support obligations, or both.

24 (2) A photocopy of the records containing the information or a
25 statement that no information for the requested individual is contained in the
26 file of the Employment Security Department under the official seal of the
27 director shall be received into evidence in the court of record.

28 (3) The court order shall be satisfied by mailing the document under
29 seal directly to the court of record within ten (10) working days of receipt
30 of the court order unless a motion challenging the information is filed or a
31 subpoena is issued requiring the appearance of an employee of the department
32 with the court within thirty (30) days prior to the trial.

33 (4) The moving party challenging the information or requesting the
34 subpoena to testify or other evidentiary hearing shall post a bond with the
35 court in an amount determined by the court, but not less than two hundred

1 fifty dollars (\$250), to cover the cost of the appearance of the officer or
2 employee of the Department as a witness at trial or other evidentiary
3 proceeding.

4 (5) If an appearance is required, the department shall be awarded a
5 witness fee to cover the actual costs of the appearance of the witness. Such
6 award shall be taxed by the court as other costs in the case.

7 (6) The director shall comply with the court order for information if
8 the following conditions are met:

9 (A) The order is delivered at least ten (10) work days prior to
10 the date the information is required;

11 (B) The court order includes the name and social security number
12 of the individual for whom information is requested; and

13 (C) The court order is accompanied by the payment of ten dollars
14 (\$10.00) by the moving party seeking the information to the department for
15 costs associated with producing the information.

16 (7) Provided, however, the Department may not release information under
17 this subsection (1) if the United States Secretary of Labor rules that release
18 of the information would be grounds to find that the state is in substantial
19 noncompliance with 42 U.S.C. 503 or 26 U.S.C. 3304."

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21 SECTION 2. All provisions of this act of a general and permanent nature
22 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
23 Revision Commission shall incorporate the same in the Code.

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25 SECTION 3. If any provision of this act or the application thereof to
26 any person or circumstance is held invalid, such invalidity shall not affect
27 other provisions or applications of the act which can be given effect without
28 the invalid provision or application, and to this end the provisions of this
29 act are declared to be severable.

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31 SECTION 4. All laws and parts of laws in conflict with this act are
32 hereby repealed.

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34 SECTION 5. EMERGENCY. It is hereby found and determined by the
35 Seventy-Eighth General Assembly that it is in the best interest of the people

1 of the State of Arkansas that paternity of the children be established in the
2 most expedient manner for all children of this state; and the smooth
3 transition from current requirements of those of this act require the
4 provisions to become effective immediately upon passage. Therefore, an
5 emergency is hereby declared to exist and this act being necessary for the
6 immediate preservation of the public peace, health and safety shall be in full
7 force and effect from and after its passage and approval.

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/s/J. Mahony