

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

A Bill

HOUSE BILL

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."

12
13 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

14
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

1 separate and apart from the support payment, and under no circumstances shall
2 the support payment be reduced to fulfill the payment of this fee.

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

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

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17 SECTION 2. Subsection (e) of Arkansas Code §9-12-312 is hereby amended
18 to read as follows:

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

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

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

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

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

14 (6) All moneys collected by the clerk as a fee as provided in
15 this subsection shall be used by the clerk's office to offset administrative
16 costs as a result of this subchapter and to purchase, maintain, and operate an
17 automated data system for use in administering the requirements of this
18 subchapter. All fees collected under this subsection shall be paid into the
19 county treasury to the credit of the fund to be known as the 'Support
20 Collection Costs Fund'. Moneys deposited in this fund shall be appropriated
21 for the uses designated in this subdivision by the quorum court upon the
22 request of the clerk of the court."
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24 SECTION 3. All provisions of this act of a general and permanent nature
25 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
26 Revision Commission shall incorporate the same in the Code.

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

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

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