

1 **State of Arkansas**
2 **79th General Assembly**
3 **Regular Session, 1993**
4 **By: Representative J. Wilson**

A Bill

HOUSE BILL

For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE § 20-76-410 TO PERMIT
9 RECIPIENTS OF AID TO FAMILIES WITH DEPENDENT CHILDREN
10 (AFDC) TO RECEIVE BOTH CHILD SUPPORT PAYMENTS AND AFDC
11 ASSISTANCE FOR THE FIRST TWO (2) YEARS OF THE RECEIPT OF
12 THE ASSISTANCE; TO AMEND ARKANSAS CODE § 9-14-211 TO
13 SUSPEND ANY DEDUCTIONS FROM CHILD SUPPORT PAYMENTS FOR
14 RECIPIENTS OF AFDC ASSISTANCE FOR THE FIRST TWO (2) YEARS
15 OF ASSISTANCE; AND FOR OTHER PURPOSES."

Subtitle

17
18 "AN ACT TO PERMIT RECIPIENTS OF AFDC ASSISTANCE TO RECEIVE
19 BOTH CHILD SUPPORT PAYMENTS AND AFDC ASSISTANCE FOR THE
20 FIRST 2 YEARS OF ASSISTANCE PAYMENTS."

21
22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

23

24 SECTION 1. Arkansas Code § 20-76-410 is hereby amended to read as
25 follows:

26 "20-76-410. Dependent children.

27 (a) (1) Assistance grants shall be given under this act to any dependent
28 child, as defined in this section, who is living in a suitable family home
29 meeting the standards of care and health fixed by the laws of this state and
30 the rules and regulations of the appropriate division of the Department of
31 Human Services.

32 (2) The amount of the assistance shall be determined in
33 accordance with the provisions of § 20-76-407.

34 (3) The assistance grants shall be in the form of money payments
35 with respect to a dependent child or dependent children.

1 (b) The term dependent child means a needy child under the age of
2 twenty-one (21) years who has been deprived of parental support or care by
3 reason of the death, continued absence from the home, or physical or mental
4 incapacity of a parent and whose relatives liable under the law for his
5 support are not able to provide adequate care and support of the child without
6 public assistance grants, and who is living with any blood relative, including
7 those of half-blood, and including first cousins, nephews, nieces, stepfather,
8 stepmother, stepbrother, stepsister, adoptive parents, or spouses named in the
9 above groups, in a place of residence maintained by one (1) or more of the
10 relatives as their own home.

11 (c) By accepting assistance for or on behalf of a child which
12 assistance is provided by the appropriate division of the Department of Human
13 Services, under subsections (a) and (b) of this section, the recipient thereof
14 shall be deemed to have assigned to the appropriate division of the Department
15 of Human Services any rights to child support from any other person as the
16 recipient may have:

17 (1) In his own behalf or in behalf of any other family member for
18 whom the recipient is receiving assistance; and

19 (2) Accrued at the time such assistance, or any portion thereof,
20 is accepted.

21 (3) Except, that for the first two (2) years after the first
22 acceptance of the assistance, a recipient of the assistance shall be entitled
23 to receive both the assistance payments and any child support payments
24 collected and paid. During this period, there shall be no deductions from the
25 child support payments of any person receiving assistance in his own behalf or
26 on behalf of another person under this section.

27 (d) The appropriate division of the Department of Human Services shall
28 give notice, in writing, to each applicant for assistance. This notice shall
29 state that, after the first two (2) years, acceptance of assistance would
30 invoke the provisions of subsection (c) of this section and result in an
31 assignment under subsection (c) of this section."

32

33 SECTION 2. Arkansas Code § 9-14-211 is hereby amended to read as
34 follows:

35 "9-14-211. Assigned support rights generally.

1 (a) Support rights assigned to the Department of Human Services under
2 §20-76-410 shall constitute an obligation owed to the State of Arkansas by the
3 person responsible for providing the support, and the obligation shall be
4 collectible under all legal processes.

5 (b) The amount of obligation owed to the state shall be the amount
6 specified in a court order which covers the assigned rights.

7 (c) Provided, however, for the first two (2) years after the first
8 acceptance of the assistance, a recipient of the assistance shall be entitled
9 to receive both assistance payments under § 20-76-410 and any child support
10 amounts collected and paid. During this period, the assignment of rights
11 shall be effective but, there shall be no deductions from the child support
12 payments of any person receiving assistance in his own behalf or on behalf of
13 another person for the assistance payments made under § 20-76-410."

14

15 SECTION 3. All provisions of this act of general and permanent nature
16 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
17 Revision Commission shall incorporate the same in the Code.

18

19 SECTION 4. If any provisions of this act or the application thereof to
20 any person or circumstance is held invalid, the invalidity shall not affect
21 other provisions or applications of the act which can be given effect without
22 the invalid provisions or application, and to this end the provisions of this
23 act are declared to be severable.

24

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

27

28

29

30

31

32

33

34

35

1

2