

1 **State of Arkansas**
2 **79th General Assembly**
3 **Regular Session, 1993**
4 **By: Senator Hopkins**

A Bill

SENATE BILL 239

For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE §9-14-106 TO CREATE A
9 PRESUMPTION THAT CHILD SUPPORT SHALL BE REDUCED DURING
10 PERIODS OF EXTENDED VISITATION WITH THE NONCUSTODIAL
11 PARENT; AND FOR OTHER PURPOSES."

Subtitle

14 "TO CREATE A PRESUMPTION THAT CHILD SUPPORT SHALL BE
15 REDUCED DURING PERIOD OF EXTENDED VISITATION WITH A
16 NONCUSTODIAL PARENT."

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

20 SECTION 1. Arkansas Code § 9-14-106 is hereby amended to read as
21 follows:

22 "9-14-106. Noncustodial parents - Amount of support.

23 (a) (1) In determining a reasonable amount of support initially or upon
24 review to be paid by the noncustodial parent or parents, the court shall refer
25 to the most recent revision of the family support chart. It shall be a
26 rebuttable presumption for the award of child support that the amount
27 contained in the family support chart is the correct amount of child support
28 to be awarded. Only upon a written finding that the application of the support
29 chart would be unjust or inappropriate as determined under established
30 criteria set forth in the support chart, shall the presumption be rebutted.

31

32 (2) *The court may provide for abatement or reduction of the stated*
33 *child support amount for any period of time that a child spends in excess of*
34 *seven (7) consecutive days with the noncustodial parent as consecutive*
35 *visitation, regardless of the manner in which it is exercised. The court*

1 shall consider whether an adjustment in child support is appropriate, giving
2 consideration to the fixed obligations of the custodial parent that are
3 attributable to the child, to the increased costs of the noncustodial parent
4 associated with the child's visit, and to the relative incomes of both
5 parents. Abatement or reduction of the chart amount and justification of the
6 same shall be clearly set forth in the written findings of the court. If the
7 noncustodial parent fails to exercise extended visitation periods, the child
8 support shall not be abated or reduced. The noncustodial parent shall provide
9 written notification within ten (10) days, when abatement or reduction of
10 child support should occur due to extended visitation, to the clerk of the
11 court responsible for receipt of the child support payment, the noncustodial
12 parent's employer, if income withholding is in effect, and the Child Support
13 Enforcement Unit, when applicable. It is the responsibility of the
14 noncustodial parent to notify the clerk of the court responsible for receipt
15 of the child support payment, the noncustodial parent's employer, if income
16 withholding is in effect, and the Child Support Enforcement Unit, when
17 applicable, when abatement or reduction should stop and payment of child
18 support should resume.

19 (b) Subsequent to the finding by the court that the defendant should be
20 ordered to pay support for the minor child, the court shall follow the same
21 procedure and requirements as set forth in the laws of this state applicable
22 to child support orders and judgments entered by the chancery courts in cases
23 involving separation or divorce between the parents of the child."
24

25 SECTION 2. All provisions of this act of a general and permanent nature
26 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
27 Revision Commission shall incorporate the same in the Code.
28

29 SECTION 3. If any provision of this act or the application thereof to
30 any person or circumstance is held invalid, such invalidity shall not affect
31 other provisions or applications of the act which can be given effect without
32 the invalid provision or application, and to this end the provisions of this
33 act are declared to be severable.
34

35 SECTION 4. All laws and parts of laws in conflict with this act are

1 hereby repealed.

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/s/ Senator Hopkins