

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 84th General Assembly
3 Regular Session, 2003
4

As Engrossed: H1/22/03

A Bill

HOUSE BILL 1087

5 By: Representative Hutchinson
6
7

For An Act To Be Entitled

9 AN ACT TO AMEND ARKANSAS CODE § 9-14-107 TO
10 REQUIRE NONCUSTODIAL PARENTS TO NOTIFY THE COURT
11 OF MATERIAL CHANGES IN INCOME; AND FOR OTHER
12 PURPOSES.
13
14

Subtitle

15 AN ACT TO AMEND ARKANSAS CODE § 9-14-107
16 TO REQUIRE NONCUSTODIAL PARENTS TO
17 NOTIFY THE COURT OF MATERIAL CHANGES IN
18 INCOME.
19
20
21

22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
23

24 SECTION 1. Arkansas Code § 9-14-107 is amended to read as follows:
25 9-14-107. Change in payor income warranting modification.

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

31 (2)(A)(i) When the child support obligation ordered by the court
32 is based on the application of he family support chart to the noncustodial
33 parent's income, the court shall order the noncustodial parent to notify the
34 court, the custodial parent and, when applicable, the Office of Child Support
35 Enforcement of the Revenue Division of the Department of Finance and
36 Administration no later than fifteen (15) days following any increase in



1 gross income in an amount equal to, or more than, twenty percent (20%) or
2 more than one hundred dollars (\$100) per month.

3 (ii) The noncustodial parent shall include with the
4 notification verification of the amount of his or her current gross income
5 and home address.

6 (B) If the noncustodial parent fails to provide
7 information of an increase in his or her gross income as directed by the
8 court, and the custodial parent or the Office of Child Support Enforcement of
9 the Revenue Division of the Department of Finance and Administration must
10 petition the court to obtain the information, the custodial parent or Office
11 of Child Support Enforcement shall be entitled to recover costs and a
12 reasonable attorney's fee.

13 (C) Once notified of an increase, the Office of Child Support
14 Enforcement shall petition the court for a review and adjustment hearing
15 within thirty (30) days.

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

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

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

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

36 (1) The inconsistency does not meet a reasonable quantitative

1 standard established by the state, in accordance with subsection (a) of this
2 section; or

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

7 (d) Any modification of a child support order which is based on a
8 change in gross income of the noncustodial parent shall be effective as of
9 the date of filing of any necessary pleading unless otherwise ordered by the
10 court.

11
12 /s/ Hutchinson
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36