

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 H1/22/03

# A Bill

HOUSE BILL 1087

5 By: Representative Hutchinson  
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## 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  
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## 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  
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21

22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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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) Any time a court orders child support, the court shall  
32 order the noncustodial parent to notify the custodial parent and, when  
33 applicable, the Office of Child Support Enforcement of the Revenue Division  
34 of the Department of Finance and Administration no later than fifteen (15)  
35 days following any increase in gross income in an amount equal to, or more  
36 than, twenty percent (20%) or more than one hundred dollars (\$100) per month.



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

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

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

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

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

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

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

34                   (1) The inconsistency does not meet a reasonable quantitative  
35 standard established by the state, in accordance with subsection (a) of this  
36 section; or

