

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 *As Engrossed: H1/22/03 H1/22/03 H1/31/03 H2/5/03 S2/24/03*

2 84th General Assembly

A Bill

3 Regular Session, 2003

HOUSE BILL 1087

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5 By: Representative Hutchinson

6 By: *Senator Womack*

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For An Act To Be Entitled

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AN ACT TO AMEND ARKANSAS CODE § 9-14-107 TO

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REQUIRE NONCUSTODIAL PARENTS TO NOTIFY THE COURT

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OF MATERIAL CHANGES IN INCOME; AND FOR OTHER

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PURPOSES.

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Subtitle

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AN ACT TO AMEND ARKANSAS CODE § 9-14-107

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TO REQUIRE NONCUSTODIAL PARENTS TO

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NOTIFY THE COURT OF MATERIAL CHANGES IN

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INCOME.

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

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SECTION 1. Arkansas Code § 9-14-107 is amended to read as follows:

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9-14-107. Change in payor income warranting modification.

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(a)(1) A change in gross income of the payor in an amount equal to or

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more than twenty percent (20%) or more than one hundred dollars (\$100) per

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month shall constitute a material change of circumstances sufficient to

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petition the court for ~~review and adjustment~~ modification of ~~the child~~

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support ~~obligated amount~~ according to the family support chart after

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appropriate deductions.

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(2)(A)(i) Any time a court orders child support, the court shall

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order the noncustodial parent to provide the custodial parent and, when

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applicable, the Office of Child Support Enforcement of the Revenue Division

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of the Department of Finance and Administration with annual proof of income



1 for the previous calendar year, and whenever requested in writing by
2 certified mail, but not more than once a year, by the custodial parent.

3 (ii) Whenever a custodial parent requests in writing
4 that the noncustodial parent provide proof of income, the noncustodial parent
5 shall respond by certified mail within fifteen (15) days.

6 (B) If the noncustodial parent fails to
7 provide annual proof of income as directed by the court, or fails to respond
8 to a written request for proof of income, the noncustodial parent may be
9 subject to contempt.

10 (C) If a custodial parent or the Office of Child Support
11 Enforcement of the Revenue Division of the Department of Finance and
12 Administration has to petition the court to obtain the information, the
13 custodial parent or the Office of Child Support Enforcement may be entitled
14 to recover costs and a reasonable attorney's fee.

15 (D) Once notified of an increase, the Office of Child
16 Support Enforcement shall file a motion within thirty (30) days for
17 modification of child support.

18 (E)(i) All income information received by the Office of
19 Child Support Enforcement shall only be used as permitted and required by
20 law.

21 (ii) All income information received by the
22 custodial parent shall be treated confidentially and used for child support
23 purposes only.

24 (b)(1) A change in the noncustodial parent's health insurance
25 status as defined in subdivision (b)(2) of this section shall constitute a
26 material change of circumstances sufficient to petition the court for ~~review~~
27 ~~and adjustment~~ modification of ~~the~~ child support ~~order~~ according to the
28 guidelines for child support and the family support chart.

29 (2) For purposes of this section, the term "health insurance
30 status" shall mean that the noncustodial parent can obtain health insurance
31 through his or her employer or other group health insurance. Health
32 insurance shall be considered reasonable in cost if it is employment-related
33 or is other group health insurance, regardless of the service delivery
34 mechanism.

35 (3) In no event shall eligibility for or receipt of medicaid be
36 considered adequate provision for the child's health care needs in a child

1 support award.

2 (c) An inconsistency between the existent child support award and the
3 amount of child support that results from application of the family support
4 chart shall constitute a material change of circumstances sufficient to
5 petition the court for ~~review and adjustment~~ modification of ~~the child~~
6 support ~~obligated amount~~ according to the family support chart after
7 appropriate deductions unless:

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

11 (2) The inconsistency is due to the fact that the amount of the
12 current child support award resulted from a rebuttal of the guideline amount
13 and there has not been a change of circumstances that resulted in the
14 rebuttal of the guideline amount.

15 (d) Any modification of a child support order which is based on a
16 change in gross income of the noncustodial parent shall be effective as of
17 the date of filing a motion for increase or decrease in child support, unless
18 otherwise ordered by the court.

19 (e) When a person is ordered by a court of record to pay for the
20 support of his or her children, the court, at the time an order of support is
21 made or any time thereafter, upon a showing of good cause, may order periodic
22 drafts of his or her accounts at a financial institution to deduct moneys due
23 or payable for child support in amounts the court may find to be necessary to
24 comply with its order for the support of the children.

25 /s/ Hutchinson
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